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# The democratic legitimacy of the European Parliament

## Citizens' representation within an ever closer Union

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*To my parents,*
*who raised me as a citizen of the world.*

*To Jim,*
*who shares with me such citizenship.*

# Abstract

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The democratic deficit affecting the European Union has become a more and more urgent issue to tackle in order to foresee the future of such unique form of integration. Current economic, political and social crisis have left room to populism and citizens' mistrust towards community institutions, and above all towards the only directed elected representative chamber, namely the European Parliament. Its democratic legitimacy is at stake; among the possible antidotes: the redefinition of European project's aims, a harmonised electoral system, the strengthening of supranational political parties and the further integration of Member States' peoples. Citizens should be able to feel represented also at community level, in order to face together all the challenges posed by an increasing globalisation: only with a fairer and more popular Parliament, the European Union will continue its democratisation process and refill the emotional gap that is seprating it from its citizens.

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# Introduction

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"Democracy. [...] We make a colossal mistake taking it for granted.
We see democracy not as the most fragile of flowers that it really is, but we
see it as part of our society's furniture.
We tend to think of it as an intransigent given".

Yanis Varoufakis

The project of a European integration started as a trade agreement after the tragedies perpetrated during the first half of 20th century, and its first aim was in fact to bring the peace throughout the continent. The slow but unstoppable evolution towards a political dimension brought the community of States to declare democracy as an essential basic element of the project and, as a consequence, to improve the internal structure and the relationship among institutions in order to entitle with people's legitimation what is today known as European Union.

Little by little, and according to the methods undertaken by the founding fathers for avoiding any obstacle in view of an broader and broader unification, democracy has eventually ended up being taken for granted; the first alarms concerning the so-called democratic deficit started to rise around the seventies, a period of enlargement for the Union and a key moment concerning the future shape to which the project should have been addressed. However, since the very beginning and first negotiations, different visions about the integration among European States were opposing, so that any final and stable plan could had been agreed.

The main loophole was then the strengthening and higher democratisation of the Parliament, i.e. the institution that should have represented Union's citizens and their

interests: in fact, the increasing competences and the raise of legislative acts to be adopted at community level were impossible to be managed exclusively by non-elected officers nominated by national governments. In 1979, the first direct election of the European Parliament by universal suffrage marked a turning point for the evolution of the Union, in more than one direction.

On one hand, it represented the beginning of an enduring enhancement of the structure and above all the powers of the Parliament compared with the other main European institutions, namely the Commission and the Council; on the other, it actually highlighted Parliament's lack of legitimacy, by revealing the inconsistence of its link with the citizens and its incapability of achieving a true European mandate. Moreover, the subsequent attempts to reach a degree of integration that some members were still not able to accept (for instance, the failure of the 2004 Constitutional Treaty) hindered the infallibility of the project and raised once more its unpopularity.

As of today, public opinion concerning the image and the authority of the European Union is passing through very hard times: citizens are not interested in its functioning; they do not recognise the importance that such project owned and still owns for the future of the continent. They also perceive it as a truly undemocratic decision-making entity, and the main proof of their disenchantment is the recent result of United Kingdom's referendum concerning the Union's membership, held on 23 June 2016: the first, historical decision taken by the majority of a Member State's citizens to abandon the European project embodies the current high political crisis that should initiate –well, actually, deepen– a fundamental and too often discarded debate: which future dimension should the European Union acquire? How to make it more democratic and attractive for its citizens?

The present thesis supposes that the key element in this sense is precisely the representative body of the Union, the main exemplification of its democratic meaning, the chamber that should oppose to mere national interests and support only shared ones: the European Parliament. But in order to achieve such goal, the assembly should rather be capable of self-criticism: apart from being the principal element of hope for the future, it is also one of the main causes of the existent emotional gap between the Union

and the population. So, according to this thesis, it is firstly necessary to acknowledge Parliament's reasons for lacking of democratic legitimacy and then try to draw a feasible path in order to make out of it an effective supranational assembly; then, to reconcile it with the citizens it should represent and to increase the public interest towards community policies; finally, to shape the role it should embody in the future European Union.

Considering the current delicate historic-political situation, which have given birth to a new rising of populism, to a feeling of mistrust among people and towards democracy itself; and taking into account the complicated challenges to which the Union will be soon asked to provide a cohesive, constructive and farsighted solution, the relevance of the present thesis is tangible. In order to build a new prospective, it is necessary to restart from the original project: as theorised by Luigi Einaudi, the best way to avoid the return of a war and the lack of mutual confidence is by going beyond the very synonym of it: the maintaining of a system based on pure and selfish national sovereignty will not allow Europe to shape a bright future for its citizens. Likewise, pretending that democracy in the European Union is perfectly healthy will only push away people's interest in actively participating to its reform.

# 1. The evolution of the European project

## 1.1. Towards a political aim

The ambitious project of the European Union (hereinafter *EU* or *Union*) began after the end of World War II in order to avoid future conflicts among the states of the continent. It actually began as a trade agreement on the unification of the steel and coal production, through the creation of the European Coal and Steel Community (hereinafter *ECSC*) proposed by means of the Schuman Declaration, which was proclaimed by the French Minister of Foreign Affairs Robert Schuman on 9 May 1950. As it stated, "Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a *de facto* solidarity. The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany"[1].

**First challenges**

At such stage, the partnership among European countries was considered possible only with mere economic and trade purposes. The ambition of a broader cooperation already existed in the minds of ECSC's founding fathers, among who the political and economic adviser to Robert Schuman, Jean Monnet. Apart from having brought the inspiration for the Schuman Declaration and also being remembered as "the unifying force behind the birth of the European Union"[2], Jean Monnet was able to face the initial tensions concerning the extension of the integration, as well as the eventual objectives to reach. In fact, no common view on the institutional future of Europe prevailed: this

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[1] European Union, The Schuman Declaration - 9 May 1950, 1 December 2015 (last update), available at europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm (consulted on 25 May 2016).
[2] European Union, The Founding Fathers of the EU, 19 October 2015, available at europa.eu/about-eu/eu-history/founding-fathers/index_en.htm (consulted on 25 May 2016).

had been already clarified during the very first step towards the cooperation of European States, i.e. the 1948 The Hague Congress[3]; the bulky presence of Germany represented a tangible obstacle in that direction. These were the reasons why Jean Monnet advised Robert Schuman on the creation of a strategic deal for all the countries: in order to avoid the stoppage of the project at the very beginning, Europe should have had to focus on economic finalities first, and then progressively tackle the political integration. Inspired by the functionalist approach of *spillover* –i.e. "the process by which sectoral co-operation schemes create the need for further integration in neighbouring areas"[4]–, the *Jean Monnet method* has shaped all the subsequent and successful achievements granting the birth of the current European Union.

As a matter of facts, the European project first obstacles were due to the momentary abandonment of the path designed by such method[5]: they consisted in the failure of both the European Defence Community (hereinafter *EDC*) and of the European Political Community in 1954. Due to the international atmosphere caused by the Cold War, the creation of a sort of European army was relevant for ECSC members. After the draft of the 1951 *Interim Report on the preparation of an EDC Treaty*, a key figure for the European political unity realised that a similar integrated army, ideated by democratic countries, had to be controlled by democratic integrated institutions[6]: Altiero Spinelli, who at the time was the adviser to the Italian Prime Minister Alcide de Gasperi, convinced the President of Community's Common Assembly (the forerunner of the current European Parliament) Paul-Henry Spaak to draft a treaty for a European Political Community that would have defended fundamental human rights and guaranteed Member States' safety against external aggression through the coordination of their foreign policies[7] and the establishment of five communitarian institutions with an evident federalist inclination. Of course, such denotation provoked the beginning of endless diplomatic negotiations among the six ECSC members, which then were interrupted by the refusal of French National Assembly to ratify the EDC Treaty in

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[3] Levrat, 2012, pp. 41-44.
[4] Dehousse, 2000, chapter 1.
[5] Jacqué, 2015, p. 4.
[6] Pinder, 2009, p. 26.
[7] European Union, The History of the European Union, 19 October 2015 (last update), available at europa.eu/about-eu/eu-history/1945-1959/1953/index_en.htm (consulted on 27 May 2016).

1954[8], probably due to the concern about an armed West Germany; as a consequence, also the idea of a Political Community disappeared with it.

**An even closer union**

The return to the path of a solely economic integration appeared the only doable option and it was officialised by the institution of the European Economic Community (hereinafter *EEC*), founded by the six Member States of the ESCS: France, Italy, West Germany, Belgium, Netherlands and Luxembourg. The 1957 Treaty establishing the EEC clearly indicated that the tasks of the Community shall have been "to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increase in stability, an accelerated raising of the standard of living and closer relations between its Member States"[9].

The respect of the functionalist *spillover* approach and the progressive political achievements recognised by the following treaties, finally identified also some political aims. The 1984 *European Parliament's proposal for a Treaty on a federal European Union* was pioneer in unveiling a sort of constitutional essence for the regional integration: once more, the draft was ideated by Altiero Spinelli (in fact, it is also known as *Spinelli Plan*). Its preamble assessed the necessity of "continuing and reviving the democratic unification of Europe"; of conferring "on more efficient and more democratic institutions" the objectives of the European integration; of committing "to the principles of pluralist democracy, respect for human rights and the rule of law"; of strengthening and preserving peace "by *an ever closer union*"; of increasing "solidarity between the peoples of Europe, while respecting their historical identity, their dignity and their freedom within the framework of freely accepted common institutions"; and all this in order "to create the European Union"[10]. However, the EEC national

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[8] Centre Virtuel de la Connaissance sur l'Europe, The European Political Community, 11 September 2012, available at cvce.eu/obj/the_european_political_community-en-8b63810a-e5bd-4979-9d27-9a21c056fc8d.html (consulted on 27 May 2016).
[9] Treaty establishing the European Economic Community [non-consolidated version, 1957, hereinafter EEC Treaty], Art. 2.
[10] Draft Treaty establishing the European Union [1984], Preamble.

governments failed to endorse the draft notwithstanding its legendary adoption by the European Parliament with a majority of 237 votes against 31 (43 abstentions)[11], dampening again the idea of a broader regional integration.

The "visionary, but by no means utopian"[12] provisions included by the Spinelli Plan influenced the following treaties' revisions. The first concrete step forward was represented by the adoption of the *Single European Act* (hereinafter *SEA*) in 1986, i.e. the earliest revision of the Rome Treaties. The SEA set itself the task of creating a proper union of European States out of the relations they had already created; moreover, it introduced for the first time the idea of cooperation among EEC members on foreign affairs issues[13]. Notwithstanding this, the main evolution was actually carried out by the *Treaty on European Union* (hereinafter *TEU*), signed in Maastricht in 1992: while analysing analogous accomplishments, it is important to bear in mind that six more Member States had joined the EEC up to such year, among which the United Kingdom.

The TEU marked the beginning of an even more inclusive cooperation, by revising previous treaties and creating a truly named *union* based on three pillars, i.e. the European Communities, the Common Foreign and Security Policy and cooperation in the field of justice and home affairs[14]: its own Article 1 assessed that "a new stage in the process of creating an ever closer union among the peoples of Europe" had begun. That is the very first reconnaissance of a European political project[15].


**European values**

Shortly before the entry into force of the TEU, the European Council meeting in Copenhagen in June 1993 drafted a list of economic, institutional and above all political conditions at the core of EU membership to be respected by any country willing to

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[11] Jacqué, 1985, p. 17.
[12] Bieber, 2009, p. 22.
[13] Jacqué, 2015, p. 52.
[14] European Parliament, The Maastricht and Amsterdam Treaties, October 2015, available at europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_1.1.3.html (consulted on 30 March 2016).
[15] Jacqué, 2015, p. 52.

accede. The *Copenhagen criteria* clearly established the existence of a broader aspiration, as it also transpired from the conclusions of the European Council at the end of the Danish meeting: "membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, […] the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union"[16].

The Treaty of Lisbon, signed in 2007, went even further by amending the TEU and establishing that the EU "is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights"[17], namely writing down the political component of Copenhagen criteria. Such assertion by means of hard law has actually determined a turning point for the structuring of a political aim since it recognised a sort of common vision of the Member States, finally granting in this way to the EU project a *constitutional value*[18].

## 1.2. The principle of democracy

Considering the constant evolution of its integration, which has reached –difficultly but progressively– also a political dimension, one's could wonder what exactly the European Union is. As declared by former President of the European Commission Jacques Delors, "we must face the fact that […] Europe will constitute […] a sort of *unidentified political object* […] unless we weld it into an entity enabling each of our countries to benefit from the European dimension and to prosper internally as well as hold its own externally"[19]. The EU is not an usual international organisation, since it holds significant legislative, executive and judicial powers; and not even a federal State, since the Member States keep the sovereignty while signing the Union treaties and in many policy areas, the enforcement of EU law counts on their spontaneous compliance

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[16] Presidency Conclusions of the Copenhagen European Council, 7.A.iii.
[17] Treaty on European Union [consolidated version, 2008, hereinafter *TEU*], Art. 2.
[18] Jacqué, 2015, p. 53.
[19] Delors, Jacques, 9 September 1985, Luxembourg.

and the budget is still very limited[20] (about 1% of the gross domestic product of EU economies, while an average national budget is almost 50%[21]). So, why should the European Union be democratic and try its best to enjoy of a growing democratic legitimacy?

## Approaches to Union's nature

It is precisely its hybrid nature –as well as its constant evolution– that demonstrates EU's ambition to become more than a classic international organisation. The indecision about the final aim of the European integration had already been evident when almost eight hundred European intellectuals, politicians and industrialists met at The Hague (7-10 May 1948) on the initiative of the International Committee of the Movements for European Unity, which was created one year before by several Pan-European fronts and militants. There, two opposite visions began to surface. On one side, the *intergovernmental* approach, supporting classic economic cooperation among the governments of Member States: according to this view, only national institutions need to be democratic and entitled of democratic legitimacy; as for European institutions, they are only dependent agents of national governments. On the other side, the *federalist* approach, which contrarily stand for a sort of *United States of Europe* equipped with their own democratic institutions pursuing specific policy preferences and interests, and provided with own powers and resources[22]. Such conception is rooted in the history of political thought since the 18th century, but the idea of a united Europe based on the antifascist value of democracy and on the aspiration for a democratic approach beyond the idea of nation-states made it grown even more after the drafting of the 1941 *Ventotene Manifesto*[23].

The two approaches also entail different models of democracy: the former connotes the association of national democracies cooperating in order to maintain a peaceful

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[20] Hix & Høyland, 2011, p. 12.
[21] European Commission, Budget - Myths and Facts, 29 February 2016 (last update), available at ec.europa.eu/budget/explained/myths/myths_en.cfm (consulted on 30 May 2016).
[22] Hix & Høyland, 2011, pp. 16-17.
[23] In full: Towards a Free and United Europe. A draft manifesto. Telò, 2011, p. 8.

coexistence through the action of national institutions; it involves –as denominated by Mario Telò– an *international* model of democracy. Conversely, the latter theorises that the regional institutions themselves shall preserve peaceful relationships among Member States, namely involving a *supranational* model of democracy[24].

The functionalist method to the European integration combined with the strong influence of the federalist approach have gradually granted the basis for the European constitutionalism[25], which entitled the EU with a different status compared to classic international organisations. Then, the Treaties themselves recognised the peculiar structure of the EU and its democratic essence in the form of *representative democracy*. For instance, the Single European Act premised that "the European idea, the results achieved in the field of economic integration and political co-operation, and the need for new developments correspond to the wishes of the democratic peoples of Europe, for whom the European Parliament, elected by universal suffrage, is an indispensable means of expression"[26]; something that was clarified even more after the adoption of the Lisbon Treaty, which established that "the functioning of the Union shall be founded on representative democracy" and that "citizens are directly represented at Union level in the European Parliament"[27]. Hence, the EU has kind of progressively evolved into a stand-alone political system.


## 1.3. Democratisation


At this point, a political supranational subject whose decisions and choices were going to directly affect several European public domains could not have had the same structure and democratic legitimacy of a mere regulatory body[28]; step by step, the attempts to confer it an ever greater degree of democracy permitted to reach several important evolutions in this sense.

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[24] Quoted in Levrat, 2012, p. 47.
[25] Telò, 2011, p. 8.
[26] Single European Act [amending Treaty Establishing the European Economic Community, 1987, hereinafter *SEA*], Preamble.
[27] TEU, Artt. 10(1), 10(2).
[28] Levrat, 2012, p. 61.

**Direct elections**

The first cornerstone were the elections of the European Parliament (hereinafter *EP* or *Parliament*): the Presidents and Prime Ministers of the EEC Member States met in 1976 in order to modify the founding treaties and grant the election by direct universal suffrage of the Members of the European Parliament (hereinafter *MEPs*). This meant a revolutionary progress for the European integration, which from 1979 (year of the first EP election) was finally entitled with bottom-up legitimacy; moreover, the elections started to mark EU political life by providing it with a succession of cycles similarly to a classic parliamentary system[29].

**Citizenship**

Another step forward for the democratisation of the Union was the creation of the *European citizenship* within the Maastricht Treaty[30]: this finally destroyed the idea of the EU as a mere economic cooperation. In fact, the conferral of a citizenship implicitly included the existence of civil and above all political rights and duties, which thus recognised the existence of a European political community. Nevertheless, it is important to bear in mind that such citizenship only "complement and not replace national citizenship"[31].

**European Ombudsman**

The simultaneous establishment of the European Ombudsman presented the possibility for EU citizens "to address […] a petition to the European Parliament on a matter which comes within the Community's fields of activity and which affects him, her or it directly"[32]. The Ombudsman is elected by the EP and is in charge of investigating the

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[29] *Ibid.*, p. 11.
[30] Treaty on European Union [Maastricht text, 1992, hereinafter Maastricht TEU], Title II, Art. 8(1).
[31] Treaty of Amsterdam [amending the Treaty on European Union, the Treaties establishing the European Communities and Certain Related Acts, 1997], Art. 2(9).
[32] Maastricht TEU, Art. 138d.

European institutions in case of maladministration, as for instance discrimination or abuse of power. Its independence, both from institutions and from national governments, is fundamental in order for the Ombudsman to perform its duties and assure the solution of the incorrect procedure at issue. It meant probably the first intent to provide the institutions with a greater degree of transparency.

**Institutional accountability**

An additional step forward was the set-up of the accountability of the non-elected European Commission (hereinafter *EC* or *Commission*) before the Parliament. Originally, EEC Treaty's Article 201 only included the possibility of a motion of censure that the two-thirds majority of the latter could apply on the activities of the former; however, the president and members of the EC were still nominated by Member States. The evolution of Commission's accountability went on thanks to the agreement reached with the *Solemn Declaration on the European Union* in 1983, establishing the necessity of consulting the EP before the nomination of EC president. After the selection of the commissioners, the body had to be *confirmed* by the EP: all this did not surely have a juridical value, but the political meaning was very significant[33]. Afterwards, the Treaty of Amsterdam established that its vote was compulsory in order for the EC members to be *approved*. In other words, the Parliament was entitled with a *de facto* right to veto the choice of the European Council[34]. The Lisbon Treaty finally affirmed the key role of the EP in this sense: as of today, European Council's proposal for the election of the EC president has to take into account the results of the parliamentary elections, since he/she has to be *elected* by the EP. Again, there is no juridical substantial difference between *approval* and *election*, but the use of such term implies that the president of a powerful non-elected body derives its legitimacy from the assembly of citizens' representatives[35]. The current EC President, Jean-Claude Juncker,

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[33] Jacqué, 2015, p. 379.
[34] Hix & Noury & Roland, 2007, p. 15.
[35] *Ibid.*, p. 380.

was the first in the history of the European Union to be democratically elected by the Parliament in 2014, with 422 votes to 250 (47 abstained)[36].

If one considers Montesquieu's tripartite system of separation of powers as fundamental in order to avoid the concentration of competences, one may note that the EU was not and still is not equipped with such structure. The legislative power is hold both by the Council of the European Union (hereinafter *Council*) and the Parliament; the legislative initiative is then controlled by the Commission. As for the executive power, it is actually shared by various bodies among which there are the Member States; the only totally determined power is the judicial one, which is only held by the European Court of Justice[37]. Notwithstanding this, the Union presents some *checks and balances* –which have evolved during the history of its integration– in order to defend its internal democracy. As mentioned previously, the Commission is accountable before the EP, which holds such power due to its supposed high democratic legitimacy derived from its direct election. Then, the European Council and the Council are both composed of politicians in leading positions from all Member States, so they are accountable "either to their national Parliaments, or to their citizens"[38].

