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ON MATTERS CONSTITUTIONAL

Five Questions on the EP elections and the "Spitzenkandidat" process: Answers by PASQUALE PASQUINO

Pasquale Pasquino

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For the upcoming European elections, most European parties have nominated candidates for President of the EU Commission. In the Brussels jargon, this issue is called the „Spitzenkandidat *process". How German is this idea? Does is actually make sense in other parliamentary systems or constitutional traditions?*

The idea is not particularly German. In UK and in Italy too the elections de facto and in principle designate the head of the executive. The problem is that the EU Commission is not the executive of the EU and that the institutional architecture of the EU is not the same as those of the member states, and also not yet very clear.

If the „Spitzenkandidat *process" succeeds and the next Commission President will in fact be the top candidate of the party with the largest share of the vote – will he/she then possess proper democratic legitimacy of his/her own right? And if so, how would that affect the power balance in the EU with respect to member state governments?*

Yes he/she will have an electoral (democratic) legitimacy. As to the second part of your question, my answer is auf deutsch: das wissen die Götter.

How does a Westminster-style European Parliament organized along the lines of government and opposition match with the hard-won influence the Parliament has secured for itself in the European legislation process (e.g. the informal „trilogue" meetings between Parliament, Commission and Council)?

Too early to say.

The linkage of the EP election with the election of the Commission President, so the hope of its proponents, will help politicizing the European law-making process and thus ultimately strengthen its legitimacy. Is this a realistic expectation in a situation where the „Spitzenkandidat *process" will probably end in a continued PES/EPP Grand Coalition with an opposition dominated by eurosceptic and/or right-wing populist parties?*

Well, in that case EU will look like Germany. What is wrong with that?

Can a European election without a European electoral law ever really be a European election?

In principle this is possible. In my opinion the difficulty is elsewhere: the member states of the EU are like Zerlina in Mozart-Da Ponte Don Giovanni, they say: "Vorrei e non vorrei" (I want and I do not want). They should make up their mind.*For the upcoming European elections, most European parties have nominated candidates for President of the EU Commission. In the Brussels jargon, this issue is called the* „Spitzenkandidat *process". How German is this idea? Does is actually make sense in other parliamentary systems or constitutional traditions?*

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ABOUT THE AUTHOR

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