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**“Of Spitzenkandidaten and European Leaders”: Is  
the new 2014 “politicized” Presidency of the  
Commission going to be a real step forward in the EU  
legitimization process?**

Francesco Maria Camonita

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Aquesta col·lecció recull una selecció d'investigacions dutes a terme per estudiants del Màster Universitari en Integració Europea. Previ a la seva publicació, aquests treballs han estat tutoritzats per professors amb grau de doctor de diverses especialitats i han estat avaluats per un tribunal compost per tres docents distints del tutor.

Les llengües de treball son castellà, català, anglès i francès

Esta colección recoge una selección de investigaciones realizadas por estudiantes del Máster Universitario en Integración Europea. Previo a su publicación, los trabajos de investigación han sido tutorizados por profesores con grado doctor de diversas especialidades y han sido evaluados por un tribunal compuesto por tres docentes distintos del tutor.

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Langues de travail: catalan, castillan, anglais et français

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ABSTRACT: Thanks to ART.17.7 of the Lisbon Treaty, the European Council now has to “take into account” the results of EP Elections when selecting a candidate for the role of Commission President. The European Parliament has grabbed the opportunity to launch the first electoral race for *spitzenkandidaten* to the Presidency. Is this the start of a new democratizing (and thus, politicizing) process for the European Union? This dissertation will try to give a possible answer to the dilemma by constructing a comprehensive framework around EP Elections 2014 that will involve both the Commission and the Parliament and an analysis of the debate beyond legal provisions and the possibility of a politicized presidency of the Commission.

RESUM: Gràcies al ART. 17.7 del Tractat de Lisboa, a partir d'ara el Consell Europeu ha de “tenir en compte” els resultats de les Eleccions Europees al Parlament Europeu a l'hora d'escollir un candidat per al rol de President de la Comissió Europea. El Parlament Europeu ha aprofitat aquesta oportunitat per llançar la primera campanya electoral dels “spitzenkandidaten” per la Presidència. Serà això el començament d'un nou procés democratitzador (i també polititzar) per part de la Unió Europea? Aquest treball de recerca intentarà trobar una resposta concreta per aquest dilema, gràcies a la construcció d'un marc comprensiu sobre les eleccions europees 2014. Aquest nou enfocament involucrarà tant el rol de la Comissió, com el del Parlament. Una anàlisi del debat més enllà dels termes legals del Tractat i la nova possibilitat d'una presidència polititzada de la Comissió.

#### KEYWORDS:

EP Elections 2014 – Politicization of EU – Democratization of EU – Commission Presidency – EC President – Spitzenkandidaten – EP Resolution 22/11/12 – ART. 17.7 TEU

Eleccions europees 2014 – Politització de la UE – Democratització de la UE – Presidència de la Comissió – President de la CE – Spitzenkandidaten – Resolució PE 22/11/12 – ART. 17.7 TUE



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## LIST OF ABBREVIATIONS

ALDE	Alliance for Liberals and Democrats for Europe (EPs)
EC	European Commission
ECR	European Conservatives and Reformists (EPs)
EFD	European Freedom and Democracy (EPs)
EGP	European Green Party (EPs)
EL	European Left (EPs)
EP	European Parliament
EPP	European People's Party (EPs)
EPs	Europarties
EU	European Union
MEPs	Members of the European Parliament
MS	Member States
PES	Party of European Socialists (EPs)
TEU	Treaty on European Union

## 1. Introduction

On the 22<sup>nd</sup>-25<sup>th</sup> of May 2014, European citizens were called for the eighth time to pronounce themselves over the election of the next European Parliament (EP). Despite repeated attempts to focus voters' attention towards the only legitimized institution in the European Union's (EU) architecture, different factors have always constrained the success of elections. On one side, the history of low turnouts (due to scarce popular interest) and the stealing of attention by the national Member States' (MS) political arenas have often been acknowledged as classical weaknesses in the European electoral process. But on the other, a general lack of information about the real tasks of the EP and the widespread feeling that the institution does not really have an impact over EU's decision (despite the recent increase in legislative powers) have also helped to shape an uncomfortable framework for the Union's Parliament (See Section 2.2). However, there seems to be a certain level of truth in the words of EP representative Jaume Duch when claiming that "these (...) European elections are more political than all previous ones" (Riestra, 2014). At least two reasons would help to prove his point. In the first case, it is true that for the first time since the start of the European integration project people have become much more aware of the presence of a European Union (and its economic and monetary union) whose structural imperfections can magnify the effects of a financial crisis, thus imposing formulas of austerity over their daily lives (Piedrafita and Renman, 2014, 4). In addition to that, the second element to add salience to the European electoral process is represented by the new rules of the game introduced by the Lisbon Treaty and now about to be implemented for the first time: the election of the President of the European Commission (EC) in relation to the results of the European elections.

