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A Europe that delivers: Institutional options for making the European Union's work more efficient

The European Commission's contribution to the Informal Leaders' meeting of 23 February 2018

"We need to improve the communication with each other – among Member States, with EU institutions, but most importantly with our citizens.

We should inject more clarity into our decisions. Use clear and honest language. Focus on citizens' expectations, with strong courage to challenge simplistic solutions of extreme or populist political forces."

Bratislava Declaration, 16 September 2016

"Europe's future lies in our own hands and […] the European Union is the best instrument to achieve our objectives.

We want the Union to be big on big issues and small on small ones.

We will promote a democratic, effective and transparent decision-making process and better delivery."

Rome Declaration, 25 March 2017

"To succeed in Europe, we have to put an end to this artificial opposition between the Union and its Member States.

Our Union can only be built with our Member States and never against them."

Jean-Claude Juncker, Strasbourg, 17 January 2018

A Europe that delivers: Institutional options for making the European Union's work more efficient

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of 23 February 2018

At a critical time, on 16 September 2016, Europe's Leaders came together around a positive European agenda in the form of the Bratislava Declaration and Roadmap. This was both an acknowledgment that the EU is best placed to address the challenges we face and a commitment to better serve the needs of Europeans by delivering tangible results on a set of key priorities. Leaders recognised that only a collective resolve to deliver jointly on the things that matter will help close the gap between promises on paper and people's expectations.

More than a year later, the Bratislava method is working. The EU has made real progress in areas such as border management, defence, investment, digital economy, education and culture as well as the social dimension of our internal market. This new method has been reinforced with the Leaders' Agenda of October 2017 setting out clearly what the European Union intends to deliver over the next 16 months, until the elections to the European Parliament.

Creating a Europe that delivers for all Europeans and meets their expectations is the right focus for our collective work. Questions of an institutional nature have therefore rightly taken a back seat.

The European Commission continues to believe that now is not the time to engage in abstract discussions of institutional reform. But there are a number of practical steps that can be taken on the basis of the existing Treaties to make our Union more efficient in delivering on its key priorities. It is, after all, through our common institutions and our mutually agreed decision-making processes that we are able to deliver what we promised and what citizens expect of us.

The European Commission therefore welcomes President Tusk's decision to schedule a debate among Leaders on institutional matters on 23 February 2018. To feed this discussion, the present Communication sets out various options, within the current Treaty framework, for making the European Union's work more efficient. This Communication is accompanied by a Recommendation on enhancing the European nature and efficient conduct of the 2019 elections to the European Parliament, updating and complementing some elements of its Recommendation of 2013[1].

[1] Commission Recommendation of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament (2013/142/EU) – http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H0142&from=EN

1. Lead candidates: the foundation for a political European Commission more in tune with the realities of Europe

The European Union is both a Union of States and a Union of citizens. Citizens are represented directly through the European Parliament and indirectly through their own governments, working together in the Council and in the European Council[2]. The President of the European Commission draws on both sources of legitimacy: he or she is proposed by Leaders in the European Council and then elected by the European Parliament.

In 2014 the new "Spitzenkandidaten" system saw European political parties identify "lead candidates" in advance of the elections to the European Parliament. This system put faces on the competition between different political programmes and raised the profile of pan-European electoral campaigns. While not reversing the downward path of voter turnout witnessed in previous elections to the European Parliament[3], the lead candidate system helped in stemming its fall[4] as it injected a greater element of information and choice[5].

The lead candidate system is not a direct presidential election. It is not automatic that the candidate of the party which obtains the largest share of the vote is elected as President of the European Commission; it is the one who is able to find majority support first in the European Council in line with the Treaties[6], then in the European Parliament. It is recalled that under the Treaties, the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the European Commission. Member States agreed that prior to the decision of the European Council, representatives of the European Parliament and of the European Council will conduct the necessary consultations[7].

In 2014, it was the lead candidate whose party obtained the largest share of votes who was best placed to find majority support in both the European Council and the European Parliament.

