

# Factsheet: The story of the "Spitzenkandidaten"

June 2014



*How the legal pre-conditions for the Spitzenkandidaten-process came into the Treaty and into political reality*

The idea of 'Spitzenkandidaten' or lead candidates was born of the Constitutional Convention and bears the signature of the European People's Party (EPP).

## 2002 - Treaties of Amsterdam and Nice

In 2002, the Treaties foresaw that Heads of State and Government nominate a candidate for Commission President, who is then approved by the European Parliament.

### Article 214(2) [Treaty establishing the European Community \(Amsterdam version\)](#)

2. The governments of the **Member States shall nominate by common accord** the person they intend to appoint as President of the Commission; the nomination shall be **approved by the European Parliament**.

Note: Article 214(2) Treaty establishing the European Community (Nice version) entered into force only on 1 February 2003

2. The Council, meeting in the composition of Heads of State or Government and acting by a qualified majority, shall nominate the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament.

This situation was altered by the Lisbon Treaty, which was prepared by the Constitutional Convention.

## The Constitutional Convention

### EPP Estoril Congress

At an EPP meeting in Estoril, which preceded the Constitutional Convention, EPP leaders produced a 'Constitution for a strong Europe', containing an article seeking to introduce greater democratic legitimacy into the European elections.

### Point 47 of [EPP Congress document 'A Constitution for a Strong Europe' \(October 2002\)](#)

47. A candidate for the President of the European Commission should be **proposed** to the European Parliament **by the European Council in light of the outcome of European elections**, and **by qualified majority vote**.

The **European Parliament should give or withhold its approval by majority vote**. This would give European political parties the opportunity to present their own candidates in the framework of the campaign for European elections. It would ensure a more personalised election campaign and increase democratic control and support of the European Commission.

10 EPP Prime Ministers attended the EPP congress in Estoril, seven from the EU, two from then applicant countries and the Prime Minister of Norway.

From the EU: José María Aznar (Spain), Jan Peter Balkenende (Netherlands), Silvio Berlusconi (Italy), José Manuel Durão Barroso (Portugal), Jean-Claude Juncker (Luxembourg), Jean-Pierre Raffarin (France) and Wolfgang Schüssel (Austria).

From the then applicant countries: Mikulas Dzurinda (Slovakia) and Edward Fenech Adami (Malta), and Kjell Magne Bondevik (Norway).

Also present were Enda Kenny (Ireland), at the time one of the EPP Vice-Presidents and Viktor Orbán (Hungary), at the time candidate for EPP Vice-President.

## Draft texts

The EPP fraction (Chairman Elmar Brok) in the Constitutional Convention drafted the following article:

### Art. 78(3) [EPP-Draft Constitution \(Frascati-Constitution\) \(December 2002\)](#)

*(3) A candidate for the President of the Commission shall be proposed to the European Parliament by the Council, acting by **qualified majority, in the light of the results of the European Parliament elections**. To become President of the Commission, the proposed candidate requires the approval of an absolute majority of the members of the European Parliament.*

The Convention Praesidium, in their [draft](#) of April 2003, presented the article as follows:

### Article 18a : [Note of the Convention Praesidium, April 2003](#)

*1. **Taking into account the elections to the European Parliament**, the European Council, deciding by **qualified majority**, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be **elected by the European Parliament** by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.*

The EPP proposed to amend the article as follows:

### Proposed [Amendment Brok/EPP](#) to Article 18a of the draft Constitutional Treaty:

*1. Taking into account **the result** of the elections to the European Parliament, the European Council, deciding by qualified majority, shall put forward to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the newly elected European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month put forward a new candidate, following the same procedure as before.*

*2. Each Member State shall submit a list of three persons, of which at least one must be a woman, whom it considers qualified to be a European Commissioner. The President-elect, taking account of European political and geographical balance, **including the candidate for the office of the Foreign Minister**, shall, from among the names submitted, select as the other members of the Commission up to thirteen persons chosen for their competence, European commitment, and guaranteed independence. The President and the persons so nominated for membership of the Commission shall be submitted as a body to a vote of*

approval by the European Parliament **after having been heard individually by the European Parliament.**

**3. The President and the other members of the Commission are elected for a period of five years.**

3.4. The Commission, as a body, shall be responsible to the European Parliament. Under the procedures set out at Art. X of the Constitution, it may pass a censure motion on the Commission. If such a motion is passed, the members of the Commission must all resign. They shall continue to handle everyday business until their successors are nominated.