There is much to be said about this ground-breaking, yet controversial feature of the EU legitimating process. As a matter of fact, the initiative could well set in motion a process of politicization for the EC and ultimately for European politics that may end up changing the whole institutional game inside the Union. Furthermore, the real news lay upon the idea that, for the first time in the history of Europe, it will be up to its citizens to have some sense of control over the selection of the face and the political color representing the oldest institution in the EU architecture. However, while the idea may seem at first glance like a panacea for the so-called EU democratic deficit, the discourse around the realities of the argument is much more complex and deserves a thorough exploration of the subject. This may well be true as much in terms of the academic

debate around the politicization of the Presidency of the EC as in the context of the recent results of the EP elections 2014. The implications (as well as the real benefits and hindrances) of a politicized presidency, just like the complicated framework of negotiations between the EP and the European Council being carried on at the time of writing make for a solid argument of debate. In a time in which no concrete EPs majority has been achieved during elections and Eurosceptic national leaders try to give a different intergovernmental interpretation of the Lisbon reform, it is exactly the task of this dissertation to attempt to shed some light over the effectiveness of the new institutional feature. In such a way, this piece of research will elaborate an answer to the following research question: *Is the new 2014 "politicized" Presidency of the Commission going to be a real step forward in the EU legitimization process?*

In order to answer the question, this document will provide a comprehensive framework to develop the subject of the research. The methodology will involve a thorough documentary research of academic, media and institutional sources. This will in turn allow the construction of a solid puzzle of evidence necessary to gather suitable conclusions. Therefore, considering the multiple implications derived from the EP Elections 2014 and the election of the President of the EC, section 2 of this research will focus on specialized literature around three separate topics: the debate on the democratization of the EU (Section 2.1); the structural problems hidden behind EPs work and European elections in general (Section 2.2); finally, some necessary comments around the current role of the EC and the President of the Commission (Section 2.3). Once constructed the framework for understanding the subject, Section 3 will enter to the heart of the argument regarding the election of the President of the Commission. In Section 3.1, ART. 17.7 TEU and official declarations will be analyzed in order to unveil the ambiguities behind the initiative; Section 3.2 will instead give voice to the academic debate on the politicization of the EC presidency to gather the elements necessary to determine the outcome of the analysis. Section 4 will be the field of practical analysis outside the theoretical debate and will focus on the “Spitzenkandidaten”<sup>1</sup> characters and their political weaknesses (Section 4.1) and the

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<sup>1</sup> The term refers to the German’s reference to the “first candidates” proposed by EPs running for the place of EC President. The media have indeed exploited the definition as to officially indicate this new typology of candidates.

current intergovernmental negotiations vis-à-vis the EP that may bring to a final outsider candidate solution; one with harsh consequences for the whole Parliament's proposal (Section 4.2). Finally, our conclusions will sum up the argument and give us a necessary reply to the research question: the 2014 attempted politicization of the presidency of the Commission is not a fully successful process due to structural limitations imposed over the role of the President and conditioned by the current intergovernmental trend running in the EU. However, while the general answer may appear pessimistic in relation to the present situation, the author of this dissertation will also hint towards a hopeful approach on the future evolution of this initiative in future EU politics, following a trend of slow adaptation to new institutional features much common to the Union's *modus vivendi*.

## 2. Building the Framework

### 2.1 The democratization of the EU

The academic debate around the idea of a more politicized and thus democratic Union can count on a solid background of specialized literature. Following Řiháčková's conceptual line, it is well possible to resume the positioning of different schools of thought according to the following pattern: (a) democratization of the EU as not possible and not desirable (as in the works of Gabel and Schaffer); (b) impossible but desirable (Bartolini, Ferrera); (c) Possible yet not desirable (Majone, Moravcsick); (d) finally, both possible *and* desirable (Hix, Høyland) (Řiháčková, 2006, 5-6). In the words of Bartolini, politicization should only be placed in the EP, but it should not be affecting the Commission or the Council of the Union because political majorities would not last beyond the periodical changes of regime of the respective national MS. Furthermore, he generally rejects majoritarianism in the idea that it would not bring about legitimacy and act in the real interest of the whole 500 million citizens of the Union. (Bartolini, 2006 in Řiháčková, 2006, 5-6). Giandomenico Majone and Andrew Moravcsick tend to bring the debate even further through two very distinct approaches to the functionality of the EU. Majone, in his idea of the Union as a sui-generis "regulator state" in those competencies entrusted to it, believes that a more politicized attitude would rather weaken the integration project rather than reinforcing it. In a similar way as Bartolini's theory, politicization of the whole EU system would only provoke inefficient distributive effects among MS that would ultimately hurt the true legitimacy of the institution. Politicization should thus stay inside the EP, while the European democratic deficit should be dismissed as a concept altogether when faced to the real problem: a deep crisis of credibility of the EU (Majone 1993, 1998, 2002, 2006 in Hix and Høyland, 2012, 134-135 and Řiháčková, 2006, 7-8). Yet a different argument comes from Moravcsick, who believes instead in the presence of a democratic deficit but also in the different improvements being carried over the last few years to heal it. However, his vision of the EU is one constantly surrounded by mediation processes with no politicized extremes and tends in general to adjust to EU theories of intergovernmental politics. Ultimately, legitimization to European outputs derives from the compliance of governments in their approval (Moravcsick 2002, 2008 and Crombez, 2003 in Hix and Høyland, 2012, 134-135). Of a completely different opinion are those belonging to the pro-politicization theory of the EU, as in the case of Hix and Høyland. To them, the

increasing raise of importance of the EU in the life of Europeans is more than enough a reason to promote the democratization and politicization of the institution. Thus, a more open and involving political debate would bring about an important number of consequences such as: (a). a democratic competition that would ensure the preference of the citizens; (b). the achievement of difficult reforms thanks to the development of political alliances; (c). an incentive for a renewed media attention towards the new “colored” EU politics; (d). the creation of a democratic yet political mandate responsible to their citizens and promoter of new European political identities (Hix and Høyland, 2012, 136-139 and Hix, 2006 in Řiháčková, 2006, 7).