The lead candidate process, after its result was confirmed by the European Council on 27 June 2014 and by the European Parliament on 15 July 2014, was an important factor that enabled

[2] Article 10(2), Treaty on European Union.

[3] Voter turnout in elections to the European Parliament: 1979: 61.99% 1984: 58.98% 1989: 58.41% 1994: 56.67% 1999: 49.51% 2004: 45.47% 2009: 42.97% 2014: 42.61%.

[4] Fall in turnout compared with previous elections to the European Parliament: 2004: 4.04 percentage points; 2009: 2.5 percentage points; 2014: 0.36 percentage points.

[5] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Report on the 2014 European Parliament elections – COM(2015) 206 of 8 May 2015.

[6] Article 17 (7) of the Treaty on European Union: "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."

[7] Declaration 11 on Article 17(6) and (7) of the Treaty on European Union annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon.

the Juncker Commission to be more political and more focused in its policy choices. This was also thanks to the Strategic Agenda of key priorities, set out by the European Council in June 2014[8], that fed into the 10 points of the Political Guidelines which were the basis for President Juncker's election by the European Parliament and which naturally reflected the programme on which he had campaigned across the Union. This helped to show that the European institutions and Member States can work together and deliver on issues which matter to citizens and truly require European action. All this was intended to help reduce the perceived division between "Brussels" and the Member States.

Having campaigned across Europe and interacted directly with citizens and elected representatives at local, regional and national level helped confer more accountability on the successful lead candidate in 2014. This process gave the President of the European Commission a mandate to be more selective in choosing priorities for European-level intervention, based on a shared agenda with joint ownership across institutions. This has helped the European Commission to identify where Union action is needed and where it is not. "Big on big things and small on small things" is therefore the approach advocated by the Juncker Commission and endorsed in the Rome Declaration[9].

Overall, the lead candidate system had a positive impact on the relationship between the EU institutions and thus the efficiency of the work of all of them.

Going one step further would be to have the President of the European Commission directly elected by citizens, as some have argued[10]. However, this would require a change in the Treaties.

On the basis of the current Treaties, the experiment of 2014 should continue[11] and be improved. The European Commission believes there are practical steps that can be taken to improve the process while respecting the balance between the EU institutions and among the Member States.

It will be important to continue open discussions on the best process to reflect the unique democratic nature of the European Union and the double legitimacy of the European Commission, representing all European citizens and all EU Member States. The process should be developed further to bring a real European debate on the Europe its citizens and Member States want, building on the positive contribution of the 2014 process.

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[8] Strategic Agenda for the Union in Times of Change – European Council 26 and 27 June 2014 – https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143477.pdf

[9] Declaration of the Leaders of the 27 Member States and of the European Council, the European Parliament and the European Commission: http://www.consilium.europa.eu/en/press/press-releases/2017/03/25/rome-declaration/

[10] For example Wolfgang Schäuble's speech when awarded the Charlemagne Prize in 2012: http://www.karlspreis.de/fr/laureats/wolfgang-schaeuble-2012/discours-extrait-par-wolfgang-schaeuble

[11] "If you want to strengthen European democracy, then you cannot reverse the small democratic progress seen with the creation of lead candidates – 'Spitzenkandidaten'. I would like the experience to be repeated" – Jean-Claude Juncker, President of the European Commission in the 2017 State of the Union address, Strasbourg, 13 September 2017.

Choosing the lead candidates earlier than last time, ideally by the end of 2018, and an earlier start to the campaign would give voters more opportunity to identify the candidates and the political programmes they stand for[12]. It would allow candidates, including those who hold executive office as Head of State or Government, as a Minister or as a Member of the European Commission, more time to visit Member States to take the pulse of Europe and of citizens' concerns. In 2014, European political parties selected their candidates relatively late in the process, leaving only a few weeks for them to campaign and create a profile across the continent.

The way lead candidates are selected by European political parties can also be of relevance. If European political parties, which bring together like-minded national and regional political parties and their leaders, were to hold, for instance "primary" elections to select their candidates, the process of familiarisation and profile-building could start earlier. By presenting a contest between personalities with different ideas, this could help generate more interest for the campaign and the subsequent elections to the European Parliament.