**European Citizens' Initiative**

Finally, it is worth mentioning the introduction an important instrument of direct democracy: the *European Citizens' Initiative* (hereinafter *ECI*). It was during the 2002-2003 Convention on the Future of Europe –aimed at structuring the draft of a constitution, fixing a preferable division of bodies' competences and increasing democracy and transparency[39]– that the implementation of a citizens' initiative was firstly considered. Afterwards, the ECI was included within the 2004 Constitutional Treaty, which eventually was not ratified; it finally lightly entered into force with the

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[36] European Parliament News, 15 July 2014.
[37] Jacqué, 2015, pp. 236-237.
[38] TEU, Art. 10(2).
[39] European Parliament, The Treaty of Nice and the Convention on the Future of Europe, October 2015, available at europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_1.1.4.html (consulted on 30 March 2016).

Treaty of Lisbon, although the Parliament and the Council needed also to draft *Regulation 211/2011 of 16 February 2011 on the citizens' initiative* due to its generic structuring in the Treaty. Such instrument allowed then to "take the initiative of inviting the European Commission […] to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties"[40]; in order to be valid, the initiative shall be endorsed by at least one million EU citizens from at least seven out of twenty-eight Member States, respecting a minimum amount of backings in each one of them.

## 1.4. Democratic deficit

Notwithstanding the long path towards a more democratic integration and to equip the Union with legitimated institutions and procedures, several critics have been moved against the European project once it drew away from the initial conception of mere economic cooperation; and they precisely focus on its insufficient degree of democratisation. The progressive delegation of power from national to community level has become excessive and inadequate if compared to the structure of the EU and its checks and balances; this gradually turned domestic public opinion away from what is known as Brussels' *technocracy*[41], i.e. the stand-by of democracy in the Greek sense deriving from the words *démos* (people) and *cràtos* (power), in favour of far and unrecognised governance. Then, the broadening of integration with an unknown future and no precise limitations contributed to worsen Union's reputation: as Antonio Gramsci wrote, "the crisis consists precisely in the fact that the old is dying and the new cannot be born; in this interregnum a great variety of morbid symptoms appear"[42].

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[40] TEU, Art. 11(4).
[41] See The Guardian, 'Europe: the rise of the technocracy', 13 November 2011.
[42] Quoted in Horvat, 8 February 2016.

**Different visions**

Ironically, the well-known and still open debate on EU *democratic deficit* was nominated and discussed for the first time in the 1977 Manifesto adopted by the Young European Federalists[43]; its first chapter stated that citizens were starting to feel a sense of alienation towards the European political and economic system and as a consequence they wanted to fight "against arbitrary decisions taken without regard to their needs and without them having participated in the making of a decision that affects their own lives"[44]. Afterwards, David Marquand used once again the term *democratic deficit* in order to describe the low degree of democratic legitimation enjoyed by the EEC institutions: he also suggested, in his 1979 work entitled *Parliament for Europe*[45], the absolute necessity of a direct election of MEPs. Actually, it was right after the first EP election that the *democratic deficit* debate started to rise, which was clearly not only a coincidence.

Such expression has then been used in several occasions and has been given multiple connotations. The so-called *standard version* elaborated by Joseph Weiler in 1995 appears to be close to the federal conception of democracy and claims that the main problem for EU legitimacy has been the shift of political control from national parliaments in favour of a central executive system formed by the Council and the Commission holding an indirect democratic legitimacy, since their decisions are taken beyond any straightforward control or scrutiny of domestic assemblies[46]. In this perspective, a possible solution to the democratic deficit would be to increase and strengthen the competences and roles of the EP within the decision-making process. Then, the connotation elaborated by Giandomenico Majone associates the democratic deficit with the lack of *ex-post* transparent public revision and debate about the work of the institutions. In his vision, the key role concerning the defence of community interests is played by the Commission and not by the EP. Another view –maybe closer to the intergovernmental model of democracy– is the one developed by several

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[43] Matjašič, Peter, 17 October 2010.
[44] Federal Union, *n.d.*.
[45] Quoted in Milev, 2004, p. 10.
[46] Quoted in Føllesdal & Hix, 2006, pp. 534-535.

academics like Fritz Scharpf and Wolfgang Streeck, who find that the Union is composed of too many veto-players at central level that just allow the evolution of a *negative integration* by concentrating, for instance, on trade barriers, while the *positive integration* of homogeneous social regulations has been totally side-lined[47]. In this case, the solution would be a limitation of European institutions' competences in favour of more powerful national governments. Finally, there is also who utterly denies the existence of a democratic deficit, i.g. Andrew Moravcsik, who believes that the evolution of the EU –described as the "functioning of national democracies adjusted for its multi-level context"[48]– has been completely safe and sound until now, since Member States themselves decided whether or not to converge on issues. Institutional democratic legitimacy is then directly assured via the EP, which has gained a relevant role during the last decades and has become a true and fair representative of people's will; and also indirectly via the elected national agents who compose the other institutions[49].

Notwithstanding those mentioned various, Simon Hix and Bjørn Høyland underline how the claim of a democratic Union based exclusively on national parliaments' accountability and institutional checks and balances is not enough in order to close the debate[50]. They argue that, without a true political competition at supranational level, it is impossible to assess *a priori* whether citizens agree on the chosen policies. All national agents who are believed to embody EU's democratic legitimacy do not actually have a *European* mandate, so they become depoliticised[51] when acting at such dimension. Hence, the main motivation for the lack of democracy is that the connection of the hybrid political object with its own population who –according to Thomas Hobbes' theory of social contract– confers on it legitimation, authority and political power in return for representation, is still missing. In other words, effectiveness does not imply democracy and cannot substitute representativeness; the EU is distant, still

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[47] Milev, 2004, pp. 16-17.
[48] Moravcsik, 2002, p. 621.
[49] *Ibid.*, p. 611.
[50] Hix & Høyland, 2011, p. 135.
[51] Curtin, 2008, p. 165.

not so transparent and incomprehensible by its own citizens, who cannot easily identify precise preferences[52].


**Public opinion**

The existence of this democratic deficit is highlighted by the surveys that, every year since 1973, are conducted by the EU itself in order to capture public opinion's ups and downs. The so-called *Eurobarometer surveys*[53], instructed by the European Commission every six months and run by private polling agencies in all Member States, provide a relevant amount of information about citizens' feeling regarding European integration within several different areas. One of the most significant questions included by the Eurobarometer surveys is about the consideration of EU membership: during the eighties, the support was in general considerably high, while the first signal of mistrust arrived with the referendum for the ratification of the Maastricht Treaty, especially from France. This performance is explained by Hix and Høyland as the direct consequence of Cold War ending, but above all by the fact that for the first time citizens realised that the Union was clearly going beyond the economic cooperation, so they started to wonder whether they agreed with the decisions taken by their own governments in Brussels. Such Eurosceptic feeling increased during the nineties and above all after the failure of the Constitutional Treaty. This marked the definitive termination of the *permissive consensus*, as conceived by Hix and Høyland, enjoyed by the European integration during the first decades. Then, after the signature of the Lisbon Treaty, the Eurobarometer showed that the negative feelings about the membership reached the highest level in all EU history, i.e. 43% of those interviewed.

Similar ups and downs were confirmed by the answers to another question of the Eurobarometer survey, namely the degree of satisfaction with EU's democracy. During the nineties, it reached its lowest points: in March 1993, citizens' dissatisfaction amounted to 52% of respondents (38%: "Not very satisfied"; 14%: "Not at all

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[52] Hix & Høyland, 2011, p. 132.
[53] For all data mentioned on *Eurobarometers surveys*: European Commission, Eurobarometer Interactive, available at ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Chart/index (consulted on 3 June 2016).

satisfied"); the data became even worse in October 1997, when the satisfied persons constituted only the 35% of those interviewed (32%: "Fairly satisfied"; 3%: "Very satisfied") and almost the 20% did not know what to answer. The situation improved in May 2005 and October 2009 surveys: both reflected the advance of positive considerations about EU democracy, which reached 52% and 54% respectively, although the percentage of who did not respond remained quite high. Then, the dissatisfaction started to grow again: in November 2011, it amounted to 47% (33%: "Not very satisfied"; 14%: "Not at all satisfied"), while in May 2014 it latched the exact same percentage of the positive considerations, i.e. 46% (42%: "Fairly satisfied"; 4%: "Very satisfied"; 32%: "Not very satisfied"; 14%: "Not at all satisfied"). Obviously, when speaking about democratic legitimacy of an institution, one should consider that it derives from *support* of citizens; as correctly observed by Jean Blondel and his colleagues[54], the main characteristic of support are that it varies over time and that it is not unbounded. Anyway, the above mentioned data are not satisfying if compared to the evolution of the Union, which was thought to increase its democratic legitimacy or at least the affective support of citizens; the results are even more disappointing due to a recurring rise of negative opinions every time the Treaties reached bolder improvements. When analysing such data, it is interesting to notice that at national level the support to the Union basically depends on the quality of national institutions: as long as citizens trust in their national government and democracy they also tend to be more pro-EU[55]. Interestingly, according to a study by the sociologist Ignacio Sánchez-Cuenca, the support at individual level goes all the other way: the worse the image of national institutions, the more citizens tend to trust in EU due to the decrease of "the opportunity cost of transferring sovereignty"[56].

Even though the last published Eurobarometer survey on public opinion (spring 2015) stated in its section concerning democracy at community level that the percentage of gratified respondents outweighed once again the amount of negative positions[57], the difficult challenges to be faced by the EU –among all, the dramatic refugee crisis begun

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[54] Blondel & Sinnot & Svensson, 1998, pp. 6-9.
[55] Hix & Høyland, 2011, p. 111.
[56] Quoted in Hobolt, 2012, p. 94.
[57] European Commission, 2015, p. 139.

in 2015– are seriously threating European democratic values. For instance, the recent electoral success of the openly xenophobic Austrian Freedom Party is worrying also considering that its rising in 2000 could not be handled by the EU, which failed to endure with the symbolic sanctions undertaken in respect of such Member State. It was not the first (nor the last[58]) time that the unwritten consensus on avoiding extreme right-wing parties from participate to governments was not respected, but in that occasion the EU manifestly showed its incapability of firm reactions when facing a similar event; such inconsistency seriously damaged the image of an Union based on democracy and on the respect of fundamental rights. Furthermore, the neo-Nazis reunions all across Europe, the rising of populist politicians claiming the will of abandoning liberal democracy in favour of the creation of *illiberal states*[59], the temporary suspension of Schengen and the building of fences and walls between states (and in some cases, even between Member States[60]) are all clear remarks that a truly democratic political system shall succeed also, and above all, at European level[61].

As the theorists of democratic government tend to accentuate, democracy has two sides: the procedural and the substantive one[62]. The former refers to the existence of a government elected by the people, the performance of free and fair elections by universal suffrage and the respect of fundamental human rights and freedoms. On the other hand, the substantive side of democracy cannot be fulfilled just by those factors: the government must be truly representative of people's interests and the citizens should participate actively to their country's political life; in other words, the state is not only set up as a democracy, but it also works as one. Procedurally, the EU holds all requirements for being considered a democratic system; however, the substantive conditions have not been achieved and one could affirm that the main reason, apart from the lack of European polity's definition, is the inexistence of a functioning and responsible parliamentary basis[63].

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[58] See Levrat, 2012, p. 36.
[59] See Mahony, 'Orban wants to build «illiberal state»', 28 July 2014.
[60] See Stella, 'Austria Builds Wall in Brenner Pass to Stop Migrants', 4 May 2016.
[61] Horvat, 8 February 2016.
[62] Hix, 2008, pp. 76-77.
[63] Andersen & Eliassen, 1996, p. 3.

## 1.5.  The faults of the European Parliament

The expression of citizens' will and its modalities are the essential and indispensable elements of modern democratic political systems. As mentioned previously, the European integration progressively approached the definition of political object and recognised to be based on representative democracy; therefore the establishment of EU legitimacy shall pass through a meticulous check-up of the European Parliament and its own legitimacy as well, even more since it has been frequently estimated as one of the greatest culpable concerning EU democratic deficit. The main reason is apparently its weakness, namely due to the not sufficient compensation of power while more and more competences were being transferred at community level[64]; at the same time, its failed connection with European citizens contributes to spread such reputation.

Obviously, it would be incorrect to describe the Parliament as the unique expression of democracy in the EU[65]: the members of the Council, for instance, form part of national governments, which are democratically elected. But again, as previously mentioned, they are isolated from national parliamentary supervision. Moreover, democratic legitimacy is the result of both representativeness and *effectiveness*, namely the capability of a political system to correctly channelling people's interests and offer adequate stability and welfare[66]; however, the lack of the former prevents legitimacy from strengthening and increases the democratic deficit of the system at issue.

When it comes to analyse EU democratic deficit, EP's central role is also suggested by the backing required in order to legitimate the Union. As previously recalled, the support to democracy supplied by citizens is contingent and it depends on their feelings concerning the necessity of a European democratisation process: such is a duty that has to be dealt especially by the EP. Moreover, there are two more aspects crowning the assembly as the flagship institution in this sense: firstly, the Parliament is the only directly body elected by universal suffrage (the pioneer and still unique case of

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[64] Hix & Høyland, 2011, p. 132.
[65] Jacqué, 2015, p. 92.
[66] Andersen  & Eliassen, 1996, p. 5.

supranational assembly on a regional scale[67]), thereby representing the main pillar of EU democracy; then, it should be the only institution having an effective European mandate, since citizens decide its composition to express their will at community level.

## Evolution and empowerment

In order to better analyse and understand the current status of the European Parliament, it is necessary to go back in time, including before the birth of the ECSC. One of the principal objectives elaborated by the Congress of The Hague –whose initiators preferred to recall them as the European *États généraux*[68]– was the conception of a form of association of peoples in Europe; such goal was then at first put into practice with the establishment of the assembly of the Council of Europe in 1949. One year later, the Schuman Declaration amplified even more the horizon of the European integration; nevertheless, neither the project of another assembly nor the eventuality of elections was nominated. The only supranational body provided by the Declaration was actually the High Authority, whose function was limited to a neutral coordination of ECSC's duties; the spectrum of a *Europe of the experts*[69] was already haunting the future of the integration. The concern shared by several statesmen, as for instance the British Prime Minister Clement Attlee[70], eventually granted the following intergovernmental negotiations following the Schuman Declaration to end up with the outline of current European Parliament's forerunner: the 1951 ECSC Treaty constituted a set of institutions governing the cooperation among the six founding countries; among them, a Common Assembly "composed of representatives of *the peoples of the Member States* of the Community"[71], which was entitled with mere supervisory powers. The Assembly was "composed of delegates whom the parliaments of each of the Member States shall be called upon to designate […] or who shall be elected by direct universal suffrage,

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[67] Telò, 2011, p. 27.
[68] Cassen & Michel & Weber, 2014, p. 24.
[69] *Ibid.*, p. 26.
[70] See *Ibidem*.
[71] Treaty establishing the European Coal and Steel Community [1951], Art. 20.

according to the procedure determined by each respective High Contracting Party"[72]. It appeared clear from the Treaty how it had been conceived only as a symbolic body.

Afterwards, the Rome Treaties replaced such body with a unique assembly for both the Economic Community and the European Atomic Energy Community (established as well in 1957). This new Assembly was "composed of *representatives of the peoples of the States united within the Community*"[73] and was entitled with powers of deliberation and control. The representatives were "delegates whom the Parliaments shall be called upon to appoint from among their members in accordance with the procedure laid down by each Member State"[74]. The Assembly was still a merely consultative body, as the EEC Treaty accentuated in several articles; thus, it was even more different from a traditional parliament than it is today and it could have been equalised to the United Nations Generally Assembly, i.e. a chamber where passionate debates are very common but that lacks of any power to take political decisions[75]. However, on the basis of ECSC Treaty's Article 21 about Assembly's composition, also the EEC Treaty clarified without any risk of legal misunderstanding the possibility for the Assembly "to draw up proposals *for elections by direct universal suffrage in accordance with a uniform procedure in all Member States*"[76].

In 1958, the Assembly decided to change the name on its own initiative and it became the *European Parliamentary Assembly*; then, in 1962 it proclaimed itself *European Parliament*. Anyway, such denomination was not accepted by the Council; this rejection was actually intended to cover up a deep disagreement as for the role that the Assembly could have claimed. The first official recognition of the European Parliament dates to the previously mentioned Solemn Declaration on the European Union, by which the European Council admitted that "the European idea […] and the need for new developments correspond to the wishes of the democratic peoples of Europe, for whom the European Parliament, elected by universal suffrage is an indispensable means of

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[72] *Ibid.*, Art. 21.
[73] EEC Treaty, Art. 137.
[74] *Ibid.*, Art. 138(1).
[75] Vauchez, 2014, p. 16.
[76] EEC Treaty, Art. 138(3).

expression"[77]. The final legitimation was pursued by the SEA, which stated that the terms "after consulting the Assembly" had to be replaced by "*in co-operation with the European Parliament*"[78]. Apart from formalising the existence of a parliament at community level, this provision introduced the procedure of cooperation between the EP and the Council as well as the so-called *assent procedure*, which later on was renamed *consent procedure*, which at the time basically implied the necessity of the EP approval concerning association-agreement with non-EEC countries and the accession of new Member States[79]. Generally speaking –and above all as for legislative acts– the role of the Parliament was still relegated to consultative powers. The only worthy innovation was that EP could reject Council's common positions (which could anyway be reformulated and approved at second reading[80]). In addition, the establishment of EEC own funds beyond the contribution of Member States had also allowed to the Parliament a limited budgetary power, conferred and then reinforced by the Budgetary Treaties in 1970 and 1975 respectively.

In the meanwhile, the efforts of the Parliament to reach the agreement of the Council on the regulation of its own direct elections did finally succeed. The first draft Convention had been submitted in 1960; nevertheless, nothing went on until 1973, when the update of such Convention was committed to the Dutch politician Schelto Patijn probably in the light of the results of the 1972 Vedel Report[81], which found out that EU problems with democracy were real and mainly due to a *parliamentary deficit*[82]. One year later, the Summit Conference held in Paris –which enshrined the transition of such periodical meetings into what it is known today as the European Council[83]– assessed that direct elections should have been organised within a short time and asked to the Parliament to present a proposal to the Council; the EP adopted the updated draft Convention in 1975. After many difficulties, the Act concerning the election of the Representatives of the European Parliament by direct universal suffrage (hereinafter *Electoral Act*) was

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[77] Solemn Declaration on European Union [1983], Preamble.
[78] SEA, Art. 6(6).
[79] Hix & Høyland, 2011, p. 53.
[80] SEA, Art. 7.
[81] Named after Georges Vedel, French public law professor.
[82] Vauchez, 2014, p. 18.
[83] European Council, 2012, p. 8.

eventually accorded and signed by the Council on 20 September 1976. Despite of such historical agreement, EP elections were still at their early stage; contrarily to what provided by Article 130 EEC, the Act did not introduce a uniform procedure and system of voting for all Member States; it did not even specified a common duration of representatives' mandate. However, the first EP direct elections finally took place in June 1979.

The "enduring struggle to become a true parliament"[84] achieved a milestone with the Treaty of Maastricht, which increased the powers of the Parliament by introducing the co-decision procedure; it also extended the assent and the cooperation procedures to more legislative areas. Co-decision marked the beginning of EP's co-legislator role along with the Council: it was based on the principle of parity between the two institutions, according to which they could theoretically no more adopt any legislation without the other's consent; of course this was just the first stage of co-decision procedure's regulation, i.e. the Parliament was still bound to act within limited legislative fields[85]. Moreover, in case one institution disagreed on a proposal after two readings, a conciliation committee composed of members of both the EP and the Council in an even number would have been called to intervene and reform the proposal at issue, which should have then be voted by the two institutions. However, in case they failed to find a compromise, the Council had the possibility to propose the original version of the text once more and the EP could have simply accepted it in its entirety, or reject it. Besides this, the Treaty of Maastricht also introduced a sort of pale right of legislative initiative for the Parliament, i.e. the possibility to ask the Commission to submit a particular proposal.

If by the end of the nineties the European political system became a little bit more similar to a traditional bicameral model[86], the Treaty of Amsterdam and the 2001 Treaty of Nice went even further in that direction. The former reformed the co-decision procedure and extended its application scope; this new version, which was then renamed *co-decision II*, allowed the adoption of legislative acts after only one reading in

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[84] Telò, 2011, p. 28.
[85] Hix & Høyland, 2011, p. 53.
[86] *Ibidem*.

case the versions of both institutions corresponded at that stage. Moreover, the conciliation committee was transformed in the last resort of the process and if it had failed to find any agreement, then the proposal would have been declared void. The Treaty of Amsterdam definitely equalised EP's and Council's legislative powers; as for the Treaty of Nice, it significantly increased the fields of application of the co-decision procedure: after its entry into force, it can be estimated that almost 70% of European legislation fields depended on co-decision procedure[87].