Despite the various positions, however, more recent studies have returned on the subject with a renewed emphasis on the need for democratization. Some have pointed out a certain EU’s “unmistakable trending towards intergovernmentalism”, at least since the eastern enlargement of the Union (Decker, 2012, 72) and very much likely reinforced by the developments of the recent Eurocrisis. Even more accurately, Weiler has tried to determine the two main arguments representing strong structural weaknesses in European governance that can be at heart of a democratization debate: the lack of a principle of accountability, enclosed in the idea that nowhere in the EU system it is possible to “throw the scoundrels out” of a political charge; and the weak principle of representation demonstrated by an EP incapable to transfer their political color at the legislative and administrative level of the Union (Weiler, 2013, 748-749). And it is exactly on this second point that the election of the Presidency of the EC will come into the debate.

## **2.2 European Parties and European Elections**

If opposites tend to protagonize the debate around democratization, the same cannot be said about the literature dedicated to EPs and European elections. Here, instead, the results of the analysis of over 35 years and 8 mandates of EP constituencies all tend to deal with a well defined set of issues and structural weaknesses; one that prevents full recognition of the only legitimate institution of the EU system. However, such list can be defined alongside two main lines of thought: on one side, there is some blame in there to be attributed to the constant political “irrelevance” of EPs; on the other, there is a general recognition that European elections are often absorbed by the national political

arenas that tend to convert them into “second-order national elections”. As a general rule, academics tend to recognize some kind of added value of EPs in the European scene (Gagatek, 2011, 203), but they are quite critical of most of their features. French author Jean-Victor Louis borrows the definition that EPs are not political parties *en rien* according to traditional views (Priestley, 2010 in Louis, 2013, 8). Gagateg would also acknowledge that they are “very insignificant, to say the least” (Gagatek, 2011, 203); even the most optimistic pro-democratization voices would tend to admit that, despite their evolution from simple political groups in the seventies to their Europarties status nowadays, they are quite limited in their political influence and sub-developed in relation to their national counterparts (Hix and Høyland, 2012, 144). The main accusations are often directed to the “useless” euro-manifestos the EPs tend to produce in a very ideologically vague tone, and the lack in the Parliament scene of traditional government vs. opposition dynamics that characterize the *raison d’être* of parties (Gagatek, 2011, 204). Despite so, it is also true that the distribution of EPs along a political spectrum is relatively harder to obtain than traditional national alignments. Not only do the parties need to deal with endless variations of “shades of national grays” (hence the need to define broad political lines), but the second issue to take into account in the European parliamentary scene is also the one associated with pro vs. against feelings towards European integration (Hix and Høyland, 2012, 139-140). Be it as it may, we may be well witnessing some sort of change in the turn of recent events. A first regulation on new EPs directives was approved in 2007, dealing with a better definition of their legal entities status, financing rules and conditions of existence (Louis, 2013, 10-12). A further reform to better define such rules and strengthen the EPs’s profile is also meant to enter in force by 2017 (Gutiérrez-Rubí, 2014). When coupled to the recent Lisbon Treaty reinforcing role over the EP and the ambitious move of declaring the opening of an electoral race for the presidency of the EC, there may be proof enough to justify a coming shift in the significance of the EP role. Unfortunately, what remains to be seen is whether national counterparts will ultimately agree with such expectations. After all, the idea of European elections as being considered “second-order national elections” is one with a certain history (it dates back to Reif and Schmitt, 1980) but with solid proofs of existence nonetheless (Peglis, 2011, 221-222). The concept, generally referring to the scarce interest in the European component of the elections and the interpretation of the electoral race in the arena of national politics, derives from a twofold perspective. Europeanist tendencies would tend to point out that national parties

simply do not want European ideologies in their way, and that they prefer to keep them at safety distance in Brussels (Gagatek; 2011, 204). More critical voices, however, would place the blame upon the EP in failing to be an instrument of democracy for its citizens. By being constantly labeled as “irrelevant” in the EU decision-making process, incapable of influencing effectively the nomination of top positions in the EU architecture and without any policy entrepreneur to successfully introduce European topics in EP elections, the Parliament has not delivered a credible view of the European issues and left full protagonism to national leaders (Stratulat and Emmanouidilis, 2013, 2). What is even worse is that the situation often generates degrees of confusion into voters’ minds, especially when national concerns and preferences are advertised into a European context. As precisely described by journalist Fernández Albertos, voters end up thinking in a particular way about one kind of elections while they were actually voting for another (Fernández Albertos, 2013). The whole situation generates therefore a real distortion effect on what may have been the real preferences of citizens at EU level. The debate is also hugely relevant to the outcome of the 2014 EP Elections, as we will see further down the line of research.