The **links between national parties and European parties should be more visible** and encourage more openness in the European political landscape. In a targeted reform proposal on European political parties and foundations[13], presented with the 2017 State of the Union Address, the European Commission proposed that an obligatory level of transparency about these links should be required for European political parties seeking funding from the EU budget (namely that their logo and programme should be published on the websites of the national and regional member-parties). Member States and the political parties themselves could go further on a voluntary basis, for example adding the logos of the European political parties to campaign and ballot material. National and regional political parties should position themselves clearly and distinctively on the main issues at stake in the European debate. National and regional political parties, including those not affiliated to European ones, should also make clear their intentions for participating in (existing or potential new) political groups in the European Parliament and their intended choice of European Commission President.

The media plays an important part in any election campaign. In 2014, in several Member States, the debates between the candidates for the post of President of the European Commission were shown on major television channels (such as ARD, ZDF, ORF, RTBF, France24, LCI and Euronews), whereas in other Member States they were covered only superficially, if at all. It was a good start but not enough. For 2019, and to encourage wide, balanced and impartial reporting it would be desirable for at least one debate between the lead candidates to be broadcast on the main public service channels in each Member State. In any case, broadcast debates on the content and challenges of the elections to the European Parliament can help to raise awareness and increase citizens' involvement.

[12] "I would like to see European political parties start campaigning for the next European elections much earlier than in the past. Too often Europe-wide elections have been reduced to nothing more than the sum of national campaigns. European democracy deserves better." – Jean-Claude Juncker, President of the European Commission in the 2017 State of the Union Address, Strasbourg, 13 September 2017.

[13] Proposal for a Regulation of the European Parliament and of the Council amending Regulation No. 1141/2014 of the European Parliament and the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations – COM(2017) 481 of 13 September 2017.

2. Legal framework for the 2019 elections to the European Parliament

Leaders in the European Council have to decide, on the basis of a proposal from the European Parliament and with its consent on the final text, on **the composition of the European Parliament for the 2019-2024 term**. A decision reviewing the distribution of seats between Member States is necessary before the European election and the withdrawal of the United Kingdom from the Union in March 2019 needs to be taken into account; the UK currently has 73 seats.

There are several options:

- make Parliament smaller than the maximum 751 allowed by the Treaties;
- re-allocate seats to other Member States;
- reserve unused seats for future enlargement of the Union
- reserve unused seats for the possible creation of a transnational constituency.

The European Parliament proposed on 7 February 2018 a mixture of the first three options: to shrink the overall number to 705 Members, to reallocate 27 seats and to keep the remaining unused seats as a reserve for enlargement. Whilst not calling for the creation of a **transnational constituency**, the European Parliament's resolution recalls that such a step would have to be set out in the EU rules governing elections to the European Parliament, for which there is a European Parliament proposal from 2015. Changing these rules requires unanimous approval by the Council with the European Parliament's consent on the final text, and then ratification by each Member State in accordance with their constitutional requirements.

A number of Member States[14] have recently expressed support for a transnational constituency whereas others[15] have expressed their disagreement with its establishment.

A transnational constituency could strengthen the European dimension of the election by giving candidates the possibility to reach more citizens across Europe. It could be coherent

[14] For example: Emmanuel Macron, President of the French Republic, 26 September 2017 – http://www.elysee.fr/declarations/article/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique/;
Leo Varadkar, Taoiseach of Ireland – 17 January 2018 – http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20180117+ITEM-008+DOC+XML+V0//EN&language=EN;
Summit of the Southern European Union Countries (Cyprus, France, Greece, Italy, Malta, Portugal and Spain) – Rome, 10 January 2018 – "Declaration: Bringing the EU forward in 2018" – http://www.governo.it/sites/governo.it/files/documenti/documenti/Notizie-allegati/governo/DeclarationIVEUSouthSummit.pdf

[15] Summit of the V4 – Visegrad Countries (Czech Republic, Hungary, Poland and Slovakia) – Budapest, 26 January 2018 – Statement on the Future of Europe – http://abouthungary.hu/speeches-and-remarks/v4-statement-on-the-future-of-europe/

with the lead candidate process, as it would arguably create a European space for public debate and a more visible role for European political parties[16].