Finally, the Treaty of Lisbon represented the culmination of EP's empowerment process as of today. First of all it stopped to refer to the *people of the Member States* and instead it declared that the EP had to "be composed of representatives of the *Union's citizens*"[88]. Then, it increased the application scope of co-decision and it even established it as the ordinary legislative procedure, allowing the Parliament to be able to adopt together with the Council the vast majority of Union's legislative acts; all the necessary steps in rder to adopt an act explained by Article 294 of the Treaty on the Functioning of the European Union (hereinafter *TFEU*), i.e. the implemented version of the EEC Treaty and one of the treaties on which the Union is nowadays based, along with the TEU. Apart from a greater EP's role concerning the possibility of future amendments to the treaties[89], the Treaty of Lisbon also reinforced Parliament's budgetary power, letting it becoming responsible of the adoption of the Union's budget on an equal basis with the Council.

Today, the European Parliament is elected by European citizens every five years and it holds relevant legislative, supervisory and budgetary powers. Its members "shall not exceed seven hundred and fifty in number, plus the President. Representation of citizens shall be digressively proportional, with a minimum threshold of six members per Member State. No Member State shall be allocated more than ninety-six seats"[90]. The allocation of seats among Member States has always been controversial and, in the way as it is shaped in the Treaty, it implies an overrepresentation of smallest countries,

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[87] Cassen & Michel & Weber, 2014, p. 37.
[88] TEU, Art. 14(2).
[89] *Ibid.*, Art. 48.
[90] TEU, Art. 14(2); *N.B.*: all mentioned provision on EP's structure could change in case of definitive abandon of United Kingdom.

which is probably a sort of compensation for Council's voting system based on population density[91]. According to the Rules of Procedure of the Parliament, the MEPs are organised in parliamentary groups on the basis of their political affiliation and not on the grounds of nationality; in order to create a parliamentary group, at least twenty-five members are required and they have to be nationals from at least one quarter of Member States[92]. Currently, there are seven groups in the EP (excluding the Non-Inscrits, i.e. all MEPs who do not want to belong to a parliamentary group) and the biggest are the Group of European People's Party (Christian Democrats) and the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament[93], which together represent almost 54% of all MEPs. Moreover, all groups are split and mixed in committees and delegations, aimed at examining and discussing about legislative act proposals. All voting sessions are held during the plenary sessions based in Strasbourg, where MEPs meet once a month.

**Public opinion**

After having analysed the evolution and the current organisation of the EP, one could assume that its structure is undoubtedly democratic and that it should enjoy of an indissoluble legitimacy, due to the continuous increase of its powers. In fact, originally, the critics moved towards the body concerned firstly its lack of popular mandate, and then its mere consultative character, which indirectly enabled the EU to adopt sensitive legislation without any supervision of national parliaments. Once again, the extraordinary improvements obtained by the Parliament in those directions, its increasing control over the Commission and its politicisation should have annulled all possible suspicions in its regard.

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[91] According to Decision 2013/312/EU on the composition of the European Parliament after the elections in 2014, the current allocation is made as follows: Germany - 96; France - 74; Italy, United Kingdom - 73; Spain - 54; Poland - 51; Romania - 32; Netherlands - 26; Belgium, Czech Republic, Greece, Hungary, Portugal - 21; Sweden - 20; Austria - 18; Bulgaria - 17; Denmark, Finland, Slovakia - 13; Croatia, Ireland, Lithuania - 11; Latvia, Slovenia - 8; Cyprus, Estonia, Luxembourg, Malta - 6.
[92] Rules of Procedure of the European Parliament, Rule 32.
[93] See European Parliament, MEPs, *n.d.*, available at europarl.europa.eu/meps/en/hemicycle.html (consulted on 9 June 2016).

Unfortunately, reality seems not to agree with such conclusions; in fact, the results of Eurobarometer surveys concerning the reputation of the institution demonstrate a sobering rising of mistrust. At least, it has to be noticed that the Parliament appears to be considered an institution playing an important role within the EU: from 1999 to 2008, the percentage of respondents who answered positively to such question has always held above the 60%, even though in March 2006 the fame of the EP suddenly dropped at its lowest point ("Important": 64%; "Not important": 22%; "Don't know": 14%). As for the role of the Commission considering the same period of time, the positive answers are, in almost all cases, below the corresponding percentages of the EP; the same happens to the Council, which actually appears to be the less known institution among the three. Actually, the most recent available Standard Eurobarometer[94] shows that the awareness of the EP is still the highest if compared to other institutions.

Going back to Parliament's reputation, the outcomes are completely different. The Eurobarometer surveys depict how citizens' trust in the EP has never passed 60%, and how in the last six years it ended up being overtaken by a sensation of total mistrust. Considering the period of time included between March 1993 and March 2014, positive answers maintained an average level until March 2002: in 1993, 54% of respondents tended to trust the EP, 24% tended not to trust, while the rest did not answer; the situation was almost unchanged in 2002 ("Tend to trust": 59%; "Tend not to trust": 29%; "Don't know: 22%). But from that year on, EP's reputation has fallen apart: in March 2008, mistrust reached 37%; in May 2011, it even overwhelmed the positive answers ("Tend to trust": 45%; "Tend not to trust": 48%; "Don't know": 17%). Finally, the situation worsened even more in March 2014, when 53% of respondents affirmed not to trust in the Parliament. The previously mentioned spring 2015 Standard

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[94] Standard Eurobarometer No. 83, July 2015, pp. 100-103, available at
ec.europa.eu/public_opinion/archives/eb/eb83/eb83_en.htm (consulted on 9 June 2016).

Eurobarometer[95] assessed that the general trend has kind of improved since autumn 2014, but mistrust still remains alarmingly high in at least nine Member States[96].

If one takes then a look to the reasons of such lack of confidence, the results are rather explanatory: according to the Parlemeter 2015 survey[97], an inquiry commissioned by the EP itself and conducted once a year in all Member States, the main reason for EU citizens' mistrust is that they feel too distant from the institution that should represent them (39%); the second reason is scepticism in respect of MEPs (21%); the third is the lack of information about the Parliament (20%). Another interesting data to notice is that 14% of respondents do not have faith in the EP because they believe it takes decision through a non-democratic way[98]. According to the survey at issue, the percentage of citizens feeling ignorant about Parliament's activities reaches 63%; it is a better result if compared to the one obtained in 2014 (-4 percentage points), but it still remains too high.

However, the most powerful way to understand if the Parliament enjoys of democratic legitimacy or not concerns the effective weight of citizens' opinion at EU level. When considering if their own country's voice counts, an average part of respondents agrees ("Total agree": 61%; "Total disagree": 34%; "Don't know": 5%)[99]; but then, when it comes to individuals' voice, 56% of believes his/her voice does not count at EU level; only 39% does, while 5% does not even know what to answer. It is probably due to such feeling of low representativeness that the trend of EP elections' turnout has been constantly decreasing: if the first historical election in 1979 counted with 61.99% of EU

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[95] *N.B.*: the Standard Eurobarometer No. 83 presents some slight differences compared to the Eurobarometer surveys' trend on which is mainly based the analysis, since it displays in greater detail the mutation of data twice a year.

[96] Greece: 66% of respondents; Cyprus: 58%; Spain: 55%; United Kingdom: 52%; Austria: 51%; Slovenia: 50%; Portugal: 47%; Czech Republic: 45%; France: 44%.

[97] Parlemeter 2015, Analitycal Overview - Part II Parlemeter, 30 November 2015. All mentioned data refer to September 2015.

[98] Basis of the survey: people who tended not to trust the European Parliament according to previous questions; two maximum answers were allowed.

[99] Among Member States, it is interesting to notice that the highest amount of positive opinions was collected in Sweden (89%), Germany (88%) and Denmark (79%), while the lowest in Czech Republic and Italy (35%), Greece (31%) and Cyprus (28%).

voters, during the last election in 2014 only 42.61% of voters showed up at polling stations[100].

As a conclusion, it should be evident to everybody that despite its increasing democratisation and despite its effectiveness, the European Parliament enjoys today of a very fragile democratic legitimacy and the participation to its election is more and more declining. Going back to procedural and substantive democratic requirements, it is clear how the former are completely respected by the Parliament, above all through the set-up of fair elections; however, such elections have actually "very little to do with Europe"[101] and the EP does not work as a substantively democratic body.

Several authors believe that the problem could be solved through an even greater growth of its powers. Others are convinced that the failure of its evolution has just caused the opposite than the desirable outcome; hence its functions should not be additionally increased[102]. The main goal of the present thesis differs from both visions, and it is to demonstrate that the expansion of European Parliament's role could be useful in order to diminish its lack of legitimacy, but it cannot be the only solution. It is essential to analyse in depth several criticised but fundamental perspectives concerning its functioning, and then try to find some potential antidotes; the EP must be able to have a dynamic role and play its part in order for the Union to continue its journey becoming a better defined and more democratic political object.

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[100] European Parliament, Turnout, *n.d.*, available at europarl.europa.eu/elections2014-results/en/turnout.html (consulted on 9 June 2016).
[101] Hix, 2008, p. 79.
[102] Hix & Noury & Roland, 2007, p. 27.

# 2. European Parliament's lack of legitimacy

## 2.1. Main areas involved

The struggle for improving its role has not cured the decreasing sense of confidence towards the Parliament itself; on the contrary, one could affirm that such hobbyhorse – together with consequently neglecting other important questions affecting Parliament's decision making choices– has just provoked the detachment of the people that is should officially represent[103]. The reasons of such strangeness are considerable and not so easy to overcome; but at the same time, EP's activities are truly consistent for EU citizens' daily life and its proper functioning is fundamental for preserving the democratic values of the Union, as well as its legitimacy. As declared by former EP President Josep Borrell Fontelles, "the future of the European Union and the whole integration process will be increasingly shaped by the European Parliament"[104].

In order to understand how to improve the current weakness of the Parliament is essential to analyse the main causes of its lack of legitimacy: its historical conception, the way it is elected and above all its composition.

## 2.2. In-put/out-put democratic legitimacy

It is essential to determine what actually one could intend for *democratic legitimacy* According to Fritz Wilhelm Scharpf, it entails "a socially sanctioned obligation to comply with government policies even if these violate the actor's own interests or normative preferences, and even if official sanctions could be avoided at low cost"[105]. The support towards a recognised political subject used to depend on religion,

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[103] Steunenberg & Thomassen, 2012, p. 5.
[104] Borrell Fontelles, 2011, p. 51.
[105] Scharpf, 2003, p. 2.

ideologies and traditions. However, in modern times, legitimacy has step-by-step become based exclusively on two different traditions: the *in-put* oriented tradition, which implies "trust in institutional arrangements that are thought to ensure that governing processes are generally responsive to the manifest preferences of the governed"[106]; and the *out-put* tradition, which considers that "the policies adopted will generally represent effective solutions to common problems of the governed"[107]. Both of them are of course aimed at reaching the *common good* of the society, something that must be defended from "the self-interest of governors and the rent-seeking strategies of special interests"[108]. Nevertheless, according to the in-put tradition, for a political system to enjoy of democratic legitimacy, the direct participation of citizens in policy choices, or the excellent receptivity citizen's preferences by their governors are required; of course, due to the possible flow towards a totalitarian regime caused by a majority who does not look for common good, modern supporters of the in-put tradition have tended to switch to a so-called *government by discussion*, i.e. a transparent and sincere confrontation between the governed and the institutions. As for out-put tradition, the basic perception is to avoid the danger of a government controlled by self-interested statesmen; so the fragmentation of power among several political actors, as well as the establishment of independent institutions and veto mechanisms, are planned in order to prevent any possible corruption[109]. The out-put tradition tends to provoke the formation of a gap between the governors and the citizens, who are only left with the possibility to evaluate their democratic behaviour through the results obtained by the activity of the institutions.

Scharpf also reminds that, when considered individually, both traditions can be problematic. As for in-put oriented legitimacy, it turns to be quite impractical and based on unrealistic assumptions due to the current nature of electoral campaigns –which are not clearly based on honesty towards the citizens– or the substitution of parties *policy-oriented* preferences in favour of *office-seeking* ones. On the other hand, the out-put oriented legitimacy implies a systematic tension between the mechanism projected to

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[106] *Ibid.*, p. 3.
[107] *Ibidem.*
[108] *Ibidem.*
[109] *Ibid.*, pp. 3-4.

avoid the governors' misbehaviour and the desire to achieve *effective problem-solving* policies[110]. This is why, normally, in-put and out-put legitimacy coexist within democratic nation-states[111]; when one of them patently prevails on (or even substitutes) the other, political system's legitimacy may be obstructed.


## What about the European Union?

Considering the case of EU, the current perception describes it as a "medieval cathedral, patiently built by several generations of craftsmen with the materials available to them, in response to what they perceived as the needs of their time-hence"[112]. The main lack of coherence within the European project is due to the initial planning, with regard to which integration's breadth should have been the most proper; in fact, no common vision was shared at that time. The supporters of the intergovernmental approach feared the implementation of European policies that could have affected national preferences; according to them, governors' choices should have been remained of national concern, something that would have led to solely require national out-put legitimacy[113]. On the other hand, the supporters of the supranational approach were pushing for multi-parties negotiations, which were only ultimately based on national preferences; the results should have clearly been *superior outcomes* that could have not just included each country's concerns[114]. In other words, according to the former approach, citizens should have trusted their governors in case they were able to stand out their own country's national preferences. For the latter approach, it is essential that governors enjoyed of electoral accountability, in order for citizens to trust them during the adoption of policies responding to several interests.

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[110] *Ibidem.*
[111] Hobolt, 2012, p. 95.
[112] Dehousse, 2000.
[113] Scharpf, 2003, pp. 11-12.
[114] *Ibid.*, pp. 7-8.

The lack of a common vision of integration is maybe the main reason why European institutions –and, above all, the Parliament– cannot entirely enjoy of in-put democratic legitimacy. Once the cooperation among States was limited to economic and trade agreement, no kind of in-put legitimation appeared to be needed, apart from the national one. However, when common objectives started to aim higher, the necessity of further and more adequate mechanism of in-put democratic legitimacy became more and more urgent; but the never-ending debate between the different approaches to European integration prevented such institutional mechanisms from be assessed. How could European citizens legitimise a Parliament whose functions and role are unidentified even in the short term?

The impossibility to assess a clear in-put legitimacy for the EP is due to an additional reason, which has grown simultaneously with the evolution of the Union. As previously mentioned, the only winning method for the integration to become broader was the functionalist spillover, affirming that it should have been reached progressively in order to avoid its premature failure. Every time that any planned innovation tried to go too far within a too short period of time, the unification of Europe ended up being severely hindered; Altiero Spinelli's avant-garde projects is the most striking proof. This does not mean that the spillover method had a different ultimate aim: the only peculiarity was that it conceived a different way to entitle institutions with democratic legitimacy, i.e. justified *ex post* by their own results.

Hence, the high difficulties for reaching a European government *by* the people made essential the functionalist vision of a government *for* the people in order to stir up the public support to the project of a broader and broader integration[115], so that legitimation started to be based on institutions' effectiveness and on the judgement of their performances (in particular, the economic ones)[116]. Therefore, EP's democratic legitimacy has always been *imposed* by all economic improvements and benefits that EU policies and legislative acts have granted to Member States –especially the ones belonging to the Eurozone– during the evolution of the integration; as explained by Scharpf, the "legitimacy of [the EU's] institutional practices […] is almost

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[115] Hobolt, 2012, p. 92-93.
[116] *Ibid.*, p. 95.

automatically judged, and found wanting, by reference to the conglomerate of input- and output-oriented criteria familiar from national debates"[117]. In other words, EU citizens use national economic outcomes as a point of reference for evaluating their trust in the institutions. The consequent assumptions are only citizens who are convinced about the improvement of their economic conditions, or who live in countries that have experienced significant economic growth, are satisfied with democracy in the EU and support its institutions[118].

Another interesting factor on which counted the functionalist method for encouraging the growth of the democratic legitimacy of the EP was citizens' recognition of national institutions as a yardstick for their evaluation. As found out the previously mentioned study by Ignacio Sánchez-Cuenca about the trend of citizens' support, the satisfaction towards the European institutions at individual level is more likely to be inversely proportional to their trust in national governments and institutions; this is due to the lower cost of sovereignty relocation once the opinion about national political system is negative[119].

**The failure of functionalism**

The spillover method then basically focused on individual's spontaneous adhesion to the idea of central politically active institutions as a consequence of the economic benefits granted by their own performances. In this way, the breadth of integration would have been automatically empowered; it would have appeared unavoidable[120] and the presence of a central parliament would have been indirectly legitimated. Obviously, it would be an error to affirm that the method's logic was exclusively automatic and lacked of any political decision or compromise: all major steps within the evolution of the European integration actually required both of them. It is also evident that it has achieved its main goals, and that the Union managed to exist and to improve its functions only thanks to the functional conception of gradual and progressive steps. But

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[117] Quoted in *Ibidem*.
[118] Hobolt, 2012, p. 95.
[119] *Ibid.*, p. 94.
[120] D'Auria, 2011.

at the same time, it is undeniable how the current EU democratic crisis and above all the European Parliament's lack of legitimacy are the coherent consequences of an approach that has practically *obliged* Member States to unify and accept the existence of supranational institutions[121].

The partial failure of the functionalist method highlights how the Parliament itself is exclusively based on out-put legitimacy, since it has been built without considering the will of European people; as a consequence, citizens are not able to make sense out of its present structure. Firstly, because of its opaque mechanism of construction that prevented future aspirations from being formulated and discussed among Member States and citizens. Then, because the gradual consumption of national sovereignty (considered as the jurisdiction exercised by the nation through its representatives[122]) provoked by the increasing transfer of competences towards the community level has been carried out without an equal simultaneous shift of powers to the EP, which effectively has formed part on a par with the Council to the legislative process only since 2009; moreover, legislative initiative is still monopolised by the Commission, which is more accountable to the EP than in the past, but may still escape from parliamentary scrutiny.

The more EU's political weight and influence on national issues was increasing, the more several public issues as internal and external security, employment and social policies were pushed on the European agenda[123]. So, European political salience increased along with the breadth of the integration and it made a representative of people essential; but at the same time, European citizens were not asked whether they agreed or not on the existence of such new supranational parliament and they were not even allowed to vote for its members until 1979.

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[121] *Ibidem*.
[122] Jacqué, 2016, p. 21.
[123] Dehousse, 2000, p. 6.

**An incomplete legitimacy**

After having applied the spillover method, how to conciliate the necessity of a democratic debate on EU political foundations with the preservation of the *acquis communautaire* (i.e. "the body of common rights and obligations that are binding on all EU countries, as EU Members"[124]) whose guidelines have never been validated directly by citizens?[125] Technocratic outputs can no longer be considered as sufficient to legitimate EU institutions given the huge expansion of their competences[126].

Without a strong Parliament that is supported *ex-ante* by public opinion, "the fragility of existing democratic legitimacy and equally important a sense of common identity and purpose are challenged and shaken"[127]; hence, taking into account once more the difference between the procedural and the substantive side of democracy, the history of EP legitimation and its mainly out-put character have meant that European citizens are represented by a Parliament that is set up as democratic, but that actually relies just on its efficiency.

Moreover, ineffective and limited instruments of direct democracy are not helping to confer in-put legitimacy to the Union: fifty-four national referendums on European issues (i.e. concerning EU membership, ratification of treaties or of specific policies) have taken place as of today, and more are expected during 2016[128]; but two main problems affect them. On one hand, the majority of Member States recourse to such instrument only rarely; on the other, the results of national referendums influence in a deep way, if not essential, the outcome of community policies, thus allowing to a strict minority of citizens to influence or even decide for the entire EU population. The classic examples are the French and Dutch referendums for Constitutional Treaty's adoption in 2005, which finally failed to become lawful due to the negative results within two out of twenty-six components. Or, more recently, Dutch rejection on EU/Ukraine bilateral relations: even if non-binding, it will significantly affected the ratification of EU

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[124] EUR-Lex, Glossary of summaries, *n.d.*, available at eur-lex.europa.eu/summary/glossary/glossary.html?locale=en (consulted on 19 June 2016).
[125] Levrat, 2012, p. 46.
[126] Harlow, 2008, p. 173.
[127] Lodge, 1996, p. 195.
[128] Tilindyte, 2016, p. 1.

Association Agreement with Ukraine in its current form, as Prime Minister Mark Rutte himself admitted after acknowledging the results of the referendum[129]. Again, one country out of twenty-eight holds the power to decide about the future of a community policy: this in-put instrument of legitimacy is clearly not working properly.

