

Joachim Blatter (University of Lucerne)  
Elie Michel (University of Lucerne)

## **Proposals for the transnationalization of the European Parliament elections**

Currently, citizens can only vote for national parties in the elections to the European Parliament (EP). This incentivizes national parties to focus single-mindedly on their national constituency, whereas elected MEPs will decide on policy with transnational implications. Conversely, the current electoral system encourages national citizens to vote in EP elections in a national perspective, and often to signal their (dis)approval to the party/coalition in national office. Up to now, national parties have very little incentive to look beyond their national constituencies during election campaigns, and the Europarties they form remain weak alliances. In 2014 only, Europarties have started playing a role in the campaign, by designating leading candidates for the presidency of the European Commission. Yet arguably, there are so far no truly European elections, but rather 27 national elections in parallel, in which national parties compete for the votes of national constituencies.

For long, some have argued that an electoral reform could help Europeanize the European Parliament. Several proposals in this direction have been articulated around the idea of a European-wide electoral district, which implies a corresponding Pan-European constituency. Most of such proposals entailed that transnational lists of candidates would compete for seats within the European-wide electoral district. These proposals have been debated on several occasions in the European Parliament, and within parties. However, they have not found enough political support yet. In the following sections, we review the proposals for establishing a Pan-European electoral district and the ensuing political debates. In this text, we consider the proposals that are purely institutional (reform of the size of electoral districts) and somehow more political (creation of a Pan-European constituency) to be equivalent. Finally, we present an alternative proposal for the transnationalization of the EP elections. The latter proposal does not focus on creating transnational lists of candidates as means to form integrated European parties, but rather on creating a European-wide voting space for national parties. This would imply the transnationalization of national parties, who could compete for seats beyond their national boundaries. This proposal could potentially overcome important ideological and practical obstacles faced by previously discussed proposals.

### **The first major proposal: the “Duff report”**

Within the European Parliament, the discussions on introducing a Pan-European electoral district were initiated in the late 1990's. For instance, the Anastassopoulos report (1998) “*considers that, with a view to a European political awareness and the development of European political parties, a certain percentage of seats should be distributed on a proportional basis within a single constituency formed by the territory of the Member States*”<sup>1</sup>. Although the report planned for the election of up to 20% of the Members of the European Parliament (MEP) in a Pan-European constituency by 2009, this recommendation was followed by little political debate.

The “Duff Report” has been the most famous and debated proposition for the creation of transnational lists of candidates in the EP elections<sup>2</sup>. Although it eventually failed to be adopted by the plenary session of the European Parliament, the Duff Report has been so far the most ambitious and concrete proposal to transnationalize the European Elections. The Duff report recommended that “*each elector would be enabled to cast one vote for the EU-wide list in addition to their vote for the national or regional list*”. The Duff proposal made provision for the creation of a Pan-European electoral district in addition to the national or regional constituencies. It therefore implied an important role for Europarties or European political groups, as they would be in charge for selecting the candidates for the EU-wide list. In that way, all European citizens would be able to cast a vote for a common list of candidates, running in all the Member States. The Duff proposal was based on a strong Europeanist stance, and the electoral reform proposal would have relied on Europarties as important agents in the EP campaigns. As a consequence, Europarties would transform into more than a collection of national parties, and they would become decisive organizational entities. Yet a large majority of MEPs rejected the Duff proposal in the plenary session of the EP. Nationalists and Eurosceptics have rejected the proposal in order to counter further integration, but the members of the European Popular Party (EPP) also largely rejected it. Additionally, the Duff Proposal received negative votes from MEPs from all parliamentary groups, originating from smaller and medium-sized member states. Indeed, these MEPs opposed the principle of transnational lists as it would give too much importance

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<sup>1</sup> Report on a proposal for an electoral procedure incorporating common principles for the election of Members of the European Parliament, 2 June 1998, PE 224.331/fin. A4-021

<sup>2</sup> “Report on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct suffrage of 20 September 1976 (2009/2134(INI)”, named after its rapporteur, the Liberal British MEP Andrew Duff.

to bigger parties (from bigger Member States) and would reinforce the Europarties that they already tend to dominate.

Despite the legal debates on the feasibility of a Pan-European electoral district in EP elections, (which would require a unanimity in the EU Council, and ratification by all (sub)-national parliaments<sup>3</sup>), and the political resistance against the transnational lists of candidates, the Duff report has triggered a lively political debate on the transnationalization of European Elections.