### **2.3 Commission and Commission Presidency**

In order to conclude this section and construct a comprehensive framework of understanding of the subject, some necessary comments need to be made about the present condition of the EC and its Presidency in the modern EU system. As a matter of fact, there seems to be an important shift in the role of what once used to be an “administrative elite for the making of Europe”. Due to the recent Union enlargement, administrative reforms and a general shift of leadership in the Union towards the MS, the Commission seems to have now acquired a kind of “managerial role of new public management”. While this does not imply a reduction of its duties, it could certainly represent a challenge to its authority inside the EU structure (Kassim *et al.*, 2013, 131-133, 144-146). A similar restricting view is often applied to recent analysis of the figure of the President of Commission. Even if some literature still claims the Presidency to have an important political and administrative function inside the EC (and over the interests of the Union in general) (Negrescu, 2012, 69-70), others have expressed more critical views. Kassim *et al.* acknowledge the President as a figure strongly embedded inside its own college of commissioners. He/she is still a *primus inter pares* with only

one vote over decisions and little and less control over the College's sub-committees, the secretariat-general, the general agenda-setting and even the production of minutes of meetings (Kassim *et al.*, 2013, 153-156). Tömmel has analyzed the contradictions hidden behind the role of the Presidency, and understood the institutional charge as a "though job" when having to act as an effective policy-manager in the general interest of member states but also as a forceful policy entrepreneur of the top EU institution promoting integration. (Tömmel, 2013, 789-790). However, other scholars such as Ortega Gómez have tried to balance real powers and constraints of the President of the Commission by focusing on the legal instructions provided by the internal regulation of the EC and the provisions from the last treaties (Amsterdam, Nice, Lisbon). The resulting interpretation of her analysis is beneficial to the Presidency, in-so-far as the President himself can *de facto* exhort the Commission to respect his own political orientation and his agenda-setting. Nonetheless, Ortega Gómez is also warning about the difference between the political orientations of the Commission and those of the Union in general, as she underlines that the President has no major power for steering the political direction of the whole EU. Despite claimings of the EC to be almost similar to an executive government, there is no such thing as an over-powerful and politically accountable President of the European Union. Instead, the system is dense with the presence of four presidents (EP, Commission, European Council and Eurogroup) plus one high representant of foreign affairs. (Ortega Gómez, 2012, 45-48, 102-103). In this sense, the interpretation of Negrescu of the EC Presidency as the main negotiator of the Union looks like an attempt to rescue the strategic position of the President in the EU structure. According to his own definition, his/her responsibilities would go beyond the resolution of conflicts inside the Commission. They would also extend to the functions of mediator among MS in order to influence them towards new European policies, as well as diplomatic functions for the EU in the international scene (Negrescu, 2012, 69-70). But as it could be expected, when considering the extensive number of institutional representatives listed above, such interpretation may be considered too optimistic and overlapping with their own fields of action. In the end, the whole discussion may well open some doubts about the effectiveness of the politicization debate launched by the 2014 electoral race. Further discussion over the topic will be conducted in Section 3.

### 3. The Election of the President of the Commission

#### 3.1 The Lisbon Treaty and the EP Electoral Race: an analysis

An analysis of the legal terms justifying the innovative proposal will help to unveil a set of ambiguities that may explain the difficult negotiations taking place at the time of writing for the selection of the next EC President. In the beginning, it all started with the Lisbon Treaty modifications to the Treaty on European Union (TEU), which in the new version of Art. 17.7 specify that:

*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 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. (TEU, 17.7, italics added)*

It appears quite clear that the article does need some degree of analysis, in-so-far as it does not automatically grant the European Parliament a right to elect the President of the EC. In its general principle, ART. 17.7 still reflects the old ART.214.2 TEU which already created a delicate mechanism between the European Council and the EP. Inside these provisions, the former would still be entrusted with the official selection of the candidate but the latter would be in turn granted the power to elect him/her through the achievement of an absolute majority in voting (at least 376 votes out of 751). However, in the light of the new article, Gagatsek is ready to claim that by underlining the importance of the sentences “Taking into account the elections” and most of all “after having held appropriate consultations” (which, despite the free interpretation that one may give of the actors involved, he clearly sees as involving both the council and the EP), we are witnessing the creation of a system of “joint responsibility” of the two institutions in the election procedure (Gagatsek, 2011, 209). Others, however, are not so optimistic. Decker and Sonnicksen do not think that the rules of the game have fundamentally changed towards a more democratic process. They claim the treaty to be misleading in its wording of the procedure, due to the fact that the EP does not possess a

power to “elect” but rather a simple “power to confirm”. Despite the possibility for the Parliament to veto a non-desirable candidate, the level of influence never really goes beyond a positive appointment power. Finally, they theorize the launch of an electoral campaign from EPs with top candidates for the position of EC president as a way to preempt the power of the European Council, but end their argument with a somewhat skeptical tone over the possibility of such an occurrence (Decker and Sonnicksen, 2011, 173-174). Much to their disappointment, however, this is precisely what was going to happen only one year after the publication of their research. Thanks to EP Resolution 22/11/2012, the EP:

“(…) urges the European political parties to nominate candidates for the Presidency of the Commission and expects those candidates to play a leading role in the parliamentary electoral campaign, in particular by personally presenting their programme in all Member States of the Union; [it] stresses the importance of reinforcing the political legitimacy of both Parliament and the Commission by connecting their respective elections more directly to the choice of the voters. (...)” (EP Resolution 22/11/2012)