An additional attempt of direct democracy tool is the previously mentioned Citizens' Initiative. Theoretically, the most supranational albeit technocratic and non-directly elected among European institutions, i.e. the Commission could have finally entitled its power of legislative initiative with a mandate of the people[130]; in reality the destiny of several proposals has showed how such instrument is not properly regulated. Firstly, it cannot deal with Member States' competences, but only with Commission's ones; then, each country is able to establish different rules in order for an ECI to be lawful: the required minimum age to be entitled to vote varies; the bureaucratic steps are more or less restrictive, so if somewhere it is mandatory for citizens to show documents proving their identity, in other countries an electronic signature is enough[131]. Actually, it is also forbidden for MEPs to take part to the launching of any ECI, in order to avoid the bypass of the necessity for the EP to act "by a majority of its component Members"[132] when asking to the Commission to consider any particular proposal. It goes without saying that the ECI has already showed its limits also in the practice, in particular concerning the request of negotiations' withdrawal concerning the criticised Transatlantic Trade and Investment Partnership, also known as TTIP. Such Initiative was dismissed by the Commission on 10 September 2014, since it fell "manifestly outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties"[133]. The reasoning of the EC was first of all based on the juridical nature of the agreement at issue (the TTIP is still a preparatory act and not a legal one), but at the same time it added that the aim of the

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[129] See The Guardian, 'Dutch referendum voters overwhelmingly reject closer EU links to Ukraine', 7 April 2016.
[130] Levrat, 2012, p. 143.
[131] Nonnenmacher, 22 September 2014.
[132] Treaty on the Functioning of the European Union [consolidated version, 2012, hereinafter *TFEU*], Art. 225.
[133] Official Register of the European Citizens' Initiative, Refused Requests, available at ec.europa.eu/citizens-initiative/public/initiatives/non-registered (consulted on 20 June 2016).

ECI should be to ask for a preparatory act and not to require its withdrawal[134]. This confused and almost contradictory decision of the Commission underlined the high mistrust that still exists towards this kind of in-put instruments.

## 2.3. Electoral accountability

Within a democratic political system, one should consider the "reliance on *electoral accountability* as a crucial input-oriented mechanism for keeping governors oriented towards the common interest of their constituencies"[135]. Actually, the main reasons for struggling to reach an agreement with the Council on direct elections were the necessity to make the decisional process more democratic as well as the urgency to arouse people's sense of belonging to the European project[136]. As affirmed by EC former President Walter Hallstein at that time, the elections "would force those entitled to vote to look at and examine the questions and the various options on which the European Parliament would have to decide in the months and years ahead. It would give candidates who emerged victorious from such a campaign a truly European mandate from their electors; and it would encourage the emergence of truly European parties"[137]. The acquisition of in-put legitimacy was seen as fundamental for the EEC, in order to justify how political power was handled especially by the Parliament; moreover, it would have allowed citizens to become more than simply far supervisors[138]. Nevertheless, almost none of those intentions obtained the desired results; actually, as mentioned previously, the term *democratic deficit* appeared almost simultaneously to the first EP elections.

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[134] Jacqué, 17 September 2014.
[135] Scharpf, 2003, p. 5.
[136] Levrat, 2012, p. 22.
[137] Quoted in Hix & Høyland, 2011, pp. 146-147.
[138] Lodge, 1996, p. 189.

**Low turnout**

The principal alarm bells have always been embodied by the low turnout of European elections. In fact, the participation of citizens implies the quality of the representation: if it is high, the Parliament would be "*bien élu*"[139], i.e. properly illustrative of people's interests. However, despite the consecutive rounds of community enlargements, European turnouts have regularly been very disappointing and they have constantly decreased election after election. As of today, eight Euro-elections have been carried out and the percentage of participants slightly overcame 60% only once, i.e. during the first election (attendance of 61.99%)[140]. The second one was held in 1984: Member States had increased from nine to ten, but the turnout stopped at 58.98%. The next one took place in 1989 and the members became twelve; but again, the attendance remained almost unchanged (58.41%); in 1994, the number of participating countries did not change and the turnout decreased until 56.67%. The very deepest drop arrived with 1999 elections: only 49.51% of voters out of fifteen Member States. In 2004, after the big enlargement to twenty-five countries, the turnout was 45.47%; as for subsequent elections, the situation did not relevantly change: in 2009, the percentage of voters was limited to 42.97% (twenty-seven Member States), while in 2014 it touched the lowest point in all European integration history by marking 42.61% among twenty-eight countries.

There are differences at national level. The highest turnouts have almost always been in Belgium, where in 2014 the active voters reached 89.64% and during all previous elections percentages were regularly around 90%. Then, 85.55% of citizens entitled to vote participated to 2014 Euro-elections in Luxembourg: in the past, the turnout had always been included between 85-90%. The most noteworthy element in both cases is that in those countries voting is actually compulsory, while in the vast majority of EU Member States is not. However, it is curious to observe that in the remaining countries where citizens are obliged to vote, the scenario is totally different: in Greece, the 2014 turnout was only 59.97% (even lower than previous elections); in Cyprus, the voters

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[139] Dhordain, 1994, p. 64.
[140] For all mentioned data on EU turnouts: European Parliament, Turnout, *n.d.*, available at europarl.europa.eu/elections2014-results/en/turnout.html (consulted on 9 June 2016).

were only 43.97% in 2014, an insufficient result if one takes into account the first EU elections of this country[141].

When considering Member States with non-compulsory voting, the highest 2014 turnout was achieved in Malta (74%), although they were only its third Euro-elections. The second highest result would be Italy, which reached 57.22% the same year; it is however quite appalling to compare the last Italian turnout to the ones of previous elections and especially to 1979 result, when more than 85% of entitled voters showed up to cast their preference. At the other side of the ranking, the lowest 2014 turnout was registered in Slovakia, with only 13.05%; actually, the outcome has never gone beyond 20% there. Then, Czech Republic with 18.20%, even if the final amount of voters fell by 10 percentage points compared with elections prior to 2014. Finally, another disappointing 2014 turnout was registered in Poland, where only 23.83% of entitled citizens showed up at the polling station, more or less as during previous Euro-elections.

It is then fairly interesting to look at turnout's break-down by age[142]: taking into account EU average, only 27.8% of young citizens aged 18-24, and just 35.2% of people aged 25-39 participated to 2014 Euro-elections. Data become higher when the age increases: 44.6% of active voters for 40-54 years age bracket, and 51.3% for citizens older than 55 years. As of today, it is evident from the turnout results that younger generations are the ones who feel the most disconnected from the Parliament; therefore, their participation in Euro-elections is the lowest among different age brackets. This does not represent a very encouraging remark, especially for the future breadth of EU integration as well as for its institutions' democratic legitimation, and mainly the Parliament.

But why do citizens feel so distant from the body that should represent them and they are not interested in actively deciding about its composition? Three main reasons could be highlighted, being the latter a sort of consequence of the others. Firstly, the lack of information about EU and its institutions is one of the principal argumentations behind such mistrust: after 2014 elections, 67% of interviewed people declared not to feel

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[141] 2004 elections, turnout in Cyprus: 72.5%.
[142] European Parliament, November 2014.

informed about its activities ("Informed": 30%; "Don't know": 3%)[143]. Then, another aspect to be taken into account when analysing why EU voters do not take part to Euro-contests as they do for national ones, is the exercise of Parliament's powers: citizens opine that the functioning of EU institutional does not "correspond to an ideal type of democracy"[144]. The EP is still not a "genuine parliament in the traditional sense"[145]; it is considered influential within European relevant issues and feebly powerful concerning the supervision of non-directly elected institutions' accountability[146].

These perceptions still have a great influence upon EP's public image: as of September 2015, 46% of respondents affirmed to have a neutral picture about it, while 27% described it as negative ("Positive": 24%; "Don't know": 3%)[147]. According to Eurobarometer statistics, the global image that people have about the Parliament is very much significant and directly proportioned to low turnouts of EU-elections: citizens who feel attached to the assembly are more keen to participate; who instead has a very negative opinion about it prefers not to be involved because considers the elections as practically useless[148].

**Structural reasons of malfunction**

There are some other important structural reasons within the organisation and regulation of the elections themselves explaining why the connection between the EP and citizens is extremely feeble[149].

Euro-elections are widely considered as second-order electoral processes. The term *second-order* has actually two different interpretations: one is related to the importance and the weight that EU citizens link with the event; the other implies a relationship with what is considered to be first-order (in this case: national elections)[150]. As for the

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[143] Parlemeter 2015, p. 53.
[144] Lodge, 1996, p. 190.
[145] Borrell Fontelles, 2011, p. 52.
[146] Lodge, 1996, p. 190.
[147] *Ibid.*, p. 57.
[148] Blondel & Sinnot & Svensson, 1998, pp. 133-135.
[149] Hix & Noury & Roland, 2007, p. 26.
[150] Blondel & Sinnot & Svensson, 1998, pp. 14.

salience, issues at community level still own a modest impact on public interest, maybe once more due to the non-identification of EU's future. EP elections are seen as relatively unimportant electoral contests because people are not interested in what happens in Brussels, and due to the low benefits (including both the ones resulting from elections' outcome and the ones acquired "from the conformity of the act with norms of solidarity and civic obligation"[151]) that they can derive from Euro-elections. Such limited benefits cause a structural disincentive for voters; actually, the attendance to EP elections has generally always been around 20% lower than the participation to national elections[152].

The normal consequence of such detachment is that EP elections are mainly lived on the basis of national, and not community, questions and they around governments' performances and attachment to national parties: there is actually not so much of *European*. Another element to take into account is individuals' feeling towards the Union: Eurosceptic citizens tend to have a negative consideration of the European Parliament and then are less likely to participate to its election[153]. In summary, European electoral processes are either considered as unimportant or used as remonstration against national government or EU membership, and this explains the low turnouts; but even who decides to vote is probably going to do it being convinced by national issues. What immediately strikes apart from the absence of any connection between citizens and the EP is the inexistence of any accountability towards voters: even if a MEP behaves properly or incorrectly during a mandate, he/she is not going to be rewarded or punished on the occasion of next elections[154].

There is one more structural reason proving that Euro-elections do not actually reach a European mandate: the lack of a unique electoral system. As already mentioned, the ESCS Treaty itself recognised the possibility for the Parliament to be directly elected, although it was the EEC Treaty that officially provided the basis for the drafting of a uniform procedure of voting and scrutiny, which should have been valid for all EU

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[151] Blondel & Sinnot & Svensson, 1998, pp. 23.
[152] Hix & Høyland, 2011, p. 147.
[153] *Ibid.*, p. 149.
[154] Hix & Noury & Roland, 2007, p. 28.

Member States. The sense behind this provision was then reinterpreted by the heads of states and governments during their meeting in 1976: they acknowledged that it was time for the Parliament to be elected by citizens, but they believed the EP had the right to choose and vote itself a common electoral reform right after its first election[155].

Notwithstanding this, any revolutionary reform to the 1976 Electoral Act has been undertaken as of today, with the exception of some partial innovations introduced by *Council Decision 2002/772/EC*[156]. Actually, the TFEU still recognise that "the European Parliament shall draw up a proposal to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a *uniform procedure in all Member States* or in accordance with *principles common to all Member States*"[157]. But even after the tremendous expansion of the Union –which from nine members and almost two-hundred millions of citizens has switched to twenty-eight members and a population of over five-hundred millions civilians[158]– and despite all efforts made by the Parliament itself, Euro-elections are still highly dominated by national rules[159].

The first attempt to unify the elections' regulation dates back to 10 March 1982; the EP adopted a report on the harmonisation of electoral procedures drafted by MEP Jean Seitlinger[160], but it was finally rejected by the Council. The project focused basically on three issues: right to vote, eligibility and establishment of a more limited voting period. Since no settlement had been made concerning the possibility to vote for EEC citizens who were living in another Member State, the draft tried to include a provision stating that whether someone would have resided in a EEC country without being a national for more than five years, he/she had been likewise entitled with the right to participate to Euro-elections. However, an amendment proposed by some Member States that were receiving high numbers of community immigrants (i.g. Luxembourg) avoided such

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[155] Levrat, 2012, p. 23.
[156] Council Decision No. 2002/772/EC of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the Representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom.
[157] TFEU, Art. 223(1).
[158] Cassen & Michel & Weber, 2014, p. 42.
[159] Committee of Constitutional Affairs, Working Document on The Reform of the Electoral Law of the European Union [hereinafter *Working Document*], 2015, p.2.
[160] See Jacqué & Bieber & Costantinesco & Nickel, 1984, pp. 59-66.

possibility even before Council's refusal. No amendment was posed to the possibility that an EEC citizen could have been candidate for EP elections in any Member State even without being a national; so, quite ironically, the draft voted by the Parliament prevented citizens to vote in their country of residence but endorsed the possibility of being elected there[161]. Finally, the project included the establishment of a more limited voting period (from four days to two) and tried to find a way for achieving a sort of common voting method, maybe the most difficult goal concerning Euro-elections. The aim of the draft was to find a model that could have been understood by citizens from all Member States, in order to facilitate the creation of more direct links between them and the elected candidates[162]. The most hostile member was United Kingdom, which totally refused any hint of proportional voting system and then inhibited the already scarce possibilities of uniform agreement.

Apart from this failure, there have been some attempts to change the Electoral Act by means of secondary legislation. For instance, *Council Directive 93/109/EC*[163] introduced the possibility for non-national citizens to vote in their residing country; *Regulation 2004/2003/EC*[164] gave birth to European Parties, i.e. political parties at EU level. But above all, the previously mentioned Council Decision 2002/772/EC brought in the most innovative elements: it required to Member States "to conduct the elections on the basis of proportional representation using a list system or a single transferable vote system" and also put an end to the possibility of dual mandate for MEPs. Furthermore, the Decision allowed Member States to establish constituencies at national level and suggested a maximum threshold of 5%[165]. Finally, it established that the words *representative* or *representative in the European Parliament* shall have been

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[161] *Ibid.*, p. 61.
[162] *Ibid.*, p. 62.
[163] Council Directive No. 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals.
[164] Regulation No. 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding [hereinafter *Reg. 2004/2003*].
[165] Working Document, p.3.

replaced by *member of the European Parliament*[166] throughout the whole 1976 Act (i.e. including the title itself).

Despites the mentioned attempts, the current situation of EU electoral system is very far from being recalled as uniform. Actually, the European Parliamentary Research System referred to *national rules* when summarising the basic notions in the view of 2014 Euro-elections[167]. The voting period is still spread over four days and no common voting system has still been established: some Member States use a preferential system –which allows to select among politicians from the same party, rather than only to choose among various political parties[168]– and others go for closed lists; some of them present multiple constituencies, while others conducts elections as a single district. Electoral thresholds are different and they vary from 5% to none; as already mentioned, the minimum age to vote is not the same everywhere, but above all the minimum age of candidates differs significantly from country to country (mostly eighteen, but in Greece and Italy is twenty-five). Furthermore, the possibility to vote from abroad is not uniformly regulated: for example, nationals of Czech Republic, Ireland and Slovakia are not even allowed to do so, while other countries permit the vote by post, and others only through embassies or consulates.

**European elections?**

In the light of all mentioned issues, it should appear clear why Euro-elections' turnouts have always been low. They keep being second-order electoral processes and conducted on national basis; hence, they are not truly European and represent a pale element of supranational democratisation and do not help EU citizens feeling to take part to the same election[169]: lists are national based; electoral campaigns are conducted by national parties, with the only exception of the first pan-European campaign organised by the

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[166] Council Decision No. 2002/772/EC, Art. 1(1).

[167] For all data mentioned about national rules see European Parliamentary Research Service, '2014 European elections: national rules (infographic)', 10 April 2014.

[168] Hix & Høyland, 2011, p. 150.

[169] Levrat, 2012, p. 23.

European Green Party for 2014 elections[170]. Voters only know –if they know– about their national candidates: according to a survey run by Ipsos before the last Euro-contest, only 40% of voters knew Martin Schulz, 39% Jean-Claude Juncker, 37% Guy Verhofstadt and only 31% knew Ska Keller or Alexis Tsipras[171]. Once more, Euro-elections depict the EP as a democratic institution; but in substantive terms, its democratic legitimacy is seriously put at risk. In fact, the lack of a uniformly elected and unified polity implies some further complications: the difficulty to establish strong and defined European Parties able to compete at community level[172].

## 2.4. Parties and politicisation

Several social and political scientists have analysed the relationship between *elected* and *electors*, trying to recognise the different shapes that such connection can take. As theorised by Max Weber, Robert Michels and others, the most relevant figure to be evaluated in this sense is the *political party*; mainly, two visions of the role of political parties have tended to take priority[173]. On one hand, the so-called *citizen-delegate democracy*, according to which the elected representatives should defend the interests of their own constituencies, while parties should be seen as suspicious since they are more likely to create a gap between citizens and their representatives. On the other, there is the *party-based democracy*, which considers that political parties are instead the logical intermediary between elected and electors, since they are able to facilitate, resume and find compromises among different interests.

According to the former vision, "democracy should be as representative as possible"[174] and the main goal would be to prevent the deviation of elected representatives from constituencies' preferences: otherwise, their punishment would be the diminishing of votes in their favour on the occasion of the following elections. As affirmed by

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[170] See European Green Party, 2014 European Elections: this time it's different!, 2014, available at europeangreens.eu/votegreen2014 (consulted on 22 June 2016).
[171] Data quoted in Working Document, p. 2.
[172] Andersen & Eliassen, 1996, p. 7.
[173] Hix & Noury & Roland, 2007, p. 32.
[174] *Ibid.*, p. 33.

Giovanni Sartori, within the citizen-delegate theory, parties are considered as the "anathema to the formation of democratic will, as they try to promote the interests of one 'part' of the community rather than the good of the community as a whole"[175]. Nevertheless, given such scenario, it is not clear how a parliament could reach a compromise and manage to democratically aggregate all constituencies' interests: this of course leads to a huge waste of time in order for a representative to analyse legislative proposal in the light of the preferences that they protect, which will then bring to the demolition of parliamentary agenda's competitiveness. It is especially to avoid such situation that political parties seem to perfectly fit within stable and efficient democratic systems[176].

The opposite perspective is offered by the party-based vision: parties own very essential functions, as for instance "structuring the popular vote, integrating and mobilising the masses, aggregating diverse interests, recruiting leaders for public office and formulating public policy"[177]. Generally, parties can be influential on electoral politics, since they hold brand names, symbols and a reputation that they have to preserve for future elections and long-term policies; this of course can more likely lead toward higher qualified, competent and committed candidates. As a consequence, party-based systems are also associated with a greater mobilisation of voters, who will tend to trust in such candidates and to actively participate to parliament's composition; in other words, elections turnout is generally more elevate in the presence of solid political parties. This theory of higher mobilisation is also supported by the consistent role of a party electoral campaign. In fact, the benefit achieved by single voters is usually very smalls (and even smaller in case of Euro-elections), hence citizens are not rationally pushed to show up at polling stations; so, the main solution is a strong and powerful electoral campaign, which is more likely to be conducted in a deeper and more convincingly by political parties than by individual representatives; as Max Weber affirmed, parties within electoral politics are in fact to be considered as "children of democracy, of mass franchise, of the necessity to woo and organise the masses, and

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[175] Quoted in *Ibid.*, p. 34.
[176] Hix & Noury & Roland, 2007, p. 37.
[177] Quoted in *Ibid.*, p. 37.

develop the utmost unity of direction and the strictest discipline"[178]. As a consequence, one could deduct an additional role of political association in this context: in order to encourage voters to trust candidates and convince them to participate to the elections, parties indirectly cut the huge cost for citizens to find out exhaustive information about candidates and their positions. In fact, a party will logically reunite and sponsor only candidates whose ideological remarks are in line with its own constitutional references[179].

As regards parties' sphere of influence on legislative politics, one should perceive them as desirable since they reduce policy's volatility and thus increase the predictability of outcomes, preventing in this way extreme lines of argument from increasing. Moreover, parties contribute to create a deeper specialisation: it is in fact easier for a group of cooperating to evaluate all facets of a policy than for an individual representative, who cannot enjoy of labour division's benefits and trust towards other party members. A further asset of party-based systems is that they preferably boost the safeguard of *general* public goods instead of *local* public goods[180], being the former a benefit for a larger portion of citizens. Finally, political parties help to reduce policies' dimensionality by sticking to a common position especially on milestone sensitive topics, eventually enhancing the predictability of decisions and increasing their efficiency[181]: internal democracy must however be respected, so party discipline may be encouraged but not imposed; minority positions should be taken into account and discussed when facing substantial issues.