### **The second political debate: the allocation of the British seats in the EP after the Brexit**

As often in Europe, a political crisis has put the issue of transnational voting back on agenda; and the debate initiated by the Duff report was revived in the aftermath of the Brexit vote. While the EP discussed how to reallocate the 73 MEP seats that would be left vacant after the United Kingdom leaves the EU, the creation of a Pan-European electoral district was further discussed. Similar to the Duff report, the concept of a transnational European voting space was equated to the creation of transnational lists of candidates competing within an EU-wide constituency.

In 2017, rapporteurs Danuta Maria Hübner and Pedro Silva Perreira introduced a proposal for a transnational list of candidates for 27 seats in the 2019 elections, which would be led by the Europarties' respective *Spitzenkandidaten*<sup>4</sup>. This proposal remained a draft, and it did not make it out of the commission, however it forced every European party to position itself on the issue. Much like the Duff report, the 2017 proposal focused on the potential role of Europarties.

Notably, several heads of State have announced their support for the transnational lists (Cyprus, Spain, France, Greece, Malta, Portugal, Ireland). French President Macron considered that voting for common lists of MEP candidates throughout Europe would allow to “finish building this democratic area”. EU Commission President Juncker also supports the proposal. However, both leaders do not conceive the role of Europarties to be the same in such an electoral setting. While Juncker believes transnational lists of candidates should be led by the candidate to the president of the commission (*Spitzenkandidat*) – chosen by its Europarty; the French president takes a more critical stance on the

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<sup>3</sup> On November 2015 the parliament adopted a legislative initiative with a view to amend the current European Electoral Law (1976). To be adopted, such a reform requires the unanimity within the EU Council, the assent of the European Parliament, and the ratification of national parliaments (and eventually subnational parliaments).

<sup>4</sup> “Draft Report on the Composition of the European Parliament (2017/2054(INL))”

Committee on Constitutional Affairs – Rapporteurs Danuta Maria Hübner and Pedro Silva Pereira

role of Europarties (not least because they are established alliances of national parties, while he aspires to create a new movement). In addition to the diverging views among supporters of a Europeanization of EP elections, the proposal has been received more skeptically by other heads of State and by MEPs.

In the European Parliament, the issue of transnational lists cuts along most traditional conflict lines (e.g. ideology, size of Member States, support for further EU integration). Overall most parties affiliated with Liberals (ALDE), Social-Democrats and Socialists (S&D) and Greens tend to favor this proposal. Although with some internal disputes, the S&D parties have supported the creation of a Pan-European electoral, they envisioned that the number of MEPs to be elected on transnational list would equal the number of member states. Positions are much more contrasted with the European People's Party (EPP). Many of its members reject the idea of MEPs elected "without roots" and generally favor national constituencies, and a *Spitzenkandidat* system designated by Europarties. In general, their argument is rather conservative, and considers that MEPs should be elected within a country (or district) in which they reside. Yet, they acknowledge the possibility for a party to include foreign members of an allied party on their list, which is a sign that purely national and traditional boundaries are opened. As for the Duff proposal, many representatives of smaller Member States - with fewer MEPs, but cutting across most political groups - also expressed the concern that a system of transnational lists would be dominated by candidates from larger states, whose weight in Parliament would therefore increase even more.

The opposition to a system of transnational lists for EP election also cuts through the divide on further EU integration. If Eurosceptic and nationalist parties strongly oppose the proposal, not all federalist/Europeanist MEPs support it. For instance, Elmar Brok (CDU, and president of the Union of European Federalists) thinks transnational lists are "anti-European and anti-federal", that they would reduce the parliament's legitimacy and increase the divide between citizens and their representatives. Indeed, the USA constitute a tight federation of States, which yet do not have an "American", transnational list covering the entire country. Federalist Jo Leinen (SPD) still insists transnational lists would be an opportunity for real European debate during the European elections, and to further develop a European political space.

The transnationalization of EP elections through transnational lists of candidates would face many legal and political obstacles, and it has so far not found a political majority to support it. However,

alternatives for transnationalizing the European voting space exist, and may provide credible proposals, and overcome the critical points raised by previous opponents.