If a transnational constituency were to be created it would be important to ensure that parliamentarians would be able to represent and communicate closely with the voters who elected them, both for reasons of accountability and to be able to raise their concerns.

The electoral system is already being reviewed. In 2015, the European Parliament tabled a formal proposal for **the reform of the electoral law of the European Union**[17]**.** A decision needs to be taken by May 2018 if it is to have effect in good time for the next elections to the European Parliament. The European Parliament's proposal, in addition to a transnational constituency, advocated a reform of the EU electoral law to foster the European character of these elections. It included a uniform deadline for the establishment of electoral lists and electoral rolls across the EU; allowing EU citizens residing outside the Union to participate; encouraging Member States to allow postal, electronic and internet voting; gender-balanced lists of candidates; enhancing the visibility of European political parties by placing their names and logos on the ballot papers; and transparent and democratic procedures for selecting candidates.

A key proposal was for a threshold of between 3 and 5 per cent of votes cast for single constituency Member States and constituencies of more than 26 seats with a list system. Such thresholds help reduce political fragmentation in the resulting Parliament, which makes decision-making more efficient. Due consideration needs to be given to ensuring representation of diverse opinions and respect for different Member States' traditions in deciding on this proposal.

3. Composition of the European Commission

Today, the College of Commissioners consists of 28 members, one from each Member State.

Article 17(5) of the Treaty on European Union stipulated that as of 1 November 2014, the European Commission was to be made up of a number of members corresponding to two-thirds of the number of EU countries (for a Union of 27 Member States there would be 18 Commissioners), unless a decision was made to the contrary.

In 2009, before the second Irish referendum to ratify the Lisbon Treaty, the European Council agreed to adopt a decision ensuring that the number of Members of the European Commission would correspond to the number of Member States.

The European Council must now review its Decision of 22 May 2013[18]. **Leaders will have to decide whether to maintain a European Commission with one Member from each**

[16] "I also have sympathy for the idea of having transnational lists in European elections – though I am aware this is an idea more than a few of you disagree with." – Jean-Claude Juncker, President of the European Commission in the 2017 State of the Union Address, Strasbourg, 13 September 2017.

[17] European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union (2015/2035(INL)).

[18] The Decision of 22 May 2013 requires that *"the European Council shall review this decision (...) in advance of the appointment of the first Commission following the date of accession of the 30th Member State or the appointment of the Commission succeeding that due to take up its duties on 1 November 2014, whichever is earlier."*

Member State, or to make it smaller. In the case of a smaller European Commission, the Treaty stipulates that its Members will be chosen on the basis of a system of strictly equal rotation between the Member States, reflecting the demographic and geographical range of all the Member States.

A smaller executive would in theory be more efficient in its operation, easier to manage and would allow a more balanced distribution of portfolios among its Members, as recently argued by some Leaders[19]. In such a case, the European Commission would need to pay particular attention to ensuring full transparency in relations with all Member States[20].

A small executive would, however, mean some Member States would not have one of their nationals represented at the political level of the institution. Keeping one Member of the European Commission per Member State has the advantage of maintaining a direct communication channel to citizens and national authorities in all Member States. For example, the Members of the Juncker Commission have proved to be an essential relay to their countries of origin, communicating in the national language, including by making more than 657 visits to inform, debate and discuss with national parliamentarians.

If one Commissioner per Member State is to be maintained, organisational adjustments will again be required to ensure accountability, unity and efficiency. The Juncker Commission has structured its work around several Vice-Presidents responsible for cross-cutting project teams in different policy fields, including the First Vice-President and the High Representative/Vice-President. Each Vice-President was entrusted with an enhanced leadership role and the responsibility to steer and coordinate a team of Commissioners. This two-layered structure has shown its worth and could be further enhanced in the future.