All those considerations prove why strong and cohesive political parties are necessary for democracy and for stable parliamentary systems: history, and above all European history, has confirmed it on numerous occasions, as for instance with the case of French Fourth Republic entailing twenty-one governments within only eleven years, due to weak and volatile parties[182]. In the light of the foregoing, which category does the EP fit best? Is is beyond any reasonable doubt that if there is a parliament that could be based

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[178] *Ibid.*, p. 47.
[179] Hix & Noury & Roland, 2007, pp. 46-48.
[180] Quoted in *Ibid.*, p. 44.
[181] Hix & Noury & Roland, 2007, pp. 40-46.
[182] See *Ibid.*, p. 50.

on citizen-delegate system, this is actually the European Parliament: an increasing number of members, several spoken languages and an astonishing amount of national political parties are the perfect elements to encourage a structural fragmentation within an assembly[183]. Anyway, as analysed previously, such situation is most likely to lead toward an organic weakness and fable democratisation of the parliament itself: actually, a party-based system should be heavily encouraged especially given the diversity of the Union.

The tendency toward the formation of transnational parties has been observed since the very beginning of Europe's integration: the ECSC Assembly itself presented the first glimpse of it. David Marquand, one of the main supporters of the existence of an EU democratic deficit, even argued that the first consequence of EP direct elections would have been the switch from a *Europe of nations* to a *Europe of parties*[184]; however, the prior analysis of past Euro-elections proved the opposite. The essential reason hiding behind transnational European parties' difficulty to emerge is that national parties already play both earlier suggested roles within electoral and legislative frames[185]: this can perfectly explain the reason why citizens mistrust the MEPs and electoral turnouts are so low, as well as it can add a further argumentation in favour of EP's lack of democratic legitimacy.

**Parties at European level: the attempts**

As of today, there are two distinct political realities in the EP: the previously mentioned parliamentary political groups and the European political parties. The former were already established and formed in the ESCS Assembly and since then, they have significantly evolved; they are currently highly organised, with their own budget, staff, and rules of procedures[186], but above all they shape EP plenaries and MEPs' activities within committees and other working associations. Concerning Euro-parties, everything started when the Parliament considered itself as one: thanks to EEC's first enlargement

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[183] Hix & Noury & Roland, 2007, p. 50.
[184] Quoted in *Ibid.*, p. 51.
[185] Hix & Noury & Roland, 2007, p. 51.
[186] Hix & Høyland, 2011, pp. 140-141.

in 1973, the number and provenience of MEPs began to increase and the use of the semi-circular format of the chamber simplified the logical division members from right to left[187]. However, primordial Euro-parties consisted of transnational party federations *outside* the European Parliament and they were set up right before EP elections in 1979. The earliest to be founded was the Confederation of Socialist Parties of the European Community in April 1974, while the second was the Federation of Liberal and Democratic Parties of the European Community in March 1976; the following was the European People's Party in April 1976. However, despite of their denomination, those lacked of any organisation or common policy orientation; they just used to have biannual conferences[188].

The first recognition of supranational parties in the Treaties was introduced by the Maastricht Treaty, which stated that "political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union"[189]. Following this provision, existing federations improved their organisation and more supranational ones started to born, i.e. the European Federation of Green Parties in June 1993[190]. The Treaty of Nice later on specified that "the Council […] shall lay down the regulations governing political parties at European level and in particular the rules regarding their funding"[191]. All those provisions eventually led to the set-up of Euro-parties rules by means of mentioned Regulation 2004/2003/EC. In order to be recognised as such, a political party at European level shall: "have legal personality in the Member State in which its seat is located"; "be represented, in at least one quarter of Member States, by Members of the European Parliament"; "have received, in at least one quarter of the Member States, at least three per cent of the votes cast" in each one of them during the most recent EP election"; "observe […] the principles on which the European Union is founded"; and "have participated in elections to the European Parliament, or have

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[187] Pedersen, 1996, p. 18.
[188] Hix & Høyland, 2011, pp. 140-141.
[189] Maastricht TEU, Art. 138a (then renumbered: Art. 191).
[190] Hix & Høyland, 2011, p. 141.
[191] Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and Certain Related Acts [2001], Art. 2(19).

expressed the intention to do so"[192]. A further step forward was achieved by referencing to the pioneer Maastricht Treaty's provision both in the TEU and in the TFEU, as a consequence of the adoption of the Treaty of Lisbon. As for the former, it re-affirmed that "political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union"[193], while the latter reiterated that the EP and the Council "shall lay down the regulations governing political parties at European level referred to in Article 10(4) of the Treaty on European Union and in particular the rules regarding their funding"[194]. Right after the signature of the Lisbon Treaty, the EP and the Council adopted *Regulation 1524/2007*[195], which amended Regulation 2004/2003 and finally established for Euro-parties the access to funding from EU's general budget[196] when they prove to meet certain requirements.

The last and most recent legislative innovation for Euro-parties has been draft within *Regulation 1141/2014*[197], which is going to grant them a legal personality through the establishment of a new EU body, i.e. the Authority, with the aim of "registering, controlling and imposing sanctions on European political parties and European political foundations"[198]. This legislative act repeals Regulation 2004/2003/EC, but it is going to enter into force only in 2017. As of today, fifteen organisations are recognised as Euro-parties; each one of them can be composed by national parties –therefore including MEPs– and also individual citizens, who can require being members.


**The roles for legitimation**

Notwithstanding the foregoing and the consolidated character that parties at European level seem to enjoy, there is a huge gulf between theory and reality. Firstly, they only

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[192] Reg. 2004/2003, Art. 3.
[193] TEU, Art. 10(4).
[194] TFEU, Art. 224.
[195] Regulation No. 1524/2007 of the European Parliament and of the Council of 18 December 2007 amending Regulation No. 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding.
[196] Working Document, p. 3.
[197] Regulation No. 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations.
[198] *Ibid.*, Art. 6(1).

enjoy a limited power over respective national parties, but above all over the political groups that take their place within the EP[199]. Actually, such groups represent the current internal division of MEPs, even though they cannot be considered clear and defined ideological associations as classic political parties: one extreme example is the invalidation of the Technical Group of Independents, an EP group founded in 1999 that did not follow a cohesive political culture and that was later on forced to dissolve by a sentence of the European Court of Justice because too overtly mixed[200].

Moreover, two essential functions of party organisations are the formation of a program and the selection of candidates; in both respects the role of Euro-parties is extremely limited if at all existent[201]. The only programmatic texts Euro-parties can actively elaborate are actually just the ones supposed to be used by Member States parties during electoral campaigns[202], which are run –as already mentioned– on a completely national basis. Furthermore, candidates do not stand for EP elections on behalf of Euro-parties, but again as components of national parties; electoral lists are different in every country and certainly not compiled by the Euro-parties. As a consequence, Italian citizens do not know French or German candidates and vice versa: once more, the logical conclusion is that the composition of the European Parliament is actually not European at all. Finally, the different regulations of Euro-elections' performance have also a negative effect for the survival of parties at European level: national electoral threshold could in fact eliminate relevant parties' delegations due to their failure to obtain enough votes[203].

So, going back to Treaties' provisions, how could parties at European level possibly contribute to the formation of European citizens' political awareness? Even if they exist at paper level, they cannot be perceived as a tangible reality, and even less as true party-structured entities able to form the basis of a democratic and strong parliament; they are not adequate in order to define a public political space at community level[204], hence they clearly have any democratic effect on EP's legitimacy. Perhaps, they actually grant

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[199] Hix & Høyland, 2011, p. 141.
[200] Levrat, 2012, pp. 90-91.
[201] Thomassen, 2002, p. 19.
[202] Cassen & Michel & Weber, 2014, p. 74.
[203] Bardi, 2002, p. 80.
[204] Levrat, 2012, p. 91.

an even greater lack of legitimacy to the Parliament and they may increase citizens' level of mistrust towards elected MEPs.

## Left/right cleavage

As a further evidence of Euro-parties' weakness and inability to influence the activities of the assembly as a whole, it is quite interesting to notice that they do not have a heterogeneous *supply side*; in other words, stable political parties are supposed to offer different policy platforms to the voters, in order for them to be able to choose the most appropriate one. However, this does not happen at EU level, where parties do not even compete for electorate's votes[205].

As a consequence, the only manifest parliamentary entities within the EP, namely the political groups, end up tending to be by nature consensual among them. While national politics is based on confrontation and political drama, due to the existence of a government and an opposition, at European level it is more significant to reach the necessary consensus in order to approve legislations. The EP is then practically based on an almost indissoluble grand coalition system composed by the two main political groups within the Parliament, i.e. the already mentioned Group of European People's Party (hereinafter *EPP*) and the Group of the Progressive Alliance of Socialists and Democrats (hereinafter *S&D*). The most evident proof is the silent agreement on the rotation of EP's presidents: each group usually supports the other's candidate on alternating basis, so that both of them are able to rule the EP within the same mandate[206]. Furthermore, according to the statistics collected by VoteWatch Europe, the grand coalition voted the same way in around 70% of ballots during both the 2004-2009 and 2009-2014 mandates of the EP[207]. Throughout the latter, the two largest groups have often extended the consensus voting also to the Alliance of Liberals and Democrats for Europe Group, with which they have aligned during approximately 80%

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[205] Thomassen, 2002, p. 19.

[206] *N.B.*: EP's presidents are elected every two and a half years; every EP mandate (which lasts five years) counts then on two different presidents.

[207] VoteWatch Europe, 2011, p. 6. *N.B.*: The report analyses the trend of votes until the third semester of 2009-2014 EP.

of voting in the legal affairs policy area and over 85% in the constitutional and inter-institutional affairs policy area[208].

One should bear in mind that the practice of such consensual vote has historical origins and it is due to the absence of EP's left/right cleavage. Cleavages are all anthropological sources of division between different groups of voters: according to Seymour Martin Lipset and Stein Rokkan, four main cleavages represent the very basis of all European modern parties and they are: centre/periphery; State/church; owner/workers; and urban/rural. Such cleavages are the starting point of left/right historical contraposition among voters and, as a consequence, within parliamentary assemblies. The particular circumstance of the EP is that it has been based on the intergovernmental/federalist cleavage instead, which is transversal to any ideological polarity[209]. This provoked the absence of a true politicisation of the assembly from its very birth, which then was transformed into a sort of asset in order for the Parliament to become progressively more and more legitimated. In fact, the practice of consensus allowed showing to the citizens that the EP was able to privilege the strengthening of the European integration instead of creating conflicts and preventing compromises to be reached[210].

Within the years, the reasons for the grand coalition to exist became more and more procedural. In fact, the structure of co-decision requires an absolute majority (i.e. the majority of the total amount of MEPs, currently 376 out of 751) in order to propose amendments in second reading; or, there is also the tendency to try to find an agreement already at the first reading if groups prefer to avoid the complex and lengthy development of a second reading[211], which also requires a majority. Then, it is common for MEPs to consider the chamber as a sort of opponent of non-elected institutions[212], so groups informally search for a consensus especially when the proposal at issue concerns very delicate policies. Finally, the legislative motions are frequently too technical to be possibly analysed under a left/right confrontation[213]. As already mentioned, EP political

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[208] VoteWatch Europe, 2014, p. 10.
[209] Cassen & Michel & Weber, 2014, pp. 85-86.
[210] *Ibidem*.
[211] Borrell Fontelles, 2011, p. 56.
[212] Hix & Høyland, 2011, p. 144.
[213] Borrell Fontelles, 2011, p. 56.

groups are far from being strong ideological associations able to substitute the existence of tangible Euro-parties: the increasing voting cohesiveness within them is more a product of the growing powers of the Parliament –which is now called to decide in the vast majority of EU issues of competence– than a symptom of ideological coherence.

MEPs are considered to have two different principals[214]. On one hand, the groups themselves are the ones leading the members inside the Parliament, instructing them before the voting: usually, the group leader shows with a thumbs-up or down the indications of votes to be followed by all members. MEPs are most likely to be influenced by such *group line* because groups control the assignment to committees and report activities, the speaking time during plenary sessions, as well as the access to leadership positions[215]. On the other, national parties decide who will be a candidate in the following Euro-elections, as well as MEPs future office in the national arena. Such power is very significant when it comes to vote: as a result, in case members receive conflicting instructions, they are more likely to follow their national parties' discipline[216]; this notwithstanding, the irrelevance of EU issues within national political agendas makes the latter situation extremely rare.

Under all previously mentioned circumstances, it follows that, when considered individually, members are actually far from playing a determining role for EU policies. Then, one should not be surprised when acknowledging that the figure of MEP is almost always contemplated as a consolation political prize, or embodied by secondary national representatives or even politicians at the end of their career[217]. All foregoing impressions are easily confirmed when assisting to a EP plenary session: MEPs' unaccountability consents them to be present only during voting sessions; normally, around twenty or thirty MEPs attend the prior debates (i.e. not even the half of the amount of visitors who use to take part to plenary sessions as listeners); moreover, they often abandon the assembly after their prepared speech. Political discussion is completely missing and MEPs do not even pay attention to others' statements;

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[214] Hix & Noury & Roland, 2007, p. 134.
[215] *Ibidem*.
[216] Hix & Høyland, 2011, pp. 143-144.
[217] Levrat, 2012, p. 29.

frequently, they even engage in their own private conversations. The principal consideration an EU citizen should have while assisting to such scenario is that EP effectively lacks of any political drama and therefore of the power that people commonly associate to a functioning parliament. This decadent image of contributes to the absence of any interest or willingness to know about its activities, something that is also due to the inexistence of high-impact media at EU level.

In the light of the foregoing, how are citizens supposed to identify themselves with MEPs? How could they legitimate a chamber without a strong party-system and where political discussion is lacking? How can they feel represented if all candidates are chosen on the basis of national interests? Former French Minister of Justice Christiane Taubira perfectly linked such perceptions to the current failure of democracy's promoters, when speaking about EU current situation: a society without debate and which is not triggered by opposing views cannot be considered as truly democratic[218].

## 2.5. European identity

Drawing conclusions from all the aspects previously analysed, the EP is then an institution that has historically been legitimated by its outcomes; it is designated by citizens but following national rules and national lists, with the result of being considered as second-order elections; its components are led by their respective national parties, even because no effective Euro-parties system has still been implemented. Such situation can easily explain all mentioned polls and statistics on people's confidence toward the assembly, low turnouts and detachment from who the EP has been conceived to represent in order to achieve the most important aim of the Union: the political unification, the confluence of people who were fighting each other not even eighty years ago. The EU could be able to symbolise the main example of multicultural political system: but in order to reach such status, EP's role is fundamental since only if citizens

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[218] Taubira, 12 May 2016, Council of Europe.

perceive EU politics as they do at home then they will participate actively in the building of an even more united Europe[219].

A Parliament lacking of democratic legitimacy conveys to another counterproductive reality for the Union: the absence of a European identity, of a European people. Once again taking into account the Greek meaning of democracy, the EU is definitely entitled with *cràtos* but not with *demos*, notwithstanding all Treaties provisions quoting the existence of European citizens. The introduction of a European citizenship by the Maastricht Treaty and above all the already mentioned reference made by the Lisbon Treaty to *Union's citizens* are pointless if unable to truly give birth to a common sense of belonging.

The inexistence of a European people is evidenced by the evolution of the Union, since citizens have never been sufficiently associated to the most decisive steps of EU construction[220]. Moreover, since the 18th century, states live side by side in a Westphalian political order, i.e. where each one of them is self-determined and based on a fixed territory and a population; this idea of co-existing, mutually recognised sovereign countries is one of the multiple definitions of *nation*, but the European project itself has never officially undertaken the aim of structuring and achieving a European nation. There is no identity building in relation to an external element, since its borders are continuously changing, the population grows (or diminishes) on the basis of international agreements and there are no universal values or ideals truly shared and defended by everyone[221]; democratic codes and standards, i.g. the function of the parliament or the composition of parties, change from country to country and this has a very relevant effect on citizens' evaluation of political system's legitimacy[222]. Actually, the Treaties themselves establish that "the Union shall respect the equality of Member States […] as well as their national identities, inherent in their fundamental structures, political and constitutional"[223] and that it "shall contribute to the flowering of the

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[219] Borrell Fontelles, 2011, p. 58.
[220] Levrat, 2012, p. 83.
[221] *Ibid.*, p. 102.
[222] *Ibid.*, p. 49.
[223] TEU, Art. 4(2).

cultures of the Member States, while respecting their national and regional diversity"[224].

A further reasoning, usually proposed by Eurosceptics, is that a European identity would be anyway impossible to reach due to different historical national backgrounds and to the lack of a solidarity that can only exist at national level[225]. Finally, Vlad Costantinesco considers that the absence of a common identity is also due to the current shape of the Union[226]: several important policy areas are still under national competence (i.g. fiscal regulations) and this involves some disparities within the quality of life in different Member States; actually, until 2009 the MEPs were remunerated as members of their respective national parliaments[227], which of course provoked evident inequalities.

The absence of an EU people was officialised by two sentences of the German Constitutional Court in Karlsruhe. In 1993 judgement concerning the ratification of the Maastricht Treaty, the Court established that German people would have maintained the sovereignty in German territory even after its entry into force. The Court added that the principle of democracy remarked by Article F(1) of the text was exclusively referring to Member States and not to the Union as a whole[228]; and that EEC's democratic legitimacy would have essentially proceed from national parliaments, while only partially from the EP[229]. The judgement was based on the lack of a European sovereign people and the Court considered that such situation could not have been changed without, for instance, the creation of parties at European level or the promotion of a European public opinion. The second sentence dates back to 2009: it reaffirmed the existence of a structural EU democratic deficit, which meant that the EP could not have been considered as the expression of a European people[230].

It is curious to observe that even the meaning of the term *people* is not shared among Member States: the French sense refers to a civic/political approach, linked to the idea of a daily plebiscite; the German vision is more cultural and based on common origins;

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[224] TFEU, Art. 167(1).
[225] Levrat, 2012, p. 106.
[226] Costantinesco, 28 April 2016, Maison de l'Europe Strasbourg Alsace.
[227] See BBC News, 'Guide to the European Parliament: Salaries', 13 February 2014.
[228] *Ibid.*, pp. 97-98.
[229] Jacqué, 2015, p. 93.
[230] *Ibidem.*

the Anglo-Saxon version is completely disconnected from any political meaning, while its plural form approaches a geopolitical connotation[231]. Furthermore, the central/Eastern conception relates the term *people* to nationality and distinguishes it from citizenship[232]. All this also confirms another enemy for the birth of a European identity: the mutual ignorance that exists among Member States concerning others' culture and habits, in particular between Western and Eastern countries.

Even though the EU citizens are entitled with a European citizenship at paper level, the sentiment of belonging to a sovereign European people able to choose its representatives and to be subject to their government, is still far from being achieved[233]. It seems that *the dog is chasing its own tail*: on one hand, the current functioning of the EP does not push toward the integration of EU citizens and it obviously does not increase the possibility for a common European identity to exist; on the other, the absence of the latter prevent and hinder the chance for the former to improve and distance itself from the prevailing national conception. The European Parliament may have been conceived as "the conscience of the EU, as the voice of its people, as their *grand forum*"[234]: however, citizens do not identify with anything related to it, and least of all they are keen to confer it with legitimacy. Rethinking and defining the future breadth of integration, as well as structuring the functioning of the institutions in a more democratic and supranational way seem to be the only solutions to tackle the gap between the Union and the citizens.

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[231] Levrat, 2012, p. 101.
[232] *Ibidem.*
[233] *Ibid.*, p. 151.
[234] Lodge, 1996, p. 206.

# 3. The future European Parliament

## 3.1. Is legitimation possible?

The EU and especially the EP (its only direct elected body) are suffering of a worrying lack of legitimacy and detachment from EU citizens. One of the clearest symptoms has been the United Kingdom referendum, whose results demonstrated the willingness of British people to interrupt the membership of their country within the Union. For the first time since the very birth of the European integration, one Member State may abandon the more and more ambitious project of such peculiar supranational economic and political system.

All the elements considered so far are actually increasing the disengagement of citizens in respect of the EU. Notwithstanding the growing breadth of the Union as well as of its competences, the electoral system and Euro-parties are not truly European, something that does not really contribute to the birth of an integrated European people. Moreover, the development of Union's aims has mainly been possible thanks to an out-put kind of legitimation, i.e. almost without a conscious approval by the citizens; the absence of any political drama or right/left cleavage within the Parliament has ncreased such distance and detachment from everything happening in Brussels, described and considered as second-order events.

Neither the EP seems to hold a European mandate nor does the Union in general. On the contrary, the risk of a relapse toward feelings of nationalism and division is nowadays real, above all due to the economic crisis that is having a significant impact on the progresses of the Union and that allowed financial issues to overcome any other facet of polities. Actually, it has even separated the EU into two blocs, i.e. the *creditors* and the *debtors*, something that has also been spread by a fast and unplanned enlargement of the Union right after the falling down of the Berlin wall. What is left now is "endless austerity, deteriorating faith in public institutions, and a Europe more divided than any

time"[235]; however, it is important to bear in mind that "the weakness of the [EU] system is not about spending and how to promote growth, but about legitimacy"[236]. This was again clearly demonstrated by the outcome of the mentioned referendum: almost the entirety of post-results reactions –with the obvious exception of Eurosceptics– highlighted how the main turning point in order for the Union to regain its meaning would be the redefinition of its future shape and the breadth of integration.