Therefore, under the guidance of EP President Martin Schulz the Parliament (already reinforced by the recent Lisbon reform) sought to score an ambitious move for increasing the EP’s influence and try to promote a new important step in the Union’s democratization process. It should also be noted that some have attributed a special role in such initiative to the will of the very same Schulz. Following the need for a real charismatic figure in the EU institutional process that may influence change, partisans of the initiative have spoken elegies of the President of the Parliament (Weiler, 2013, 749-750). Regardless, the press has also recognized certain diffidence born in the minds of national leaders towards the man who defied the status quo and interpreted the legal freedom of interpretation in the treaty to bolster the EP’s rights (Pauly and Schult, 2014; Tost, 2014). Be it as it may, the EC also seemed to reply positively to the proposal. In a recent EC communication over the EP Elections 2014, the Commission strongly defended the need for more democratic legitimacy and diplomatically admitted that “the outcome of the European elections should play a key role in determining which candidate becomes President of the Commission” (EC Communication, 2013, 6). What still remains questionable, however, is the rhetoric exploited by the EP in launching its

message towards the first candidates' electoral campaign. A quick look to the slogan "this time is different" and the tone of its declarations ("The EU governments... [when selecting a candidate] *must do so* on the basis of election results") could erroneously launch a certain message about new democratization automatically taking place in the Union (EP Press Release, 2014). Much to their dismay, both the deducible analysis from the reading of the TEU article above and the arguments noted by other academics would seem to dismount such theory. This is because the legal basis of the treaties never explicitly ensure that the selected candidate must be coming either from the most voted party in European elections or to have participated in the electoral contest at all (Bertoncini and Chopin, 2014, 3; Stratulat and Emmanouidilis, 2013, 6). It is true that the EP still has veto power against undesirable or outsider candidates thanks to the very same power of appointment previously discussed. In case of intergovernmental backdoor solutions it may well reject the proposed solution and demand respect for what was claimed during elections (Peglis, 2011, 223). But among endless EU negotiations in the quest for a suitable candidate and the threat of institutional deadlock in a European Council vs. EP struggle, there is no certainty in the outcome of the EP Elections 2014 - or the one from future electoral contests - over the maintenance of the promise given by the electoral race. More on the subject is going to be discussed in the following sub-sections (3.2 – 4.2).

### **3.2 The academic debate on the politicization of the EC Presidency**

The proclamation of an electoral race for candidates to the EC Presidency has indeed inspired a great deal of academic literature on the politicization of the EC President through the direct affiliation with the EP in the election. Some have expressed a strong sense of rejection towards the idea. Bartolini, although still writing in a time in which the idea was being transferred from the failed constitutional treaty to the new Lisbon version, already stated that the EPs are not the ideal means for carrying out a politicization process. Furthermore, he saw the politicization of the EC presidency as a future disappointment driven by too many compromises, and made a claim for a further weakness in the argument due to the lack of a sufficient political debate in Europe to sustain such initiative (Bartolini in Řiháčková, 2006, 6-7). Somewhat ironically - and despite writing a small epistolary book against euroscepticism - Wagner and Fuertes are also markedly against the idea of the democratic intervention in the election of the

President of the Commission. They reckon the idea to be “unnecessary” because in the end what is really needed is not a charismatic face but a solid political programme of action. In the end, there is no need to introduce a candidates’ campaign variable in the process (Wagner and Fuertes; 2013, 84-85). Swedish journalist Ström Melin is even harsher in her eurosceptical tones. She forecasts the EP Elections 2014 to be a bitter disappointment because national political leaders will always have the final word in each case. She also worries a great deal about the whole idea of democratic legitimacy for the EC, almost as if it were comparable to a national government. Rejecting the whole project altogether, her final claim is to rather keep strengthening the Parliament, because that is where European democracy is better sustained on a national level (Ström Melin; 2013).

However, the debate is not entirely polarized on negative opinions of the proposal. It also finds a great deal of support and praise among a good number of authors (Hix and Høyland, 2012; Louis, 2013; Stratulat and Emmanouilidis, 2013; Vitorino, 2014; Weiler, 2013; Wille, 2013). In their views, multiple benefits may well arise from the initiative. First of all, the electoral race of the candidates has the beneficial effect of reviving the interest in EU politics, in-so-far as it finally gives voters a real sense of political campaigning during the elections. If the project were to be successful, there could be fertile ground for creating a new culture of European voting: one where the visibility and strength of both the EP and the EPs would be greatly increased by the novelty (Louis, 2013, 13; Stratulat and Emmanouilidis, 2013, 4). Some have even pushed the statement further into theorizing that the electoral competition for the selection of top positions in the EU is the key to exit the second-order national elections dilemma of EU elections (Hix and Høyland, 2012, 154). Others have even celebrated the idea of the electoral race as the triumph of the primacy of politics over law, thanks to the possibilities opened by the EP resolution without even having to undergo new painful treaty revisions (Weiler; 2013, 750). Most importantly, the best outcome desirable would be the end of the EC as a technocratic, unknown and distant body of governance. The politicization of the Presidency would help make it much more politically accountable and transparent (Louis, 2013, 13; Stratulat and Emmanouilidis, 2013, 4). As already suggested in other moments of this research, democratization necessarily implies politicization; thus for Wille the time has finally come to overcome the old Jean Monnet method of European integration, whose *modus operandi* was

strictly focused in avoiding on keeping any political game out of the EC (Wille; 2013, 386). After all, as Louis originally put it, the EC President and the College of commissioners have never been “politically asexual”. They do have affiliation with political parties (be them national or European) which eventually tend to resonate in their programmes. In his view, some kind of politicization is already in place inside the EU institutions, and it is not necessarily a “bad thing” (Louis, 2013, 18-19).