4.5. The Commission shall work to guidelines laid down by its President. He shall decide its internal organisation, ensuring that it acts consistently, efficiently and on a collegiate basis. He shall appoint vice-presidents from among the members of the Commission.

**Explanation (if any):**

**It is necessary that the President of the Commission will be elected on the background of the results of the elections to the European Parliament. It is also important that he will be elected for 5 years and that this will be done by the European Parliament at its first session after the elections.** Otherwise **there is no clear link to the results** of the elections and to any provision in terms of timing. The role of the Commission President in proposing the Members of the Commission should be strengthened. It is therefore questionable if a list a three persons per Member State would not significantly reduce his "marge de manoeuvre". The selection process for the Minister for Foreign Affairs should reflect his "double-hatted" legitimacy. Therefore the process should be identical – to the extent possible – to the one for the other Commissioners.

The final text of the article agreed by the Convention was the following:

**Article 26: [Draft Treaty establishing a Constitution for Europe](#) (as adopted by the Convention)**

1. Taking into account the elections to the European Parliament and after appropriate consultations, the European Council, deciding by qualified majority, shall put to the European Parliament its proposed candidate for the Presidency of the Commission. This candidate shall be elected by the European Parliament by a majority of its members. If this candidate does not receive the required majority support, the European Council shall within one month propose a new candidate to the European Parliament, following the same procedure.

The final text of the article agreed by the Intergovernmental Conference was the following:

**Article I-27 of the [Treaty establishing a Constitution for Europe](#) (as adopted by the Intergovernmental Conference in 2004 and ratified in 18 EU Member States):**

*The President of the European Commission*

1. Taking into account the elections to the European Parliament and after having held 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 or she does not obtain the required majority, the European Council, acting by qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.*

## The Lisbon Treaty

The Lisbon Treaty took over the article drafted by the Constitutional Convention.

**Lisbon Treaty, Article 17(7) Treaty on European Union (in force today after ratification by all 28 EU Member States)**

**7. 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.**

In addition, Declaration No. 11 attached to the Lisbon Treaty further specified that the selection of the President of the Commission will be preceded by consultations between the Parliament and the Council.

**Declaration No. 11 on Article 17(6) and (7) of the Treaty on European Union**

*The Conference considers that, in accordance with the provisions of 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. Prior to the decision of the European Council, representatives of the European Parliament and of the European Council will thus conduct the necessary consultations in the framework deemed the most appropriate. These consultations will focus on the backgrounds of the candidates for President of the Commission, taking account of the elections to the European Parliament, in accordance with the first subparagraph of Article 17(7). The arrangements for such consultations may be determined, in due course, by common accord between the European Parliament and the European Council.*

The Lisbon Treaty thus introduced several new elements as compared to the Amsterdam and Nice Treaties: taking into account the European elections; qualified majority voting in the Council; and election by the European Parliament.

## Putting the Treaty into action

### Barroso's State of the Union Speech

In 2012, European Commission President José Manuel Barroso (EPP) called on European political parties to nominate lead candidates for President of the European Commission, in line with the Treaty changes that were now applicable.