## 3.2.   Rethinking the Union (and the Parliament)

There are of course several suggested plans in order to increase EU's legitimacy and confer to it a functioning structure. Firstly, there is the vision supported by the advocates of an intergovernmental system: they believe the conception of sovereignty cannot trespass national dimensions, which is the only one able to issue democratic and legitimated decisions. One of the solutions offered to bypass the current crisis would be for instance the bolstering of the network among national parliaments and the EP, since EP's competences have patently grown to the detriment of national assemblies that at the same time cannot really exercise any supervisory power on community institutions. For these reasons, a broader exchange of information between national and supranational assemblies could eventually play a relevant role of legitimation within the EU decision-making process[237].

Even assuming that this theory would be effective, it cannot be the ultimate solution for EU's lack of legitimacy, since any solution that will not take into account the necessity of a greater political union at European level is condemned to fail or at least will condemn the states to be completely unheard at global level[238]. Moreover, people's sovereignty can trespass national borders and be transferred to supranational authorities without losing democratic legitimacy: "such a transfer, *if it only leaves the democratic procedure intact*, carries forward precisely the kind of constitutionalisation of political

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[235] Piketty & Adelman & Delatte, 4 April 2016.
[236] The Economist, 26 May 2012.
[237] Levrat, 2012, p. 135.
[238] Zarka, 2012 (a), p. 40.

authority to which citizens within the nation stat already owe their liberties"[239]. In other words, the relocation of sovereignty from national to supranational level does not automatically destroy or diminish people's autonomy and rights. Furthermore, one should bear in mind that the idea of solely national sovereignties connected through intergovernmental agreements would imply a sharing of sovereignty within a post-democratic system[240]; as theorised by Colin Crouch, a post-democratic system holds a fully operating democratic structure, but its functioning is limited and heavily influenced by small power groups as lobbies and mass media. The future of the Union would then be decided by agreements among governments that would allow several power relations (i.g. economic, financial and political) to alter decisions, which would be taken without even informing the citizens[241].

As affirmed by Guy Verhofstadt, citizens need a common future vision to focus on. For this to become possible, it is necessary to reform community institutions and policies, in order to go back to EU founder fathers' ambitious ideas and to the most important, challenging aim: the political dimension of the European project, which has pretty much been forgotten during the last decades[242]. Antidotes have to be structural in order for the *unidentified political object* to become more delineated and democratic; the same is valid for European institutions, and especially for the Parliament. Their democratic legitimation is possible: their effectiveness shall join a greater and more European representativeness[243]. The most relevant and feasible vision appears to be the one supported by Jürgen Habermas.


**A new political object**

EU's political dimension appeared impossible to achieve, above all after the tragedies perpetrated among the same states that were then trying to be united. But it was precisely because those countries had known the most negative aspects of nation-state

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[239] Habermas, 2012 (c), p.p. 18-19.

[240] Zarka, 2012 (a), p. 31.

[241] *Ibidem*.

[242] Verhofstadt, 24 June 2016, European Parliament.

[243] Andersen & Eliassen, 1996, pp. 9-10.

conception that they decided to try to find a supranational and common political horizon[244]. Thanks to this, Habermas believes that in the context of a more and more globalised world, the EU has to represent a stage toward the constitution of a *cosmopolitan* community of states and world citizens[245]; to stimulate economic growth and at the same time ensure a social security for their citizens[246]; to obtain in-put legitimacy, since citizens need to get involved actively in the European project, in order for their representation to be both truly democratic and efficient.

The evergreen option in order to continue in that direction has always been  idea of a unique federal state. Nevertheless, the solution offered by Habermas is different and it could be recalled as a *non-state political Union of the European States*, namely neither a federal nor a confederal state; not even a post-national democracy, but rather a supranational democracy to which all Member States shall contribute in a new way[247]. The core assumption of such innovative political object is the notion of *shared sovereignty*.

As one may recall, the conception of sovereignty has always been considered as indivisible and absolute; it has classically been linked to the idea of nation, since it implies the capacity for a people to determine its own social system, language, standards of living and above all a political regime[248]. But such vision has changed over time: the birth of the United States of America exemplified that sovereignty could have be linked to different stages[249]. However, one should bear in mind that such model cannot be considered as valid for the EU, since (contrarily to the United States) it is the result of countries that have grown in different ways and timings; they have fought against each other until very recently and they do not have a unique common language or culture. Another adversity for the Union is that Member States are not actually willing to dissolve into a bigger unique nation, where they could lose the control over

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[244] Zarka, 2012 (b), p. 6.
[245] Habermas, 2012 (c), Preface, p. XI.
[246] *Ibid.*, p. 4.
[247] Zarka, 2012 (b), p. 9.
[248] Zarka, 2012 (a), p. 27.
[249] *Ibid.*, p. 29.

their own future in favour of a foreign political system whose sovereignty could escape from their own sovereignties[250].

In order to overcome those obstacles, the vision offered by Habermas proposes a shared sovereignty, but not among states or between different political stages: the share of sovereignty shall be between European *peoples* (i.e. the population of Member States) and European *citizens*. In other words, citizens composing European peoples shall express their will at national level but also at European level: they shall be able to exercise their sovereignty within national borders and then within EU borders, by taking actively part to issues concerning Unions' institutions, decisions and finalities; all consultations shall manage to achieve of course an European dimension and no more national shaped procedures[251]. Citizens would thus become constituents on a double level, i.e. as components of national states and as components of the EU; in this way, the decisions taken at community level would not be considered as imposed by a foreign political system, a non-democratic structure that just decrees for unknown reasons[252]. Union's law shall prevail over national laws, but it would not be composed by legislations elaborated by officials without any democratic legitimacy, beyond citizens' awareness and discussed by a far, imposed parliament[253]; in this way, no alienation of sovereignty –from both parties– would be necessary. Through such double constituency, Habermas manages to reconcile the attachment to nations and the constitution of a political EU, going beyond the formalisation of a list of Human Rights exercised within a purely economic association[254].

Hence, the new Union would be a non-state political entity. Firstly, it should be entitled with legal and political dimensions, namely with a Constitution that would be legitimated by both European peoples and European citizens. A Constitution would also change the relations among institutions and the division of powers[255]; it would in some way calm the current inter-institutional rivalry, thus contributing to give birth to a new

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[250] *Ibid.*, p. 30.
[251] Zarka, 2012 (a), p. 32.
[252] *Ibidem.*
[253] *Ibidem.*
[254] Zarka, 2012 (a), p. 34.
[255] Lodge, 1996, p. 206.

form of governance with a stronger Parliament and deeper democratic legitimation. The legislative process would be more transparent and also national parliaments would be reinforced: once more, it is evident how a post-national order is not more likely to be the future of the EU, "but rather a complex new multi-level polity, with some classic federal features and some completely new institutional innovations"[256].

Secondly, the new Union should lean on Member States, since it would not hold those *regalia* rights that have always been a prerogative of national states (i.e. the use of violence or the administration of justice); in other words, the power of the Union would reside in its components[257]. A further necessary characteristic would be the progressive harmonisation of EU economies and social systems: if the new Union will keen on the convergence and pacific coexistence of its Member States, the homologation of standards of living, quality of life, and citizens' social rights and salaries[258] is a key issue to achieve; without it, no common political goals can be obtained. Cultural diversity would be however preserved and it would strengthen even more European unity.

**Which kind of governance?**

The idea of a new kind of governance has gained more and more supported; moreover, the reconfiguration of the Union would bring to the reconsideration of the conception of democratic legitimacy. The birth throughout the Union (and especially in Italy, France and Spain) of political civilians' movements affirming the necessity of returning to a direct role of citizens within national politics has often called into question the fairness of representative parliamentary democracy, even considering the increasingly significant role played by internet and social networks.

In this sense, two main alternatives have been theorised: *deliberative democracy* and *participatory democracy*. The former differs from representative democracy because it is based on deliberation among citizens and direct consensus decision-making.

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[256] Føllesdal & Hix, 2006, p. 555.
[257] Zarka, 2012 (a), p. 42.
[258] *Ibidem*.

Deliberative democracy is considered to be the biggest enemy of liberal democracy: it could be described as a democracy through acclamation, whose consequences could be resumed in populism, racism and mass's manipulation by the charismatic ideas of a leader –who is most likely to rise among the mass– then transformed in hero[259]. The only relatively positive idea concerning deliberative democracy would be the higher interest of citizens for politics. However, such alternative form of governance cannot substitute representative democracy: firstly, due to the risks previously mentioned; but above all because its decision-making process's regulation, efficiency and legitimacy are not decipherable[260].

As for participatory democracy, it basically aims at allowing a greater (whether not total) portion of the population to take part into decision-making processes. In order to achieve such purpose, participatory democracy creates new political actors (i.e. the individual citizen, or working groups representing different social orders) who are called to share the power with elected representatives[261]. Similarly to deliberative democracy, a broader public political space can be built: however, it is not clear who the spokesperson of citizens and group would be; how to know if the entire population can effectively participate to decision-making processes; how to avoid manipulation coming from particular private interests[262]; or if such kind of governance would permit the trespass from local to national administration. In the light of the foregoing, it is actually unthinkable to imagine its application to a supranational context; participatory democracy cannot substitute representative democracy as of today, above all at European level.

Quoting John Stuart Mill, "it is evident that the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; […] and that nothing less can be ultimately desirable than the admission of all to share in the sovereign power of the state. But since all cannot, in a community exceeding a single small town,

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[259] *Ibid.*, p. 44.
[260] *Ibidem.*
[261] *Ibid.*, p. 45.
[262] *Ibidem.*

participate personally in any but some very minor portions of the public business, it follows that the ideal type of a perfect government must be representative"[263]. According to Mill, the essential elements for a good government are the intelligence and virtues of the population and the capability of the government to promote them; furthermore, the quality of the governmental machine has to be on top of the situation, in order to allow governors to do so[264]. This is what the Union should achieve to ensure the coincidence of its efficient and democratic characters.

## A further evolution

A reform of the institutional structure appears necessary and inevitable. Several different scenarios have been hypothesised: some authors push for a higher accountability of the Commission before the Parliament; others even propose its direct election on a Europe-wide basis[265]. There is who plans the creation of a brand new reliable and neutral institution in charge of informing citizens, as a sort of supervisor of supranational decisions[266]; there is also who supports the replacement of the Council with a so-called *European Chamber*, namely a sort of second parliamentary chamber to supplement the Parliament and serve European-wide interests[267].

Anyway, in order to encourage the birth of European citizens and create a common public space, the first institution to bolster is clearly the EP. Apart from deleting the emotional gap between the Union and its people, such reform would finally entitle the EP with a stable democratic legitimacy. In fact, and as already analysed, the strengthening of the Parliament forms part of the remedies to its lack of legitimacy.

It is necessary to redistribute decision-making competences and powers among European institutions[268], bearing in mind the role that the EP should play in parallel to the Council and the Commission. As for legislative power, co-decision procedure

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[263] Mill, 2009, p. 70.
[264] *Ibid.*, p. 38.
[265] See The Economist, 26 May 2012.
[266] See Zarka, 2012 (a), pp. 46-48.
[267] See Piketty & Adelman & Delatte, 4 April 2016.
[268] Rittberger, 2012, p. 27.

should be extended even more[269], since the Council appears to still prevail over the EP concerning the approval of both legislation and community budget[270]. But above all, it would be urgent to put an end to Commission's monopoly of legislative initiative and increasing the power of the EP in this sense. Furthermore, the accountability of non-directly elected institutions before the Parliament should be more demanding and stricter; in particular as regards the Commission, since it has been designated to draft programmes without the vote of a parliamentarian majority. Then, institutional transparency should be enhanced for fostering political contestation[271]; but in order to do so and to entitle the EP with more in-put legitimacy, some further structural transformations have to take place, as the electoral system's reform.

### 3.3. Electoral reform

As previously analysed, the constantly decreasing turnout –especially among young voters– is a worrying aspect of EP's composition and it stands at the very basis of its lack of legitimacy. Citizens' interest to actively participate and cast their vote would increase only by making them more similar to national elections, by politicising them through the candidature of politicians with greater European dimension and competences, in order to go beyond aimless polls on Member States' national politics[272]. The primary task to undertaken is the harmonisation of the electoral system, which is still ruled by national criteria; in this way, the EP would eventually conquer a truly European mandate.

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[269] Cassen & Michel & Weber, 2014, p. 120.
[270] Hix & Høyland, 2011, p. 132.
[271] Føllesdal & Hix, 2006, p. 555.
[272] Borrell Fontelles, 2011, pp. 54-55.

**The goals**

Following a debate held on 27 October 2015, EP *Resolution 2015/2035(INL) on the reform of the electoral law*[273] was finally adopted on 11 November 2015 by a majority of 315 votes to 234, with 55 abstentions[274]. Resolution's annex was the final Proposal[275] to be submitted to the Council (hereinafter *Proposal*) and it resulted from several efforts to modify 1976 Electoral Act and to mark a major turning-point that already applied amendments did not introduce. Back in 2011, EP Committee on Constitutional Affairs prepared an own-initiative report signed by current President of the Union of European Federalist, Andrew Duff[276]; its main goal was to conceive a sort of a Pan-European constituency[277] in view of 2014 Euro-elections. However, after the presentation in front of the plenary, a second amended report[278] was eventually rejected by the assembly. In order to improve as far as possible the unfolding of 2014 elections, the EP confined itself to the approval of a list of recommendation on practical arrangements[279]. Such non-binding text aimed at strengthening the connection between the EP and the Commission and to make more visible the role of EU parties. For the first time after the entry into force of the Lisbon Treaty, the latter were thus encouraged to present a candidate for the presidency of the Commission; such procedure is also recalled as *Spitzenkandidaten*.

After the partial success achieved on the occasion of 2014 elections, the Committee on Constitutional Affairs decided to try once more taking a step forward in view of 2019 Euro-elections: this is why Co-Rapporteurs Danuta Maria Hübner (EPP) and Jo Leinen (S&D) published in May 2015 the *Working Document on the Reform of the Electoral*

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[273] European Parliament Resolution No. 2015/2035(INL) of 11 November 2015 on the reform of the electoral law of the European Union [hereinafter *Res. 2015/2035(INL)*].
[274] European Parliament News, 11 November 2015.
[275] Proposal for a Council Decision adopting the provisions amending the Act concerning the election of the Members of the European Parliament by direct universal suffrage [hereinafter *Proposal*].
[276] Draft Report No. 2009/2134(INI) of 28 April 2011 on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976.
[277] European Parliamentary Research Service, September 2015, p. 11.
[278] Second Report No. 2009/2134(INI) of 2 February 2012 on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 [hereinafter *Second Report 2009/2134*].
[279] European Parliament Resolution No. 2013/2102 of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014.

*Law of the European Union* (hereinafter *Working Document*), a preparatory work for a new report to be presented in front of the EP plenary. On one hand, the text insisted that the right of the Parliament to initiate a reform of the electoral system is enshrined in the Treaties since 1957 and assured by Article 223 TFEU. Besides, it drew the rules to be followed according to Article 223 itself and to the Electoral Act, in order for the eventual proposal to enter into force[280]: the act had to be adopted by simple majority by the EP, then proposed to the Council which would have had to decide unanimously after consulting the Commission; finally, it would have been sent to Member States for ratification.

The preparatory work also highlighted the reasons why such reform could not wait any longer to be tackled: firstly, because no agreement on a uniform electoral procedure had been achieved yet; then, for "enhancing the democratic dimension of the European elections, reinforcing the European citizenship, improving the functioning of the European Parliament and the governance of the European Union, making the work of the European Parliament more legitimate and efficient, enhancing the effectiveness of the European elections' conduct, and providing for more electoral quality of the European citizens"[281].

As for the content of the reform, the majority of key issues proposed in the Working Document –and then transposed in the Draft Report[282] adopted by a large majority within the Committee[283]– form part of the Proposal voted and ratified by the EP in November 2015, thanks also to the support of both largest EP groups.


**The fulfilments**

The central issue faced by the reform is the necessity of a harmonised voting system for all Member States. Resolution 2015/2035(INL) underlines the initial necessity to

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[280] Working Document, p. 4.
[281] *Ibidem*.
[282] Draft Report No. 2015/2035(INL) of 30 June 2015 on a proposal for amendment of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage.
[283] VoteWatch Europe, 29 September 2015.

establish a common European voting day, in order to reflect a united participation of voters all across the EU; however, being aware about the difficulty for Member States to suddenly switch from four to only one possible day of voting, the Proposal suggests to maintain the voting period from Thursday to Sunday but to settle a common termination by 21:00 CET on the last possible day of elections[284]. In fact, this would reduce the possibility of final results to be influenced whether in some countries they were made public before the closing of others' polling stations; the Proposal also advocates that the first official projection of results shall be revealed after the closing of polling and simultaneously[285]. However, Member States are encouraged to cooperate in order to find a compromise for establishing a unique common voting day as soon as possible[286]. In order to harmonise also the very core of voting system, the Proposal also suggests introducing mandatory thresholds in order to avoid an unmanageable fragmentation of the Parliament and guarantee its proper functioning; therefore, big constituencies and single-constituency Member States shall fix a threshold "which shall not be lower than 3%, and shall not exceed 5%"[287] in order to be entitled to EP seats. Finally, the reform would institute a joint constituency where lists are led by political family's candidates for the post of President of the Commission[288], something that would legitimise even more the election of such position and EC's accountability before the Parliament.

As for candidatures, several amendments are proposed, but the most noticeable is in fact the official adoption of the *Spitzenkandidaten* procedure, which provides "a link between votes cast at national level and the European context and enables Union citizens to make informed choices between alternative political programmes"[289]. Euro-parties shall nominate those lead candidates at least twelve weeks before the election period[290], in order for political programmes to be exhaustively presented and encourage political debates that would make the whole process of electoral campaign more

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[284] Proposal, Art. 1(10.1).
[285] *Ibid.*, Art. 1(10).
[286] Res. 2015/2035(INL), 24.
[287] Proposal, Art. 1(3).
[288] *Ibid.* Art. 1(2).
[289] Res. 2015/2035(INL), W.
[290] Proposal, Art. 1(4).

European-wide[291]. For the same reason, Member States are also required to set a common minimum deadline of twelve weeks before their election period for establishing electoral lists[292]; in this way, voters will be as well provided with equal possibility to prepare and reflect about their choice[293]. In order to assist citizens with this, EP encourages the highest standards of media's fair and objective information concerning the different campaigns[294]; it also wishes the future birth of a European Electoral Authority to centralise such information and facilitate the acquaintance among all Member States[295], whose introduction in the final Proposal was dismissed during plenary voting of amendments[296].

The nomination of a leading candidate will probably embody the main opposition of the Council while having to vote EP's Proposal. In fact, the former will have to decide by unanimous consent: the *Spitzenkandidaten* procedure is most likely to be a heavy burden for the approval of the reform due to the current composition of the body, which already showed opposition before the first experimentation of the procedure in 2014[297]. Such hostility was already patent during Proposal's voting within EP plenary, especially among Polish, Hungarian and Latvian conservatives MEPs, who openly opposed the reform; while Swedish and Dutch conservatives manifested some strong reservations in this sense[298]. This scenario has pushed the Co-Rapporteurs to propose the facilitation of any adoption of implementation to the Electoral Act in the future: according to amended Article 14, the Council would in fact have to vote by qualified majority and not unanimously as required currently[299].

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[291] Res. 2015/2035(INL), 9.
[292] Proposal, Art. 1(4).
[293] Res. 2015/2035(INL), 5.
[294] *Ibid.*, 18.
[295] Report No. 2015/2035(INL) of 2 October 2015 on the reform of the electoral law of the European Union [hereinafter *Report 2015/2035(INL)*, Amendment 50, presented by Josep-Maria Terricabras on behalf of the Greens/EFA Group.
[296] For all mentioned data concerning plenary's voting on Report 2015/2035(INL): Parltrack, 2015/2035(INL) Votes, *n.d.*, available at parltrack.euwiki.org/dossier/2015/2035(INL) (consulted on 6 July 2016) [hereinafter.
[297] Frantescu, 12 November 2015.
[298] *Ibidem*.
[299] Proposal, Art. 1(11).