In any case, the specialized literature does not fail to also recognize a substantial set of risks and fallbacks that may affect the process. Weiler acknowledges that the whole process is a huge shift in the institutional culture of the Union, and that the final outcomes of politicization are “terra incognita”. Regardless, he would add that despite the risks the attempt is completely worth the effort (Weiler; 2013, 751). Stratulat and Emmanouidilis have been instead much more concrete in their expressions of concern, and provided some interesting points for reflection. The effects of the politicization of the EC Presidency may tend to weaken the EP’s labor of scrutiny of the Commission due to the favoritism applied to “their” candidate; vice versa, the newly established political links may jeopardize the historical role of the Commission as the guardian of the treaties. And even if the accuse of partisanism could be tamed, who is to prove that a politicized President of the European Commission is going to have that much influence in the Union's political line? Recalling the very same argument delivered by Ortega Gómez in Section 2.3, the EU counts at the moment with a quadruple presidential system plus one new high representant of foreign affairs. In order to respect the historical EU ideological balance – where politics is all about compromise and strategic positioning - it is very likely that a good part of the other influential positions will be distributed alongside different sections of the political spectrum. The final outcome may then end into an ideological blurrance that will neutralize any politicizing effect (Stratulat and Emmanouidilis, 2013, 6). A further structural risk is also offered by a recently created definition of much effect among academics and press, namely the issue of the candidates’ campaign reduced to a “political beauty contest”. If the Spitzenkandidaten to the place of EC President are not accompanied by strong political platforms and by a fundamentally solid political programme that clearly shows their future line of action, then the whole electoral race will end up being just an empty marketing campaign with very little transformational effects (Weiler, 2013, 750-752; Stratulat and Emmanouidilis, 2013, 5; Peglis, 2011, 223, 226-228).

On an endnote, while the whole conceptual field just analyzed will indeed help in the practical analysis of the EP Elections 2014 (Section 4.1), it should also be mentioned that another strand of the literature has sought a different way out of the present politicization dilemma. As already echoed in other parts of the debate, Decker and Sonnicksen have expressed their highly critical view of the EP and the elections as means to achieve politicization (Section 3.1). Their theory is instead based in the breaking of an unspoken “European taboo”, namely the presidentialization of the Commission through the holding of presidential elections for the place of EC President. They do so by discharging the Parliament from the appointment procedure (and comparing it to the current US elections system in place), yet leaving the EPs the opportunity to free themselves from long-term majority in favor of ad-hoc coalitions for each legislative proposal to be voted. In such a way, the authors generate an opportunity to the EU for having a real “President of the EU” through popular democratic elections. The institutional position would acquire a huge degree of political accountability, greater representation on the international scene (both in Europe and overseas) and due to its renewed importance it would finally give the right europeanizing push to EU-level elections (Decker, 2012; Decker and Sonnicksen, 2011 but also Kassim *et al.*, 2013, 176). While intellectually stimulating for supporters of European integration, a whole set of limitations may constrain the potential of this proposal as to leave it indefinitely in the theoretical field. Kassim *et al.* remind that the Commission is based first and foremost upon the decisions of the whole college of commissioners, and warn in details about the costs of an excessive centralization of powers in the hands of the President (Kassim *et al.*, 2013, 177). If Wagner and Fuertes were already against the current electoral race put in place by the EP, their words are of outmost dismissal by claiming the solution as both inadmissible and improper. To their words, the EU is not fit nor intended to possess a presidential regime (Wagner and Fuertes, 2013, 84). In the end, the very same promoters would tend to admit the unfortunate causes that prevent the application of the system. They mostly include the widely spread conception of Presidentialism in Europe as something “unknown” - or just too American - and the unsustainable pressure that the measure would bring upon the EU consensual structure and the powers of the European Council. (Decker and Sonnicksen, 2013, 181-191).

## 4. EP Elections 2014: Still “Business as usual”?

### 4.1 The 2014’s “Spitzenkandidaten”: a political beauty contest?

This section seeks to cast an accurate look over the turn of the events during the 8<sup>th</sup> European elections held on the 22<sup>nd</sup>-25<sup>th</sup> of May 2014. In order to do so, the initial subsection will provide a description of the candidates that finally emerged in the campaign preceding the vote. This, in turn, will allow a preliminary conclusion on whether academic fears of a weak political campaign mentioned in Section 3.2 actually had some truth in their concern. The initial list of candidates is extracted from the useful works of analysis of Aixalà (2014, 4-17) and Pedrafita and Renman (2014, 5-6). By listing them through their EPs affiliation, therefore, the selection includes the following:

- The European Left (EL, but also GUE/NGL) coalition, while initially regarding the candidate’s proposal somewhat suspiciously, experienced a shift of attitude towards exploiting the potential of the “personalization” of EU politics. They selected Alexis Tsipras (leader of the Greek main opposition party Syriza) and went for a campaign for a more democratic and socially responsible EU
- The European Green Party (EGP) sought instead to bring a whole new additional level of democratization in the proposal. By using an open online voting campaign on their website and respecting the long-term tradition of co-management and equity inside the Europarty, they ended up electing both Ska Keller and José Bové to co-run for the same place. As easily deducible, some perceived the idea as confusing or at least not beneficial to the principle of the EP’s electoral race
- A traditional and very conservative approach was instead exploited by the Alliance of Liberals and Democrats for Europe (ALDE), which without even reaching a vote, ended up negotiating the historical leader of the ALDE group Guy Verhofstadt as Spitzenkandidat. The result was achieved by promising the rival Olli Rehn another influential post inside the EU executive, but the whole process sounded more like an example of *realpolitik* in contrast with the democratizing tone of the electoral race.
- The Party of European Socialists (PES) was unquestionably the most prepared to dominate the electoral race. Their strategy for a candidate was already planned during 2011 and the ties between Martin Schulz and the EP resolution have already been discussed elsewhere in the research (Section 3.1). However, it should be noted that Schulz’s selection came from a process with no other rival for the position and

only after a long series of debates with various factions of the party (like the British Labor) who were skeptical of the “ultra-federalist” EP President.