### **An alternative transnational proposal**

A group of academics have studied the EP elections, and they confronted the issue of “second order elections”: EP elections are mostly centered on national politics, and mobilize relatively fewer citizens. Bright, Garzia, Lacey, and Trechsel have proposed another approach to the [Europeanization of European elections](#), which departs from previously discussed transnational lists of candidates. Their transnational proposal for a Pan-European electoral district and constituency aims at improving the extent to which citizens can choose a party that reflects their values and interests, but also increase and Europeanize party competition.

Indeed, a pan-European constituency could also be transnationalized by allowing existing national parties to compete for votes in any member state of the EU. The major difference with the Duff proposal is that in this case, national parties are seeking votes in a pan-European constituency. Rather than relying on Europarties to make common lists, they contend that it is more important to “transnationalize” the election<sup>5</sup>.

This proposal could overcome (some of) the critiques of the previous proposals that focused very much on transnational lists of candidates. Indeed, the proposals for transnational lists of candidates relied on the formation of international coalitions of parties (EP groups, and loosely integrated Europarties) to be crucial in transnationalizing the EP votes. Yet, Europarties can be considered to be unable, or at least inefficient, for that purpose, since they are just federation of parties along ideological lines (and their platforms result in vaguely stated compromises between the members). Europarties are rather weak political entities, which are usually composed of one party per member state; in practice, this party behaves like in national elections during the European Parliament elections. It is unclear that creating a limited number of seats for Europarties to compete would have a significant influence on the general behavior of the parties competing in national elections.

However, if parties would compete for voters from beyond their own national borders, they could no longer treat the European elections as solely national campaigns, nor base their appeal entirely on national issues. They would have to seek politics and positions that appeal to a cross-national section

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<sup>5</sup> “Europe’s voting space and the problem of second-order elections: A transnational proposal” Jonathan Bright, Diego Garzia, Joseph Lacey, and Alexander Trechsel, *European Union Politics*, 2017, vol. 17 (1), 184-198

of European voters. Conversely, national parties would face international competition for domestic voters, meaning they would no longer be able to position themselves solely in relationship their national competitors.

A truly transnational Pan-European Constituency would possibly not only be more efficient in Europeanizing the EP elections; it could also be politically more acceptable. Indeed, some opponents to the transnational list proposals were afraid of the possible hegemony of Europarties, and within them of the influence of bigger Member States. Indeed, in a truly transnational voting system, some parties could form transnational lists in order to support each other in attracting voters in all member states; others would only adjust their programs and nominate specific candidates; and finally, some parties would not change anything, but they might still gain votes and representatives in the EP. Such a proposal would provide much more leeway to political parties on how to adapt to new electoral rules, as it would empower national parties with transnational options, rather than diluting them into Europarties. This could prove to be an incentive for parties of smaller or medium-size Member States, which fear that transnational lists of candidates would only confirm the hegemony of bigger countries (and their national parties) on EP politics.

This truly transnational proposal for the EP elections faces specific challenges. Nevertheless, the authors of the proposal point to innovative technologies that help to overcome these challenges. First, the absence of a common language would pose a practical challenge for voters. Indeed, it is an essential requirement of a democratic polity that voters are able to understand the political offer. Second, the complexity of the political offering would not be simply linguistic, but the number of political options available to voters would be too high. Around 250 parties across Europe could conceivably seek citizens' votes – it is impossible for voters to assess all parties and make a reasoned choice. The response to these challenges would be to promote a European Voting Advice Application (VAA), which simplifies the connection between parties and citizens. VAAs offer citizens advice about the extent to which their preferences match those of political parties. VAAs can put technology at the service of bringing back together and comparing voter preferences and party positions. Thanks to a transnational VAA, voters could find which party in Europe is the closest to their personal opinion on major policy issues. By completing a short political questionnaire, citizens could compare the wide political offer of EP elections, and find the political party with which they share the most policy preferences. Instead of being limited to the parties that compete within their own country, voters could select the party that represents them the best, even if this party is rooted in another EU Member State.

The authors consider such a transnational tool to be necessary for the functioning of a Pan-European electoral district, yet VAAs do not only solve the possible problems parties and voters would face. The use of VAAs in political campaign could also deeply affect parties, and how they behave, and it could possibly lift some of the concerns they have about Pan-European electoral districts. For instance, it could increase the visibility of smaller parties and of parties from smaller countries. These parties would have the opportunity to reach a large reservoir of voter that could not have voted for such parties before. The VAA could help them to overcome problems of size and public awareness, since the VAA would make voters all over Europe aware of the fact that their preferences match with the policy positions of these parties.