As for candidates in general, the EP supplies further specifications. Firstly, the Proposal goes even further as compared with the existing prohibitions of dual mandate for MEPs prescribed by Decision 2002/772/EC: in order to make the composition of the EP more European, the reform forbids the candidature of members "of a national or regional parliament or assembly vested with legislative powers"[300]. Then, it requests gender equality within electoral lists[301] and encourages the representation of "ethnic, linguistic and other minorities"[302]; however, the establishment of zipped lists –or other equivalent methods– as an attempt to assure gender equality[303] was dismissed during the voting of amendments.

Another key content of the reform is the harmonisation of voting methods. As for minimum voting age, a much discussed theme due to very diverse national legislations, the EP suggests as a future step to fix it at 16[304]. The proposition was actually very much criticised by the EPP group, who mainly voted against. In any case, the minimum voting age issue is a sensible issue also among young EU citizens themselves, as demonstrated by the civil petition *Vote 16* launched by the European Youth Forum, which remarks that "only allowing better recognition of the views of young people by giving them a real influence would encourage them to participate in decision-making processes"[305].

A further key content in this sense is the willingness of the EP to protect EU citizens' right to participate to Euro-elections also from abroad, especially because some Member States do not afford such possibility at all. For this purpose, the Proposal calls to introduce electronic and internet voting, which would also make the elections –as affirmed by Jo Leinen himself– "more accessible and attractive"[306]; and to secure the opportunity to vote by post for all EU citizens living or working in a Member State of

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[300] *Ibid.*, Art. 1(8).
[301] *Ibid.*, Art. 1(4).
[302] Res. 2015/2035(INL), 21.
[303] Report 2015/2035(INL), Amendment 43, presented by Danuta Maria Hübner on behalf of the PPE Group.
[304] Res. 2015/2035(INL), 15.
[305] European Youth Forum, Vote 16, *n.d.*, available at youthforum.org/vote-16/ (consulted on 3 June 2016).
[306] Vincenti, 20 October 2015.

which they are not nationals, or even in an extra-EU country[307]. Furthermore, due to the lack of adequate rules hindering citizens with double nationalities from voting twice, the EP also establishes a common deadline of six weeks prior to elections in order for Member States to exchange information concerning such citizens[308]; in any case, electoral rolls shall be closed at least eight weeks before the voting period, in order to avoid any other possible fraud[309].

**What is missing?**

Two important objectives could not be included. First of all, the harmonisation of voting system appears in fact incomplete without a –maybe utopic– attempt to reach a common electoral system: while in the Working Document is highlighted that "using the list system with a preferential voting possibility"[310] would contribute to increase the turnout, none of this has been set down on paper afterwards. However, these are still immature times for such a radical innovation.

The other issue is maybe more worrying, and it concerns the strengthening of Euro-parties. Notwithstanding the affirmed willingness to promote the role of Euro-parties as expression of EU citizens and its call to facilitate their participation in electoral campaigns, the adopted proposal is not bold at all in this sense. The final Report stated that "the ballot papers used in elections to the European Parliament shall give equal visibility to the names and logos of national parties and to those of the European political parties, if any, *to which they are affiliated*"[311]; due to the opposition of EPP's majority, the adopted text does not clearly underline the link between national and European parties. If approved, then the reform would just back the mere presence of Euro-parties symbols on ballots and other electoral material; a small part of EPP

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[307] Proposal, Artt. 1(5), 1(9).
[308] *Ibid.*, Art. 1(9).
[309] *Ibid.*, Art. 1(4).
[310] Working Document, p. 6.
[311] Report 2015/2035(INL), Amendment 7.

(especially Hungarians, Slovaks and Swedes) even supported the erasure of Euro-logos from polling cards[312].

This slide has been even worsen by another dismissed proposition, i.e. the creation of transnational lists; something that would have really encouraged voters "to look beyond narrow national issues and make decisions on a more European basis"[313], as affirmed by the vice-president of Greens/EFA, which was the only EP group to propose the establishment of European-wide electoral lists[314]. In fact, the vast majority of both EPP and S&D opposed such provision. The idea of transnational list was included by the primordial Working Document and defined as "the most logic measure to represent the European dimension"[315] within the electoral system. However, Jo Leinen himself admitted that the Committee could not insert a similar *breakthrough* in the Proposal because neither the EP nor the Council would have accepted it; but finally, he also assured that in his opinion transnational lists would form part of a new reform in the next future[316].

It is clear that the proposed reform is not going to solve all EP problems with democratic legitimacy and that some step more forward could have been attempted. However, in case the Council approves the text, 2019 elections will be definitely more engaging for voters while "strengthening the political dimension of the European integration"[317].

## 3.4. Politics at European level

Notwithstanding all difficulties experimented in this sense by the approval of the electoral reform's project, the strengthening of Euro-parties would correspond with an enhancement of EP democratic legitimacy, apart from undoubtedly benefit the turnout

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[312] Frantescu, 12 November 2015.
[313] Gotev, 13 November 2015.
[314] Report 2015/2035(INL), Amendment 50, presented by Josep-Maria Terricabras on behalf of the Greens/EFA Group.
[315] Working Document, p. 11.
[316] Vincenti, 20 October 2015.
[317] Res. 2015/2035(INL), F.

of European elections. All this was confirmed by the results of a survey conducted by the Commission before the 2014 elections: more than 84% of respondents agreed in fact that their interest in Euro-elections and their active role concerning the composition of the EP would be definitively higher if more information about the programmes and objectives of candidates would have been provided[318]; moreover, almost 73% of interviewed admitted that if national political parties exhibited in all campaign materials to which Euro-party they are affiliated, the turnout would easily increase[319].

A more democratic and stable EP would need a genuine contest among transnational political parties (and above all among their leaders) for controlling EU's policy agenda and main political offices; the preferences of voters should be made on the basis of such rival positions and according to the quality of candidates. Finally, European parties should be cohesive enough to transfer winning electoral choices into legislative and executive action at community level[320].


**Stronger parties: how?**

Before 2014 Euro-elections, the Commission elaborated a Communication[321] in order to highlight the main steps to take in order for transnational parties' role to be more tangible, inviting pan-European political parties to do everything possible to *inform* citizens about the respective participant national parties as well as their candidates and lead candidate during the elections[322]. In order to deepen the link between the two dimensions, the same is required to national parties themselves, which should announce in a clear way their incorporation to any Euro-party[323]. Often, in fact, citizens completely ignore the effective impact of their vote, which is going to shape the policies that in the end rule their everyday life; apart from strengthening Euro-parties reputation

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[318] European Commission, 'Flash Eurobarometer No. 364 - Electoral rights', March 2013, p. 6.
[319] *Ibidem.*
[320] Hix & Høyland, 2011, p. 131.
[321] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions preparing for the 2014 European elections: further enhancing their democratic and efficient conduct [COM(2013)126, hereinafter *Communication*].
[322] Communication, p. 5.
[323] *Ibidem.*

and accountability, evidencing such connection would contribute to make more transparent and perceptible EU decision-making process[324].

In order to reach the goal of a visible connection between national and European-wide parties, the Commission suggests that such affiliation should be clear "*from the campaign to the casting of ballots*"[325]. Committee's Working Document itself included the visibility of Euro-parties on ballot papers as one of the keystone issues to be faced by a possible reform; actually, two different ways were indicated, being the first and bolder the mandatory indication of EU political parties' names and/or logos and their affiliated national parties on the ballot papers, or –as a softer version– the possibility for national parties to decide whether to explicitly link their brand with the respective Euro-party[326]. Actually, the proposed Report contained the former approach[327]; but since the EPP (and a minority of S&D too) did not accept it, the softer version was then presented, remarking that the connection of names and logos on ballot papers should have been possible *only if requested by the affiliated national political party*[328]. However, as already mentioned, also the latter failed to be adopted; the final version included within 2015 Proposal just avoids mentioning any clear direct relation between national and transnational parties while nominating the brands to be place on ballots[329]. The adopted text only notifies it when encouraging Member States to facilitate its acknowledgement "in television and radio campaign broadcasts and on electoral campaign materials"[330]. Undoubtedly, it is a significant step forward that would provoke the shift of electoral campaigns from domestic to supranational agenda and Euro-parties' figure would be better recognised by EU citizens; in fact, its relevance was mentioned by both Commission's communication and electoral reform Working Document. However, the final version of the provision appears incomplete and ineffective as for its primordial purpose.

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[324] European Parliamentary Research Service, September 2015, p. 14.
[325] Communication, p. 5.
[326] Working Document, p. 7.
[327] Report 2015/2035(INL), Amendment 7.
[328] *Ibid.*, Amendment 42/2.
[329] Proposal, Art. 1(4).
[330] *Ibidem*.

A further way in order to strengthen parties at EU level was already made official in 2011 by Rapporteur Andrew Duff. His own-initiative Report (which, as already mentioned, failed to be adopted by the plenary) suggested to attribute twenty-five additional EP seats to candidates proposed by Euro-parties throughout all Member States and elected in a single constituency, i.e. the whole territory of the Union: "pan-European lists would be composed of candidates drawn from at least one third of the States, and may ensure an adequate gender representation; 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"[331]. These first steps towards the idea of an entire EP elected on the basis of transnational lists were then timidly recovered by Hübner/Leinen Working Document, although the text labelled such possibility of going "beyond the current scope of the Treaties"[332]. Duff's proposition was then inserted in the mentioned amendment on behalf of Greens/EFA Group, which finally was overwhelmingly invalidated by plenary's voting. In any case, the discussed issue of transnational lists could be introduced little by little through another element of Euro-parties fortification: the existence of electoral campaigns for EP elections under the control of the latter, with their manifesto, party labels and common platforms within Member States[333].

Stronger and more cohesive Euro-parties because would partially fill the emotional gap between citizens and the Parliament. Moreover, a best structured party system would finally increase politicisation at EU level and encourage a traditional left/right cleavage.


**Politicisation's benefits**

As remarked by John Stuart Mill, representative assemblies should be places of discussion among different opinions. Politicisation will be actually unavoidable because EU's re-distributional outcomes are becoming more and more apparent, so they will need competitive political processes in order to obtain a democratic mandate[334]. In any

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[331] Second Report 2009/2134, 2.
[332] Working Document, p. 5.
[333] Hix & Noury & Roland, 2007, p. 219.
[334] Hix, 2008, p. 108.

case, Simon Hix demonstrates how politicisation at EU level is fundamental for several reasons, which could all significantly diminish EP's lack of legitimacy.

Firstly, political competition is the main cause of policy processes' progress, since politicians are practically forced to *think outside the box* in order to come up with different and more innovative ideas compared to their colleagues[335]. In this way, they are led to explain their points of view in a clearer way and to prove how compatible they are with other political positions assumed: transparency and coherence are key elements in order for citizens to decide who to support and encourage joined-up policy-making among different sectors; again, more connected action plans provide to politicians a significant backing from people, as well as they more likely to ease long-term and more sustainable solutions to problems. But this will not materialise in Brussels until battles for the control of policy agenda are fought[336], and the silent consensus among the principal political groups will not be challenged by cohesive and strong Euro-parties.

Secondly, political competition defeats inter-institutional rivalry and promotes the formation of coalitions among EU bodies[337]; something that would facilitate EP's strengthening and prevent policy impasse by delivering higher effectiveness to legislative acts. Once such conflicts disappear, the attention switches to different adopted positions, so that the cost of breaking away would be extremely huge[338]: this would facilitate even policy coordination among institutions, and would increase their accountability and their European-wide force. The same positive consequence would be applied to Euro-parties, which would be afraid of citizens' sanctions in case they do not stick to the agreed approach.

Furthermore, politicisation attracts the media[339], which would be encouraged to cover what happens in Brussels and Strasbourg, augmenting EP's visibility and catching the interest of citizens toward their representative body. The absence of political drama at EU level disincentives the press to give up time and space speaking about events that do

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[335] *Ibid.*, p. 98.
[336] *Ibid.*, p. 99.
[337] *Ibid.*, p. 101.
[338] *Ibidem.*
[339] *Ibidem.*

not stir up people's affection as national politics' intrigues and controversies. A healthier EU political competition could even give birth to a European-wide press and media, which would have the important role of both covering and figuring out what goes on at community level and revitalising for citizens a sense of belonging to a wider people and politic dimension.

As a consequence of the foregoing, a vivid political competition and better quality information end up enabling people to forge their own opinions about politics[340]. Due to the partial knowledge about the possible consequences that a particular policy could have on their interests, citizens tend to be manipulated by so-called *political entrepreneurs* (i.g. newspaper editors, lobbies or populist leaders)[341] who take advantage of the absence of a strong politicisation and lead public opinion towards their private concerns. On the contrary, a more intense political competition forces political actors to publicly confront their programmes and positions: within a mature society, this would represent an important learning process for EU citizens, who would avoid any manipulation and structure their political opinions.

All this would facilitate a mandate for policy alternation. In fact, when the winning side of an election is officialised, it is recognised by citizens as having the possibility to apply and test its political agenda; the losing side accepts the defeat[342]. According to political scientists, the phenomenon of *losers' consent* is fundamental in order to avoid violent obstructions or delegitimation after the acknowledgment of political contests' results: such negative scenario is prevented by political competition, which would imply a significant diminishing of popular support to any undemocratic rebel losing party[343]. Hence, politicisation contributes to the formation of new political identities, which rises when citizens accept the decisions of a political majority[344]. Behind plural political identities lies the idea of momentary failure, i.e. the hope to become winning party on the occasion of future political contests. Quoting Hix, "if a section of society feels that it will be permanently on the losing side, the members of this group will not only oppose

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[340] *Ibid.*, p. 102.
[341] *Ibid.*, p. 103.
[342] *Ibid.*, p. 104.
[343] *Ibidem.*
[344] *Ibid.*, p. 105.

the government of the day but will also start to oppose *the political system as a whole*"[345]. The absence of policy rotation and political competition at EU level disincentives portions of population from supporting the European project; the politicisation of the EP is necessary, since the shift between left and right wings will concretely contribute to the development of a European-wide democratic identity[346] and consequently to an European *démos*.

Of course, in order for achieving a similar scenario, the EP politicisation must be joined by all previously mentioned structural evolutions: in this way, citizens will be able to understand how relevant for their lives are the issues discussed in such venue.

## 3.5.  European public space

The existence of a united people, of a European identity is then fundamental for the democratic legitimation of the EP and for refilling the emotional gap that now divides the population from their representative chamber. In order for such common identity to grow, a public space of debate, deliberation and discussion of European dimension has to be build: as theorised by Habermas, the existence of a democratic shaping of opinions at national level that takes into account what goes on in other Member States is essential for planning common policies supported by the entire Union[347]. Therefore, an EU public sphere would represent a fundamental stimulus for democracy and institutions' legitimacy, as well as a vehicle of citizens' conception of political actors[348].

An EU public space should cross-cut its institutional organisation: it can be created through media, associations, press or even parties, but its European character has to be evident and immediately recognisable by all citizens[349]. However, this does not mean that a similar entity would end up substituting the exchange of opinions on national issues, which must continue to exist according to respective usual habits; such co-

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[345] *Ibid.*, p. 106.
[346] *Ibid.*, p. 107.
[347] Quoted in Zarka, 2012 (a), p. 35.
[348] Díez Medrano, 2007, p. 151.
[349] Zarka, 2012 (a), p. 35.

existence would in fact contribute to the strengthening of citizens' sovereignty as components of national states and as components of the EU.

The creation of a public space can be considered as a new supranational dimension among EU's multilevel governance[350], which has to be tackled progressively due to the current fragile and instable situation of the Union. In the meanwhile, the community of interest pursuing to achieve such goal should be active throughout several areas, i.g. the social, cultural, educative and even sportive fields[351]. In terms of education, some common learning programmes could be set; the study of European integration should be introduced in all Member States educational systems as suggested by *Resolution 2015/2138(INI)*[352] adopted by the Parliament in April 2016 and aimed at encouraging an active European citizenship starting from schools. The strengthening of exchange programmes as Erasmus is also a fundamental tool in this sense. Furthermore, a very meaningful cultural initiative that has already been organised for years is the celebration of Europe Day, as a sort of anniversary of 1950 Schuman Declaration: usually, the Parliament opens its doors both in Brussels and in Strasbourg allowing citizens to visit the places where their representatives use to meet; moreover, several shows are organised and traditional artists from all Member States are called to exhibit, making out of it a sort of international *village festival*. The sensation deriving from such celebration is of having participated to a tangible attempt to give birth to an EU public space, where all national cultures get together and recognised themselves in a unique identity. Finally, as for sport, the existence of EU teams could benefit and reinforce the sense of belonging to a common family despites different national origin.


**Civil participation**

A further key element for the building up of an EU public sphere is of course the direct engagement of citizens. The main exemplification of that is the spontaneous creation of bottom-up pan-European movements/NGOs aimed at creating a transnational space of

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[350] Díez Medrano, 2007, p. 151.
[351] Zarza, 2012 (a), p. 36.
[352] European Parliament Resolution No. 2015/2138(INI) of 12 April 2016 on Learning EU at school.

discussion among Europeans. Former Greek Minister of Finance Yanis Varoufakis has recently launched a cross-border civic cause named *DiEM25*[353], which aims at bringing together people from all over the Union (without taking into consideration political ideologies) towards the common goal of democratising the EU by 2025 and contrasting the current wave of populism and nationalism. DiEM25's manifesto explains the actions to undertake and contains some claims directly posed to EU institutions, among which the election of a European Constitutional Assembly. This is a perfect example of civil participation to a public space of debate concerning supranational issues that could allow citizens to understand that all of them share the same common fate[354]. Encouraging this kind of initiatives could both entitle the Union of higher legitimacy and facilitating the formation of transnational links among EU peoples.

Another aspect of civil participation that should be improved –and as recognised by the EP itself[355]– one of the main initiatives to reconnect with European people would be to establish an EU-wide referendum procedure: as previously analysed, referendums concerning European issues are still conducted on national basis. Firstly, this damages Union's democratic legitimacy, since fundamental acts/agreements end up depending on national contests'; then, the current conception of such important instrument of direct democracy is anything but encouraging the feeling of belonging to a unique EU people. Especially with a view to the vote to be held in Hungary in October 2016 on the delicate issue of immigration's regulation throughout the Union, the tool of referendum should also need to have a European-wide dimension in order for letting citizens deciding together on the future policies undertaken by their transnational constituency.

The legitimation of the EP would clearly be strengthened by active civil participation to EU issues, which would increase the general interest for what goes on within the institutions. The encouragement of a common identity in which all national identities recognise themselves is then an essential step for a better representation of citizens and for the birth of a European people united despites all differences.

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[353] See diem25.org.
[354] Fukuyama, 18 May 2015.
[355] See European Parliament Committee of Constitutional Affairs Working Document on challenge of democracy: empowering the EU citizen, p. 5.

# Conclusion

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*"Good things take time. They are slow to emerge.*
*It is not worth it planting a tree and then pushing to make it grow faster.*
*The same happens with politics".*

Michel Rocard

The current European integration appears to be far from the one imagined by the participants to the Congress of The Hague; but in particular, the role envisaged for its Parliament is evidently not corresponding to the negative image that citizens have about it. According to this thesis, there are four main reasons that provoked and increased its lack of democratic legitimacy.

Firstly, the absence of a common vision for the future shaping of the Union has contributed to encourage the solely application of the functionalist method of spillover, which theorised the necessity of achieving European integration in a progressive way, by creating the need of a broader cooperation as a consequence of formerly settled agreements. In order to do so, the evolution of the Union –as well as the expansion of Parliament's powers– was founded exclusively on an out-put form of legitimacy; hence, the Union and its institutions were automatically legitimated by citizens on the basis of their outcomes and achievements. Once the breadth of integration overtook the economic cooperation, such out-put legitimation was insufficient: at that point, citizens were in fact unable to understand the changes that had moulded the Union without their direct consensus. The direct election of the Parliament represented an attempt to facilitate an in-put legitimation; however, the constantly decreasing turnout was and still is a clear defeat in this sense.

In fact, the second main reason for Parliament's lack of democratic legitimacy is strictly connected to its elections. Their regulation is completely based on national rules: Member States have different elections days, different voting systems and minimum voting ages; electoral lists are not transnational, meaning that every country votes different candidates. Euro-elections are considered as second-order contests and campaigns are mainly conducted focusing on national issues: they become a sort of evaluation of national governments. The elections of the Parliament are not as European as they should: this considerably weakens the authority of the institution and highlights a further malfunction, namely the one of political parties at community level.