- Finally, the biggest share of interest was focused around the choice of the European People’s Party (EPP). Being the traditional majority party in the EP and filling with their representatives a good part of the European institutions, their presence in the campaign was always seen as fundamental in order to legitimize the whole campaign. Their nomination was the last one to enter the process and it came only after a long debate among three candidates. Only in march 2014 the range of internal voting finally delivered the spitzenkandidate, and the choice went for former Eurogroup President Jean-Claude Juncker<sup>2</sup>.

Trying to determine the outcome of the political campaign may appear as a difficult task. This is probably likely when considering that it is the first time in the history of European integration that a political debate involving clear candidates has tried to inject a new europeanizing potential into elections. Regardless, some preliminary elements may guide into thinking that those very same concerns for a “political beauty contest” actually held some truth into them. Piedrafita and Renman have been elaborating an influential list of obstacles that may affect the candidates’ campaigning. Aside from the strong language barriers still present in the European continent, they warned about the inefficient budgets that EPs were going to deploy for a campaign whose scope was going to be much larger. Perhaps most importantly, they acknowledged the huge structural deficits of the EPs’ manifestos. Most of them tended to be more or less specific, hugely focused on ideologies and big statements of intentions, but much less practical on their actual planned proposals and sometimes even involving themselves in policy areas not even entrusted to the EP. Even worse, the traditionally big EPs (EPP, PES and ALDE) were accused of certain “homogeneity” in their proposals, one that would strongly weaken the message of the campaign (Piedrafita and Renman, 2014, 7-8). Such claims also seem to be reinforced by the outcome of the first televised debates among the candidates, a further initiative inspired by an American presidential-style

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<sup>2</sup> Awareness should also be risen about the fact that other EPs (the most notorious of which being the European Conservatives and Reformists, ERC) eventually rejected the proposal altogether. ERC went for a strong declaratory no to the initiative by defining it a “1950-style vision” by claiming to speak “for the large majority of Europeans who have never consented to be citizens of a federal union” (Euractiv, 2014a)

effort to raise EU citizens' awareness. In many cases, media coverage acknowledged a lack of winners of the debates precisely due to the lack of political extremes (Euractiv, 2014c; Vincenti, D. and Cerulus, L. 2014.)<sup>3</sup>. In any case, the ambiguous results of the EP Elections 2014 mainly complicated the outcome of the candidates' race even further.

#### **4.2 EP Elections results and present negotiations struggle**

Although history may well end up remembering this last EP Elections as the first ones in a new attempted framework of democratization and politicization, it is also likely that many will hold them as the true raise of Euroscepticism. The statement seems to be sustained by a look at the numbers on the EP website which show how - contrary to the majority of expectations - the ECR group has arrived to claim the third position in number of MEPs and elevated their total number of members from 57 to 68 (1 MEP over ALDE). The same applies to the European Freedom and Democracy group (EFD), which raises their total numbers from 31 in 2009 to 48 in 2014. While it is indeed true that they still do not hold a worrying majority in the EP, an essential consideration must be gathered from the results of the elections: namely, that due to the new 2014's distribution of seats (whose total number was also reduced by the Lisbon Treaty provisions) the position of the historically big parties has effectively weakened. The reality looks even harsher when considering the decrease of the EPP's total numbers (from 274 in 2009 to 221) and ALDE's (from 83 in 2009 to 67). The PSE's losses look lighter (196 in 2009 to 191), but still relevant to the decreasing context (EP Website; 2014). Recalling the necessary majority that must be achieved in order to pass the EP approval to be EC President (at least 376 votes out of 751), this inaugurates a necessary game of big coalitions for the final stability and decision of an agreed candidate.

It is precisely here where the big dilemma over the functionality of the whole politicizing proposal reveals itself. On one side, the EP (whose ideal task would be to obtain an EPP-PSE-ALDE coalition with EPP-winning Juncker as common candidate) and Germany (under the strong leadership of Angela Merkel) try to ensure as much as

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<sup>3</sup> The reader should know, however, that statistically most of the Union's public broadcasters did not even plan to show the debate on their channels. The initiative still reached only a limited part of the EU population, probably representing individuals actually interested in EU politics (Vincenti. and Cerulus, 2014)

