



Directions of the Debate on Reform of EU Institutions in the Next Term

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Brexit has revived the debate on reform of EU institutions. Opinion is divided on the direction of these changes. While some in the European political class perceive the UK's exit from the EU as an opportunity to strengthen the supranational dimension of the Union's institutions, others call for strengthening the intergovernmental factor in the EU system. This political division around the reform proposals and treaty conditions frame the limits. It is difficult to expect deep changes in the EU term starting in 2019.

The start of the next term for EU institutions in 2019 will be exceptional given the UK's expected departure from Union that same year. Brexit will change the EU institutions, since from 2019 there will be no UK representatives, which will affect other countries' positions on the Council of the EU and the representation of individual political groups in the European Parliament (EP).

Since the launch of Brexit, various proposals for reforming EU institutions have been presented. Some concepts were presented by Jean-Claude Juncker, president of the European Commission, in last year's State of the Union address,¹ as well as by French President Emanuel Macron in his speech at the Sorbonne in Paris,² and by the EP constitutional committee (AFCO) in its report on the composition of parliament. In February, AFCO's proposals were debated by MEPs, who adopted a resolution on the matter. Institutional reform projects were also discussed by leaders of Member States both during regional meetings (the summit of the so-called Southern Seven in Rome on 10 January and the V4 summit in Budapest on 26 January) and at the informal European Council summit at the end of February.

Distribution of Seats in the EP after Brexit. When the UK leaves the EU, the 73 British MEPs also will leave the European Parliament. AFCO proposed that in 2019–2024, some of these seats (27 in total) should be divided between the Member States that were underrepresented in the EP. Under this proposal, additional seats would be given to France and Spain (5 each), the Netherlands and Italy (3 each), Ireland (2), and Austria, Croatia, Denmark, Estonia, Finland, Poland, Romania, Slovakia, and Sweden (1 each). The remaining 46 seats would be held in reserve for a pan-European electoral list and future enlargement.

While the first part of the proposal (distribution of 27 seats to correct the so-called principle of degressive proportionality) met with approval from the EP and the European Council, the rest has not gained wide support. Referring to the AFCO proposal, the EP indicated that the transnational list would require changing EU electoral law and that it would need to take place no later than one year before the election. Among the Member States, the views on transnational list are divided. In January, at the meeting in Rome, the idea was supported by the seven—Cyprus, Greece, France, Spain, Malta, Portugal, and Italy. However, at the V4

¹ J. Szymańska, "State of the Union," *PISM Spotlight*, no. 52/2017, 14 September 2017.

² Ł. Jurchyszyn, "President Macron's EU Reform Proposals: An Offer Addressed to Germany," *PISM Bulletin*, no. 101 (1041), 26 October 2017.

meeting in January, its member states leaders criticised the proposal. Proponents argue that it would boost democracy and strengthen the European dimension of elections. Opponents counter that it would disconnect MEPs from their electorates, possibly fuelling populist and Eurosceptic movements. With the differences of opinion, it was decided at an informal summit of the European Council that the heads of state and government would return to the question of transnational lists before EU elections in 2024.

High-Level Appointments. In parallel with the discussion on the composition of the EP, there is a debate on the casting of key positions in the EU, especially the position of the presidents of the European Commission and European Council. In the 2017 State of the Union address, Juncker encouraged Member State leaders to use the experience of the so-called system of main candidates (from the German *Spitzenkandidaten*) used during the appointment of the head of the Commission in 2014 to further develop this model at the European level. The *Spitzenkandidaten* system assumes that each political party taking part in elections to the EP will designate its candidate for the post of the head of the European Commission, and the European Council will consider the nominations before presenting its candidate after the EP election. The *Spitzenkandidaten* system is aimed at increasing the influence of voters on the nomination of the European Commission head, which should strengthen the mandate and encourage EU citizens to vote. This procedure, however, is controversial with Member State leaders who see it as a limitation on their competences. During the February summit, the European Council recognised it could not guarantee it would propose one of the lead candidates for president of the European Commission. Citing treaty provisions, the European Council indicated the process is not automatic and that it is within its competence to nominate the candidate. The leaders pushed back on the EP's warnings that it would not accept a candidate who was not nominated by one of the European parties.

Juncker's idea of merging two of the most important positions in the Union—the presidents of the European Commission and European Council—was not well-received by the heads of state or government. Although the current head of the European Commission argued that it would simplify the EU institutional system and increase its effectiveness, the idea of concentrating power into one person's hands did not win over the EU leaders. As indicated in the communication after the European Council summit, the project did not gather much interest because it would limit the role of Member States in the EU.

The size of the Commission remains an open question. Although the Treaty of Lisbon foresees a reduction of commissioners to a size corresponding to two-thirds of the number of Member States, the principle of "one country, one commissioner" was maintained based on the European Council decision of 22 May 2013. Before the appointment of the 2019–2024 Commission, the leaders are again faced with the question of whether to reduce its number or maintain the existing framework. A reduction of the Commission is meant to ensure better management and more efficient work. The proposal to reduce it to 15 members was supported by the French president. But many countries, including Poland, do not want to give up their representation in this institution.

Conclusions and Perspectives. The ongoing debate on institutional reform of the EU reflects the traditional clash of the supranational and intergovernmental visions of the development of the Union, with the latter seeming to dominate.

The ambitions of strengthening European democracy by introducing a transnational list of EP candidates, developing the *Spitzenkandidaten* system, and introducing a double-hatted president, have been cooled down by the European Council. Many Member States, with the V4 at the forefront, suggest as an alternative to strengthening democracy on the EU level a concept of "intergovernmental democracy," which they argue would guarantee the states greater control over the integration process. Under the current treaty, given the differences regarding the duration of the term of office of the head of the European Council and Commission, lack of support for the *Spitzenkandidaten* procedure in EU treaties, and the existing option allowing the European Council to postpone the decision to reduce the number of commissioners, as well as the lack of common political vision on the development of the EU institutional system, it is difficult to expect deeper reforms in the coming term.

In April this year, European Citizens' Consultations on the future of the EU, initiated by the French president, will start. All Member States remaining after the UK leaves will be involved. A report based on the consultations will be presented to the European Council at its December summit. This experiment could bring a new quality to the discussion about the EU system. If it results in proposals that are widely accepted by the citizens of the Member States, it will be difficult for the leaders to ignore them. In this perspective, it creates an opportunity for deeper reforms of the EU institutional system.