**President Barroso, 'State of the Union 2012' address September 2012**

*"[A]n important means to deepen the pan-European political debate would be the presentation by European political parties of their candidate for the post of Commission President at the European Parliament elections already in 2014 [...] This would be a decisive step to make the possibility of a European choice offered by these elections even clearer."*

## EPP Congress 18 October 2012 in Bucharest

**Draft Resolution Nr. 5 tabled by the EUCDW to the EPP Congress, Bucharest (Romania), 16th-18th October 2012 On the nomination of a common EPP candidate for the presidency of the European Commission**

*In preparation of the European elections in 2014, the new EPP presidency should start an internal nomination process of a common candidate for the presidency of the next European Commission, as allowed for by the Treaties, to be presented to the electorate as an EPP frontrunner during the election campaign.*

**Resolution adopted at the EPP Congress in Bucharest, 17th to the 18th October 2012 On the nomination of a common EPP candidate for the presidency of the European Commission (in the presence of all EPP- head of governments)**

*In preparation of the European elections in 2014, the new EPP presidency should agree on a procedure and start an internal nomination process of a common candidate for the president of the next European Commission, as allowed for by the Treaties, to be presented to the electorate as an EPP frontrunner during the election campaign.*

## European Parliament Resolution

Later in 2012, the European Parliament echoed this call in a Resolution.

**European Parliament [Resolution of 22 November 2012](#) on Elections to the European Parliament in 2014:**

*"[The European Parliament] urges the European political parties to nominate candidates for the Presidency of the Commission and expects those candidates to play a leading role in the parliamentary electoral campaign in particular by personally presenting their programme in all Member States of the Union; stresses the importance of reinforcing the political legitimacy of both Parliament and the Commission by connecting their respective elections more directly to the choice of the voters."*

## European Commission Recommendation

In 2013, the European Commission published a Recommendation, penned by European Commission Vice-President Viviane Reding (EPP), calling for lead candidates for President of the Commission in the 2014 European elections.

**[Commission Recommendation](#) of 12 March 2013 on enhancing the democratic and efficient conduct of the elections to the European Parliament**

*Support for a candidate for President of the European Commission*

*3. European and national political parties should make known, ahead of the elections to the European Parliament, the candidate for the function of the President of the European Commission they support and the candidate's programme. National political parties should ensure that their political broadcasts in view of the European Parliament elections are also used to inform citizens about the candidate for the function of President of the European Commission they support and about the candidate's programme.*

The Commission Recommendation was accompanied by a Communication setting out the reasoning behind having lead candidates or 'Spitzenkandidaten'.

**Commission Communication of 12 March 2013: Preparing for the 2014 European elections: further enhancing their democratic and efficient conduct:**

*"In accordance with the Treaty, the outcome of the European elections should play a key role in determining which candidate becomes President of the Commission.*

*1 out of 2 EU citizens would feel more inclined to vote in the 2014 European elections if each of the major European political alliances put forward a candidate for the function of President of the European Commission, on the basis of a common programme.*

*If European political parties and national political parties make known their nominations for the function of President of the Commission and the candidate's programme in the context of the European elections, this will make concrete and visible the link between the individual vote of the EU citizens for a candidate for membership of the European Parliament and the candidate for President of the Commission supported by the party of the candidate MEP.*

*This would help EU citizens to better understand which candidate for President of the Commission their vote will ultimately support. It would increase the legitimacy of the President of the Commission and more generally, the democratic legitimacy of the whole EU decision-making process. It could also contribute to raising the turnout for European elections by strengthening the link between the election of the representatives of the citizens with the selection and election process of the head of the European executive. In the United States of America, when elections to Congress take place in the same year as the Presidential election, more people turn out to vote than in mid-term years, when only about 40 % of voters go to the polls."*

**In early March 2014 the EPP has nominated Jean-Claude Juncker as the frontrunner / Spitzenkandidat. Present at the congress in Dublin were: Angela MERKEL (Germany), Mariano RAJOY (Spain), Traian BĂSESCU (Romania), Viktor ORBÁN (Hungary), Donald TUSK (Poland), Fredrik REINFELDT (Sweden), Laimdota STRAUJUMA (Latvia), Antonis SAMARAS (Greece), Jyrki KATAINEN (Finland), Pedro PASSOS COELHO (Portugal), Nicos ANASTASIADIS (Cyprus)**

**The Socialists nominated their frontrunner in Rome in November 2013 (so did the Greens and Liberals).**

**Hence, all party families from different countries have decided on their frontrunner!**