possible that the final outcome will be one respecting the promises of the electoral campaign (BBC News Europe, 2014; Tost, 2014). But on the other, a new intergovernmental debate emerged on the European scene to complicate negotiations even further. Under the raging voice of a traditionally conservative UK, a group of MS set forward new claims of a certain political weight against the whole EC President's election process. Furthermore, official sources quoted UK officials as naming the process an "idiotic procedure" and the very same Prime Minister David Cameron wrote that "Juncker wasn't in the ballot papers" and that the very same idea of the politicization of the EC is an appalling inconvenience to be avoided at all costs. Ultimately, Great Britain even threatened to abandon the Union in the case of a "wrong choice" not coming from the will of the European Council (Euractiv, 2014b; Pauly and Schult, 2014). However, as the press has commented, the most likely explanation for such rebellious attitude may just be a typical strategy of fake outrage in order to acquire concessions and fallbacks from previously agreed European measures. For example, the fact that Juncker may be willing to re-discuss the terms of free circulation for people inside the Union in order to please Cameron may represent a solid but hollow point (Euractiv, 2014b; Gallego, 2014). Be it as it may, the scenery may be even more discouraging when hearing the words of European Council President Von Rompuy. Perhaps out of faithfulness to the very same MS he represents, his declarations saw him completely against the idea of having a democratically elected President of the European Council, but also quite unfavorable to the current democratizing effort towards the EC Presidency (Gotev, 2012). Finally, there are also those that suggest a third way out of the political impasse. Influential analyst José Ignacio Torreblanca has strongly theorized a situation in which Juncker will not be able to negotiate his way out of the intergovernmental labyrinth, making it likely that the European Council will have to find a fitting "first-class" substitute. If they were to find an attractive alternative, most likely EPP-affiliated so as to still give respect to the treaty (but not to the EP Resolution), then sufficient consensus could be gathered as to unlock the threatening institutional deadlock. (Gotev, 2014). While being another possible example of successful EU compromise situation, it appears quite obvious that the biggest loser in such an occurrence would be the EP, stricken at the heart of its credibility and losing a huge share of its legitimacy power over other EU institutions. The next EP Elections may even turn into a joke (Torreblanca, 2014).

Could there be a real opportunity for such legitimacy-threatening solution? At the time of writing, the question is still open for debate. However, while it is impossible to foresee the future, it is instead feasible to try and add into the account the reference of certain academics focusing on the selection criteria for the EC Presidency. Negrescu (2012) sought to construct in his work the profile of the ideal President of the Commission. He eventually declared that the selection of the candidate derives from the personal qualities of the individual, but most importantly from the socio-economical conditions and the state of the political evolution of European integration at the moment of choosing. Tömmel (2013) also arrived to very same conclusions in applying the theory of transactional vs. transforming leaders to the European context, thus determining that the achievement of an efficient EC President derives both from its personal qualities and the situational context of the Union. Bertoincini and Chopin (2014) have listed all the criterions that will have to be considered for the 2014 election of the Commission's Presidency: (a). the possible candidate's Europarty affiliation; (b). the personal profile of the candidate; (c). the candidate's country of origin; (d). finally, the "Rubik's cube" framework in which the selection of a candidate does not only depend on the status of the Commission but also on other EU and International posts, therefore seeking ideological and nationality balance in the picking of candidates. Following the introduction of such variables, the possibilities for an outsider candidate could be even greater, and so would be the risk for the political and legitimacy future of the EP.

## 5. Conclusions

The debate around the democratization and politicization of the EC Commission Presidency is certainly one dense with a large number of factors that may either increase or constrain the potential of the new proposal established during the EP Elections 2014. The democratizing opportunity is one that, despite all controversial opinions, could advance the debate on the democratic deficit of the Union (Section 2.1). It could also help to advance the structural problems of the EP's role in the EU system and the evolution of the present second-order national elections into a new European culture of voting (Section 2.2). However, the process will have to deal with the renewed role of the 21<sup>st</sup> century's EC, one with less authority over the European integration process and an EC President who risks being blurred by a system with many EU top positions and no clear authoritative "Presidency of the EU" (Section 2.3). Clearly, the legal ambiguities expressed by the Lisbon Treaty and an EP resolution without real binding effects do not help to set a clear framework for the outcome of the proposal (Section 3.1). They do, however, invite multiple speculations over the rejection or the approval of the idea, alongside the analysis of multiple risks that may weaken the project (Section 3.2). It is very much likely that one in particular already proved to be true, namely the celebration of a "political beauty contest" representing a weak political campaign of the EC Presidency's candidates (Section 4.1) that eventually left the door open for new interpretations of the treaty provisions and the quest for an intergovernmental escape from the EP's Spitzenkandidaten promise (Section 4.2). Is therefore the 2014's attempt of politicization (and democratization) of the EC Presidency a step forward in the Union's legitimization process? The answer should be a rather combined approach of Yes and No. If the context analyzed is the EU in 2014, where: (a). the President of the EC is strongly embedded in a plural system with multiples checks and balances and cannot steer the political direction of the Union; (b). treaty provisions are ambiguous and the EP resolutions not binding, hence giving a very much likely chance for backdoor intergovernmental solutions; (c). the EP still has to walk a long journey ahead in order to truly unlock a real potential as the Parliament of the European Union; then the answer to our question must be negative. This would be true even if in the end the negotiations towards the acceptance of Jean-Claude Juncker proved to be successful. Indeed, the structural limitations imposed over the role of the President of the EC and the very same fact that the democratizing argument had to pass a survival threat of

intergovernmental nature would tell much over the risks at stake for the process. They would prove that the European Union has not yet achieved a substantial progress in its walk towards being a fully legitimized institution. But, by quoting José Ignacio Torreblanca, if the events happening in the EP Elections 2014 were to be considered as the start of a new age for EU politics, then the answer would need to be different. If this were to be a new long-term process in which citizens, governments and institutions question for the first time who should rule the Union and how, then this could be the first real step forward towards a renewed EU's legitimization process. After almost seventy years of European integration, the time has arrived for everyone in Europe to answer a new fundamental question over European democracy: "who holds more legitimacy in the Union when it comes to electing the President of the Commission? 28 state-rulers democratically elected in national processes or 751 MEPs directly elected by over 200 millions Europeans?" (Torreblanca, 2014).

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