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TRANSNATIONAL LISTS FOR THE EUROPEAN PARLIAMENT ELECTIONS

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INTRODUCTION

The European Parliament is currently discussing in its committee on constitutional affairs the report on the Composition of the Parliament, concerning the distribution of parliamentary seats. As part of this EP report, it is proposed to introduce transnational lists whereby all European citizens can vote on the same candidates in a joint European constituency. This legislative initiative by the Parliament will need to be adopted soon as the 2019 elections preparations are imminent, and preferably before the European Council of 23 February. As there seem to be many questions and misconceptions going around, this paper seeks to clarify the intention and modalities of transnational lists.

EUROPEANISATION OF EUROPEAN PARLIAMENT ELECTIONS

The elections to the European Parliament are currently split into 28 national elections, which is logical as the 751 seats are distributed among the Member States. More problematic is that the campaigns are about national issues and often about how national politics, whereas the elected Members will decide about European issues and work within European political families. Thus, the voting choices made by the European electorate are based on a misconception of what they expect their vote will bring. In order to Europeanise the EP elections, it is proposed to create a single European constituency in which

the European political parties or affiliations will compete through transnational lists for a certain number of seats in the European Parliament. The European constituency will encompass the entire European Union and will exist in parallel to the existing national constituencies.

When European political parties (EUPPs) will compete throughout Europe with one election-manifesto, their campaign will necessarily be about European issues. European citizens will then be better able to make up their mind who to vote for in accordance with their ideas on the right direction for Europe. Nowadays many citizens feel their vote in the European elections is wasted as they do not see any result of their vote in policy making. They mainly vote on national issues that are often national competences, where the EU has no or little impact. Or they are led to believe that their vote in the EP elections will influence their national government stance on Europe. The transnational lists will make the link between voting and European politics clearer and more direct.

The *Spitzenkandidaten*-process, whereby European political parties put forward their candidate for the President of the European Commission provides a second direct link between the European citizens and the EU. The first candidate on each list will be the EUPPs *Spitzenkandidat* for the post of the President of the European Commission,

following the practice established in the 2014 elections. There has been wide-spread criticism in the past that the election of the President of the European Commission is opaque or even undemocratic. The *Spitzenkandidaten*-process through which President Juncker was elected in 2014 has improved the transparency dramatically but made it only slightly more democratic. Although the President was elected on the basis of the result of the European elections, European citizens were not able to vote for their preferred candidate. By placing the EUPPs candidate for President of the Commission at the head of the lists, voters will have a say in the political direction of the Institution that initiates European legislation.

THE MODALITIES

The European constituency will encompass the entire European Union, and will exist parallel to the existing national constituencies. During the EP elections each EU citizen will receive 2 votes. One vote to be cast on the lists in their national or regional constituency as is the case now, and one vote for the European constituency in which the voter can vote for a transnational list.

Within the European constituency the European political parties (EUPPs) will compete via their transnational lists for a certain number of seats in the European Parliament. The number of these transnational seats will be determined in the European Council Decision on the composition of the European Parliament, but will probably be around 25-30. The Parliament is currently in the process of drafting and voting the legislative proposal.

Each European political party (EPP, PSE, ALDE, Greens, etc.) will have to establish through internal elections their list of candidates, just as national parties will establish their candidate lists for the European elections. The first candidate on each list will be the EUPPs *Spitzenkandidat* for the post of the President of the Commission, following the practice established in the 2014 elections. The remainder of each list will be filled with candidates selected by the EUPPs. These lists will need to be balanced, in nationality and gender, in order to reflect the plurality of the European citizens. Following the criteria of forming political groups in the EP it could be decided that a list will need to consist

of candidates from at least of the MS, thus 7 nationalities. It is through the mechanism of representation by the national political parties within the EUPPs that these transnational lists will be democratically elected. The transnational MEPs will be directly accountable to the European citizens as well as their respective EUPPs.

It requires closed list systems to make sure the *Spitzenkandidat* remains the head of the list. Additionally, closed lists will prevent the election of a disproportionate number of candidates from the bigger Member States from the transnational lists. Keeping in mind that the lists of candidates established by the EUPPs are required to be balanced.

Candidates could be allowed to stand on both the transnational and the national list, but if a candidate is elected in both constituencies it will need to take up the transnational seat and forfeit the seat of the national or regional constituency. The latter seat will then be taken up by a candidate in that national constituency in accordance with the respective national electoral law.

LEGAL BASIS

The legal bases in the Treaties for what is proposed are Article 14(2) TEU for the reapportionment of seats among member states and Article 223(1) TFEU for the uniform electoral procedure.

The Parliament, in conformity with Article 223(1) TFEU, has adopted in November 2015 its proposal to reform the Electoral Act¹, which includes the introduction of a joint European constituency. Once this proposal is adopted by unanimity in the Council, with the consent of the Parliament, it will be the legal basis for the creation of the transnational lists.

TREATY REQUIREMENTS

The Treaty requirements of degressive proportionality as well as the lower and upper limits of 6 and 96 seats apply only to the Member States. However, these principles do not concern nationalities, as any EU citizen is allowed to stand for the EP elections in their country of residence. For example, a German citizen may be elected in Greece which

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¹ European Parliament resolution of 11 November 2015 [on the reform of the electoral law of the European Union](#), 2015/2035(INL).

does not mean that the upper limit of 96 seats for Germany would be breached.

Similarly, the principle of degressive proportionality whereby *“the ratio between the population and the number of seats of each Member State before rounding to whole numbers shall vary in relation to their respective populations in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats”* only concerns the distribution of seats among the Member States.

Therefore, the MEPs elected on the transnational lists within the European constituency do not breach the treaty requirement of upper limits of seats per country nor the principle of degressive proportionality.

EUROPEAN POLITICAL PARTIES

The European Political parties will, as described above, need to establish the lists of candidates. But they will also be the political vehicles through which their candidates will compete for the transnational seats. This will require amending the Statute for European Political Parties as it currently prevents them from nominating candidates or campaigning in the European elections.

TWO CLASSES OF MEPS

Some fear that the transnational lists will create two

classes of MEPs. One class of MEPs elected in the Member States and another of MEPs elected in the constituency encompassing the whole of the EU. The latter would then represent more citizens than the first. Although technically true, in practice it will not create two classes. Firstly, all

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Members of the European Parliament do already represent all EU citizens, according to art. 14(2) TEU. Secondly, all MEPs will have exactly the same rights and ob-

ligations within the European Parliament, no additional powers or rights are created. And thirdly, already the current MEPs who are elected in the various Member States according to different electoral procedures represent a different number of citizens due to the principle of degressive proportionality. For example, a MEP elected in Ireland represents 4.664.156 citizens and a MEP elected in Spain represents 46.438.422 citizens. De facto many classes of MEPs already exist, which has not posed any democratic problems. An additional constituency will not alter this. Furthermore, several Member States, such as Germany and Hungary, elect MPs to their respective national parliaments by means of two different systems which has not led to any differentiation within their parliaments. It is hard to imagine why this would cause differentiation within the European Parliament.

About SIETSE WIJNSMA



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ABOUT THE UEF

The Union of European Federalists (UEF) is a pan-European, non-governmental political organisation dedicated to the promotion of European political unity. Throughout the past 70 years it has been a leading voice in the promotion of European unity and an early campaigner for key milestones in the development of the European Communities and the European Union.

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