4. A Double-Hatted President

One option to make the structure of the Union more efficient could be for a single person to hold the two offices of President of the European Council and President of the European Commission[21].

This change could help overcome a persistent and harmful misconception: too often there is a perceived division between the European Commission and the Member States. Decisions are too often represented at national level as "diktats" imposed upon Member States by a disconnected "Brussels", where in fact it was the Member States and the directly elected Members of the European Parliament who together decided what to do.

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[19] Emmanuel Macron, President of the French Republic, 26 September 2017 – *"Une Commission de 15 membres devra être notre horizon et pour avancer, soyons simples: que les grands pays fondateurs renoncent à leurs commissaires pour commencer! Nous donnerons l'exemple."* http://www.elysee.fr/declarations/article/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique/; Sebastian Kurz, Chancellor of Austria, in the programme of the ÖVP for the 2017 Austrian elections – https://www.sebastian-kurz.at/programm/artikel/kurswechsel-in-europa

[20] Declaration 10 on Article 17 of the Treaty on European Union annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon.

[21] "Europe would function better if we were to merge the Presidents of the European Council and the European Commission. (…) Having a single President would simply better reflect the true nature of our European Union as both a Union of States and a Union of citizens." – Jean-Claude Juncker, President of the European Commission in the 2017 State of the Union Address, Strasbourg, 13 September 2017.

The European Commission is an institution created by the Member States to work towards the common European interest, as is the European Council. Having one person preside the two institutions would embody the dual nature of the Union's legitimacy and accountability and strengthen both.

This would also make the external representation of the Union more streamlined and more straightforward for third countries to follow. Other world leaders would have a single counterpart, including in their relations with the EU notably in summits and in international bodies such as the G7 or G20.

A dual appointment of this nature does not imply merging the two institutions. The President of the European Commission is already a Member of the European Council in his own right, and this has always been seen as entirely compatible with his independence. Neither of the two Presidents vote in the European Council; they both advise, bring input from the work of their respective services, help to build bridges and map out common ground among Member States. A dual appointment could further enhance the existing close and effective coordination between the two independent institutions.

A double-hatted President is possible under the current Treaties, which implicitly allow the President of the European Council to be appointed to another *European* role[22]. The term of office of the President of the European Council is shorter than that of the President of the European Commission but since it is exactly half as long and allows for a re-appointment, a pragmatic solution could be envisaged.

In this respect, inspiration could be drawn from the existing role of High Representative for the Common Foreign and Security Policy and Vice-President of the European Commission. This position, which is the result of an evolution of the former role of the Secretary General of the Council of the European Union/High Representative for the Common Foreign and Security Policy created by the Treaty of Amsterdam and that of the then Commissioner for External Relations, was codified by the Treaty of Lisbon. It provides an example of how responsibility in two EU institutions can be successfully exercised by the same person without compromising the independence of the institutions' respective roles or giving more power to one over the other.

5. Dialogue with citizens on the road to Sibiu

In the crucial period ahead of the elections to the European Parliament, where the Union must show it can deliver on citizens' expectations, there is a welcome and growing focus among Member States on the importance of more citizen engagement in the discussion on the future of Europe[23]. Too often, the EU debate has been undermined by myths, misrepresentations and side issues. Politicians, at EU, national, regional and local level, share a responsibility to foster honest debate about Europe and its future. Citizens would be readier to vote in the elections to the European Parliament if they were more aware of the impact of EU policies in their day-to-day life.

[22] Article 15 (6) of the Treaty on European Union states that the President of the European Council shall not hold a *national* office.

[23] "We should involve national Parliaments and civil society at national, regional and local level more in the work on the future of Europe." – Jean-Claude Juncker, President of the European Commission in the 2017 State of the Union Address, Strasbourg, 13 September 2017.

Throughout 2018 and 2019, Leaders will be meeting regularly to discuss the way forward up to the next key staging post in the reform and development of the Union: the Sibiu Summit of 9 May 2019. The more that discussion is solidly anchored in information, debate and involvement of citizens and civil society in the Member States, the more productive the outcome will be.

President Macron's proposal of Citizens' Consultations[24] on the future of Europe has attracted explicit support from several Leaders of other Member States[25], and sympathy from most EU institutions and Member States, and national dialogues in other formats have taken or are taking place in Ireland, Bulgaria and Sweden among others. Other Leaders of Member States[26] have also announced their readiness to engage in broad public discussions on the future of Europe in accordance with their respective national practices. The right structure for this process will vary between Member States according to their own traditions and internal democratic arrangements: they can be run individually, jointly between participating Member States or within a framework supported by the European institutions.

The European Commission has experience of organising its own Citizens' Dialogues, with Members of the European Commission, Members of the European Parliament, national governments, local and regional authorities and civil society representatives all taking part in some 478 interactive public debates in more than 160 locations since January 2015 in and beyond Europe's capital cities. The European Commission is stepping up this process by organising or helping to organise, between now and May 2019, around 500 more Citizens' Dialogues in cooperation with the Member States, with local and regional authorities, and with the European Parliament and other European institutions.

The European Commission will share the benefits of this experience with Member States planning their own events and is ready to offer its support where it can, for example to link the process to the online consultation it is launching on the future of Europe which could remain open until 9 May 2019.

Starting from the Leaders' meeting of 23 February 2018, and taking into account their respective political structures and practices, Member States as well as local and regional authorities should be encouraged to hold outreach events to engage with citizens in public debates and consultations on European Union issues, including in particular the future of Europe in the context of the process leading to the Leaders' meeting of 9 May 2019, shortly before the elections to the European Parliament.

[24] Emmanuel Macron, President of the French Republic, Speech at the Congress of Versailles, 3 July 2017 – http://www.elysee.fr/declarations/article/discours-du-president-de-la-republique-devant-le-parlement-reuni-en-congres/

[25] Summit of the Southern European Union Countries (Cyprus, France, Greece, Italy, Malta, Portugal and Spain) – Rome, 10 January 2018 – "Declaration: Bringing the EU forward in 2018" – http://www.governo.it/sites/governo.it/files/documenti/documenti/Notizie-allegati/governo/DeclarationIVEUSouthSummit.pdf

[26] Summit of the V4 – Visegrád Countries (Czech Republic, Hungary, Poland and Slovakia) – Budapest , 26 January 2018 – Statement on the Future of Europe – http://abouthungary.hu/speeches-and-remarks/v4-statement-on-the-future-of-europe/

Conclusions

At their meeting of 23 February 2018 on institutional issues, Leaders are invited to:

1) take note of the fact that the election of a successful lead candidate as Commission President, on the basis of a proposal from the European Council and a jointly developed Strategic Agenda, can enhance the efficiency of the European Commission, allowing it to work on a focused political programme with joint ownership across institutions; it can also help raise the profile of the European electoral campaign, making clearer to citizens the competing visions for the future of Europe and policy programmes;

2) call on the European political parties to choose their lead candidates by the end of 2018, and encourage an early start of that process;

3) encourage transparency regarding the existing and intended affiliation of national and regional parties with European parties, lead candidates and groups in the European Parliament;

4) complete work on the composition of the European Parliament, the reform of the Regulation on European political parties and foundations and the reform of the European electoral law by spring 2018 to allow them to have full effect for the electoral year 2019;

5) consider the creation of a transnational constituency for the elections to the European Parliament;

6) plan for the review of its Decision of 22 May 2013 on whether to maintain a European Commission with one Member from each Member State, or to make it smaller;

7) consider the efficiency gains of the creation, over time, of a double-hatted President of the European Council and of the European Commission;

8) encourage Member States to foster public debate and engagement on the future of Europe in the coming months and in the run-up to the Sibiu Summit on 9 May 2019 and the elections to the European Parliament, by developing Citizens' Dialogues and similar debates and consultations in all Member States according to their national traditions, with high-level participation.