Euro-parties were officially recognised by European law after the Maastricht Treaty, which established their importance for strengthening Union's integration. Notwithstanding the regulation of their structure and budget, as well as the legal personality that will be granted to them from 2017, political parties at European level are a secondary element if compared to national parties (and even parliamentary groups). They hold a very limited power: candidates for the elections are chosen by domestic parties and above all electoral campaigns are not transnational, so that Euro-parties cannot increase European citizens' political awareness as they should. The inexistence of supranational politicisation has of course relevant consequences on the composition of the Parliament, which lacks of clear left/right cleavages: in order to approve legislation, a grand coalition uses to form between the largest political groups. Although it was created for increasing the legitimacy of the Parliament, the absence of political drama at European level provokes a further indifference to citizens. Moreover, MEPs tend to follow the instruction of national parties while voting: again, domestic politics is preventing the Parliament from achieving a true supranational mandate.

The last analysed issue is both a cause and a consequence for weak citizens' legitimation towards the assembly: the prevalence of national logics hinders the bolster of European integration, and as a fact contributes to the inexistence of a united people. The modalities of construction of the Union have also had the same effect, by keeping away citizens from the gradual evolution of the project. The result is that the Parliament cannot be up to represent and push the formation of a homogeneous people, but at the

same time the absence of a homogeneous people prevents a more European dimension of institutions from being encouraged.

This thesis supposes that there are possible solutions for all above mentioned challenges; the legitimacy of the Parliament can emerge if the whole Union agrees that the time has come to act. Firstly, a common redefinition of the project is of the utmost importance, especially in the light of United Kingdom referendum: even though no supposition can still be made on next future developments, everybody seems to agree that the current stand-by of the Union cannot last longer. The evergreen debate between intergovernmental and supranational approaches is then back to the forefront; however, as theorised by Jüngen Habermas, the Union should become a new political object, even recalled as a *non-state political Union of the European States*: less integration would only cause more delegitimation, while the birth of a federal state is quite hard to be conceived due to the deep historical paths walked down by Member States. The key is a shared sovereignty between European *peoples* (i.e. the population of Member States) and European *citizens*; in other words, all citizens should be constituents on a double level and feel free to exercise their will at national and then supranational level by taking part actively to all issues concerning the Union. In this way, the sense of an undemocratic technocracy holding the power at community level would be defeated. Along with that, a further evolution of the Parliament is then required: starting from the distribution of decision-making competences, the legislative role of the chamber should be increased, i.g. by providing it with the power of legislative initiative.

Another essential renovation for the Parliament would be the reform of the electoral system, in order to make it more European-wide and allow the assembly to get a supranational mandate. The adoption of *Resolution 2015/2035(INL) on the reform of the electoral law* in November 2015 has opened the doors to a long-awaited radical amendment of 1976 Electoral Act: in case the Council will accept it as well, 2019 Euro-elections would be conducted on the basis of 3-5% mandatory thresholds (within big constituencies and single-constituency Member States); the *Spitzenkandidaten* procedure would be officialised, so Euro-parties would be able to decide their candidate for the post of President of the Commission after the first experiment made on the

occasion of 2014 elections; the prohibition of dual mandate for candidates would be even stricter, since they would not been allowed to maintain any other political position in national/local parliamentary assemblies; the possibility for voting from abroad would be facilitated by the establishment of electronic and post voting in all Member States; finally, the Resolution encourages the future adoption of a common minimum voting age and the negotiations in order to fix a unique voting day.

What would still miss in case of adoption of the reform would be the harmonisation of electoral lists and campaigns, which would still be formed and conducted on national basis. The first step in order to attain such goal and strengthen the role of Euro-parties is to inform citizens about the connection of national and supranational political parties, also directly on ballots; then the cornerstone would be the institution of transnational lists of candidates allowing citizens to associate a unique programme to a political entity and reasoning about the future consequences of their vote. All this would of course have a repercussion on politicisation at European level: the Parliament would gain a clear left/right cleavage, and a similar political competition would benefit the renewal of policies and push candidates towards more transparency and accountability; it would facilitate the cooperation among European institutions, and the forging of public opinions on community issues. The alternation of left/right cleavage would considerably strengthen the Parliament as well as the sense of belonging to the same *démos*, and it would contribute to create a European public space where citizens' debate would increasingly legitimate the Union and its institutions.

As a conclusion, the future of the unique and avant-garde project of European integration can be a reality. The shape that it will take depends on the common willingness to strengthen European integration and its democratic legitimacy. However, it is important to bear in mind that the path towards this very European Union cannot just been erased; it is impossible –and very dangerous– to go back to the starting point, because it does not exist anymore. The Union has to evolve once more, and it will, as it did in the past: political changes are slow but constant. Common values, as democracy and human rights, and unity are the keys to continue in that direction.

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# Bibliography

## Monographs

Andersen, Sven S. & Burns, Tom R., 'The European Union and the Erosion of Parliamentary Democracy: A Study of Post-Parliamentary Governance', pp. 227-251 in Andersen, Svein S. & Eliassen, Kjell A. (eds.), The European Union: How Democratic Is It? London; Thousand Oaks; New Dehli: Sage Publications, 1996.

Andersen, Svein S. & Eliassen, Kjell A., 'Dilemmas, Contradictions and the Future of European Democracy', pp. 1-11 in Andersen, Svein S. & Eliassen, Kjell A. (eds.), The European Union: How Democratic Is It? London; Thousand Oaks; New Dehli: Sage Publications, 1996.

Bardi, Luciano, 'Transnational Trends: The Evolution of the European Party System', pp. 63-83 in Steunenberg, Bernard & Thomassen, Jacques (eds.), The European Parliament: moving toward democracy in the EU. Lanham; Oxford: Rowman and Littlefield Publishers, 2002.

Blondel, Jean & Sinnot, Richard & Svensson, Palle, People and parliament in the European Union: participation, democracy, and legitimacy. Oxford: Clarendon press: Oxford University Press, 1998.

Borrell Fontelles, Josep, 'The Future Role of the European Parliament', pp. 50-58 in Tsoukalis, Loukas & Emmanouilidis, Janis A. (eds.), The Delphic Oracle on Europe: Is There a Future for the European Union? Oxford: Oxford University Press, 2011.

Cassen, Bernard & Michel, Hélène & Weber, Luis, Le Parlement européen: pour faire quoi? Bellecombe-en-Bauges: Éditions du Croquant, 2014.

Costa, Olivier, 'Le parlementarisme au-delà de l'État: le cas de l'Union européenne', pp. 271-294 in Costa, Olivier & Kerrouche, Eric & Magnette, Paul (eds.), Vers un renouveau du parlementarisme en Europe? Bruxelles: Editions de l'Université de Bruxelles, 2004.

Curtin, Deirdre, 'Accountability in Europe's Accumulated Executive Order', pp. 163-172 in Kohler-Koch, Beate & Larat, Fabrice (eds.), Efficient and democratic governance in the European Union. Mannheim: Connex, 2008.

Da Empoli, Domenico & Malandrino, Corrado & Zanone Valerio (eds.), Luigi Einaudi: Selected Political Essays, Volume 3. Basingstoke: Palgrave Macmillan, 2014.

Díez Medrano, Juan, 'Democracy, Legitimacy and the European Union', pp. 143-169 in Claes de Vreese & Hermann Schmitt (eds.), A European public sphere. How much of it do we have, and how much do we need? Mannheim: Connex, 2007.

Dhordain, Roland, Le Parlement européen: pour plus de démocratie. Paris: Éditions d'Organisation, 1994.

Habermas, Jürgen (a), 'Contribution pour une Constitution démocratique de l'Europe', pp. 53-70 in Zarka, Yves C. (dir.), Refaire l'Europe: avec Jürgen Habermas. Paris: Presses universitaires de France, 2012.

Habermas, Jürgen (b), 'Les dilemmas de la démocratie: l'exemple de la crise actuelle de l'Union européenne', pp. 13-22 in Zarka, Yves C. (dir.), Refaire l'Europe: avec Jürgen Habermas. Paris: Presses universitaires de France, 2012.

Habermas, Jürgen (c) (trans. by Cronin, Ciaran), The Crisis of the European Union: A Response. Cambridge; Malden: Polity Press, 2012.

Harlow, Carol, 'Pushing the EU to Democratic Accountability', pp. 173-180 in Kohler-Koch, Beate & Larat, Fabrice (eds.), Efficient and democratic governance in the European Union. Mannheim: Connex, 2008.

Hix, Simon, What's Wrong with the European Union & How to Fix it. Cambridge; Malden: Polity Press, 2008.

Hix, Simon & Høyland, Bjørn, The Political System of the European Union. Basingstoke; New York: Palgrave Macmillan, 2011.

Hix, Simon & Noury, Abdul G. & Roland, Gérard, Democratic politics in the European Parliament. Cambridge; New York; Melbourne: Cambridge University Press, 2007.

Jacqué, Jean Paul, Droit constitutionnel et institutions politiques. Paris: Éditions Dalloz, 2016.

Jacqué, Jean Paul, Droit institutionnel de l'Union européenne. Paris: Éditions Dalloz, 2015.

Jacqué, Jean Paul, 'The Draft Treaty, an overview', pp.17-29 in Bieber, Roland & Jacqué, Jean-Paul & Weiler, Joseph H. H., An ever closer Union. A critical analysis of the Draft Treaty establishing the European Union. Luxembourg: Office for Official Publications of the European Communities, 1985.

Jacqué, Jean Paul & Bieber, Roland & Costantinesco, Vlad & Nickel, Dietmar, Le Parlément européen. Paris: Economica, 1984.

Levrat, Nicolas, La construction européenne, est-elle démocratique? Paris: La Documentation française, 2012.

Lodge, Juliet, 'The European Parliament', pp. 187-214 in Andersen, Svein S. & Eliassen, Kjell A. (eds.), The European Union: How Democratic Is It? London; Thousand Oaks; New Dehli: Sage Publications, 1996.

Mill, John S. (trans. by Savidan, Patrick), Considérations sur le gouvernement représentatif. Paris: Éditions Gallimard, 2009.

Pedersen, Mogens N., 'Euro-parties and European Parties: New Arenas, New Challenges and New Strategies', pp. 15-39 in Andersen, Svein S. & Eliassen, Kjell A. (eds.), The European Union: How Democratic Is It? London; Thousand Oaks; New Dehli: Sage Publications, 1996.

Rittberger, Berthold, Building Europe's Parliament: democratic representation beyond the nation-state. Oxford; New York: Oxford University Press, 2005.

Scheuer, Angelika, 'A Political Community?', pp. 25-46 in Schmitt, Hermann & Thomassen, Jacques (eds.), Political representation and legitimacy in the European Union. Oxford; New York: Oxford University Press, 1999.

Schmitt, Hermann & Thomassen, Jacques 'Distinctiveness and Cohesion of Parties', pp. 111-128 in Schmitt, Hermann & Thomassen, Jacques (eds.), Political Representation and Legitimacy in the European Union. Oxford; New York: Oxford University Press, 1999.

Thomassen, Jacques, 'Parties and Voters: The Feasibility of a European System of Political Representation', pp. 15-35 in Steunenberg, Bernard & Thomassen, Jacques (eds.), The European Parliament: moving toward democracy in the EU. Lanham; Oxford: Rowman and Littlefield Publishers, 2002.

Vauchez, Antoine, Démocratiser l'Europe. Paris: Éditions du Seuil, Collection «La République des idées», 2014.

Wessels, Bernhard, 'Can the Circle Be Squared? Political Representation and Political Integration in Europe', pp. 37-62 in Steunenberg, Bernard & Thomassen, Jacques (eds.), The European Parliament: moving toward democracy in the EU. Lanham; Oxford: Rowman and Littlefield Publishers, 2002.

Zarka, Yves C. (a), 'Fondements philosophiques d'une Europe démocratique', pp. 23-49 in Zarka, Yves C. (dir.), Refaire l'Europe: avec Jürgen Habermas. Paris: Presses universitaires de France, 2012.

Zarka, Yves C. (b), 'Quel avenir pour l'Europe?', pp. 5-9 in Zarka, Yves C. (dir.), Refaire l'Europe: avec Jürgen Habermas. Paris: Presses universitaires de France, 2012.

**Institutional Documents and Statistics**

Amendments to Report No. 2015/2035(INL) of 2 October 2015 on the reform of the electoral law of the European Union.

Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage [consolidated version, 2002] Not published.

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions preparing for the 2014 European elections: further enhancing their democratic and efficient conduct [2013] COM(2013)126.

Council Decision No. 2002/772/EC of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the Representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom OJ L 283.

Council Directive No. 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals OJ L 329/34.

Draft Report No. 2009/2134(INI) of 5 November 2010 on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976.

Draft Report No. 2015/2035(INL) of 30 June 2015 on a proposal for amendment of the Act of 20 September 1976 concerning the election of the Members of the European Parliament by direct universal suffrage.

Draft Treaty establishing the European Union [1984] OJ C 77/33.

European Parliament Committee of Constitutional Affairs Working Document on challenge of democracy: empowering the EU citizen, 27 November 2008.

European Parliament Committee of Constitutional Affairs Working Document on The Reform of the Electoral Law of the European Union, 30 April 2015.

European Parliament Resolution No. 2015/2035(INL) of 11 November 2015 on the reform of the electoral law of the European Union; Annex: European Parliament Proposal for a Council Decision adopting the provisions amending the Act concerning the election of the members of the European Parliament by direct universal suffrage [P8_TA(2015)0395].

European Parliament Report on the reform of the electoral law of the European Union [2015] A8-0286/2015.

Official Register of the European Citizens' Initiative, Refused Requests, available at ec.europa.eu/citizens-initiative/public/initiatives/non-registered (consulted on 20 June 2016).

Presidency Conclusions of the Copenhagen European Council of 21-22 June 1993, available at europarl.europa.eu/enlargement_new/europeancouncil/pdf/cop_en.pdf (consulted on 27 May 2016).

Regulation No. 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative OJ L 65.

Regulation No. 1141/2014 of the European Parliament and of the Council of 22 October 2014 on the statute and funding of European political parties and European political foundations OJ L 317/1.

Regulation No. 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding OJ L 297.

Regulation No. 1524/2007 of the European Parliament and of the Council of 18 December 2007 amending Regulation No. 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding OJ L 343/5.

Report No. 2015/2035(INL) of 2 October 2015 on the reform of the electoral law of the European Union.

Rules of Procedure of the European Parliament [2015].

Second Report No. 2009/2134(INI) of 1 February 2012 on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976.

Single European Act [amending Treaty Establishing the European Economic Community, [1987] OJ L 169/1.

Solemn Declaration on European Union [1983] Bulletin of the European Communities No. 6/1983.

Treaty establishing the European Coal and Steel Community [1951] Not Published.

Treaty establishing the European Economic Community [non-consolidated version, 1957] Not Published.

Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and Certain Related Acts [1997] OJ C 340/1.

Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts [2001] OJ C 80/01.

Treaty on European Union [consolidated version, 2008] OJ C 115/13.

Treaty on European Union [Maastricht text, 1992] OJ C 191/1.

Treaty on the Functioning of the European Union [consolidated version, 2012] OJ C 326/47.

## Articles

BBC News, 'Guide to the European Parliament: Salaries', 13 February 2014, available at bbc.com/news/world-europe-11725041 (consulted on 26 June 2016).

Bieber, Roland, 'The Spinelli draft treaty: a remnant of better times or inspiration for a constitutional settlement?', pp. 18-23 in Altiero Spinelli - European Federalist, «Constitutional Affairs» Collection, Paper No. PE 410.673, 2009, available at europarl.europa.eu/RegData/etudes/etudes/join/2007/410673/IPOL-AFCO_ET(2007)410673_EN.pdf (consulted on 27 May 2016).

D'Auria, Matthew, 'L'Europa di Monnet: il lungo salto dalla «tecnica» alla «Politica»', 2011, available at istitutodipolitica.it/wordpress/2011/12/06/l'europa-di-monnet-il-lungo-salto-dalla-"tecnica"-alla-"politica"/ (consulted on 15 March 2016).

Dehousse, Renaud, 'Rediscovering Functionalism', chapter 1, in Symposium: Responses to Joschka Fischer, Harvard Jean Monnet Working Paper No.7/00, 2000, available at jeanmonnetprogram.org/archive/papers/00/00f1101.html (consulted on 15 April 2016).

Diamanti, Ilvo, 'Ricordare Rocard, per non arrendersi', 6 July 2016, available at repubblica.it/rubriche/bussole/2016/07/06/news/ricordare_rocard_per_non_arrendersi-143572487/ (consulted on 7 July 2016).

EurActive.com, 'Austria's Haider affair gave the EU an «emergency brake»', 13 January 2006 (last update), available at euractiv.com/section/eu-priorities-2020/news/austria-s-haider-affair-gave-the-eu-an-emergency-brake/ (consulted on 4 June 2016).

European Commission, 'Democracy in the European Union', pp. 135-142 in Standard Eurobarometer 83 - Spring 2015 - Public opinion in the European Union, 2015, available at ec.europa.eu/public_opinion/archives/eb/eb83/eb83_publ_en.pdf (consulted on 3 June 2016).

European Commission, 'Flash Eurobarometer No. 364 - Electoral rights', March 2013, available at ec.europa.eu/public_opinion/flash/fl_364_en.pdf (consulted on 7 July 2016).

European Commission, 'Standard Eurobarometer No. 83', July 2015, available at ec.europa.eu/public_opinion/archives/eb/eb83/eb83_en.htm (consulted on 9 June 2016).

European Council, 'The European Council - 50 years of summit meetings'. Luxembourg: Publications Office of the European Union, 2012.

European Parliament, 'Review - European and national elections figured out', November 2014, available at europarl.europa.eu/pdf/elections_results/review.pdf (6 April 2016).

European Parliament, 'The European Parliament: historical background', October 2015, available at europarl.europa.eu/ftu/pdf/en/FTU_1.3.1.pdf (consulted on 9 June 2016).

European Parliament News, '«A big step forward for a United European Democracy»: Duff on electoral reform', 19 April 2011, available at europarl.europa.eu/news/en/news-room/20110415STO17908/A-big-step-forward-for-a-United-European-Democracy-Duff-on-electoral-reform (consulted on 8 July 2016).

European Parliament News, 'EP elections: «Spitzenkandidaten», mandatory thresholds, right to vote abroad', 11 November 2015, available at europarl.europa.eu/news/en/news-room/20151109IPR01698/EP-elections-Spitzenkandidaten-mandatory-thresholds-right-to-vote-abroad (consulted on 5 July 2016).

European Parliament News, 'Parliament elects Jean-Claude Juncker as Commission President', 15 July 2014, available at europarl.europa.eu/news/en/news-room/20140714IPR52341/Parliament-elects-Jean-Claude-Juncker-as-Commission-President (consulted on 1 June 2016).

European Parliamentary Research Service, '2014 European elections: national rules (infographic)', 10 April 2014, available at europarl.europa.eu/eplibrary/InfoGraphic-2014-European-elections-national-rules.pdf (consulted on 20 June 2016).

European Parliamentary Research Service, 'The Reform of the Electoral Law of the European Union', September 2015, available at europarl.europa.eu/RegData/etudes/IDAN/2015/558775/EPRS_IDA(2015)558775_EN.pdf (consulted on 7 May 2016).

Federal Union, The first use of the term «democratic deficit», *n.d.*, available at federalunion.org.uk/the-first-use-of-the-term-democratic-deficit/ (consulted on 2 June 2016).

Føllesdal & Hix, 'Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik', pp. 533-562 in Journal of Common Market Studies, Vol. 44, No. 3, 2006.

Frantescu, Doru Peter, 'Spitzenkandidaten, EU-wide constituency and 'europeanisations' of elections rules for 2019, MEPs asked', 12 November 2015, available at votewatch.eu/blog/spitzenkandidaten-eu-wide-constituency-and-europenisations-of-elections-rules-for-2019-meps-asked/ (consulted on 5 July 2016).

Fukuyama, Francis, 'The European Citizen: Just a Myth?', 18 May 2015, available at theglobaljournal.net/article/view/695/ (consulted on 23 March 2016).

Gotev, Georgi, 'European elections reform backed by MEPs from three groups only', 13 November 2015, available at euractiv.com/section/elections/news/european-elections-reform-backed-by-meps-from-three-groups-only/ (consulted on 5 July 2016).

Hobolt, Sara B., 'Citizen Satisfaction with Democracy in the European Union', pp. 88-105 in Journal of Common Market Studies, Vol. 50, No. S1, 2012.

Horvat, Srecko, 'If we don't restore democracy in Europe, the consequences could be dire', 8 February 2016, The Guardian, available at theguardian.com/commentisfree/2016/feb/08/democracy-europe-refugee-crisis-eu (consulted on 3 June 2016).

Jacqué, Jean Paul, 'Pourquoi le rejet de l'Initiative citoyenne «STOP TTIP» est contestable, 17 September 2014, available at etudes-europeennes.eu/actualite-europeenne/pourquoi-le-rejet-de-linitiative-citoyenne-lstop-tippr-est-contestable-2.html (consulted on 14 March 2016).

Mahony, Honor, 'Orban wants to build «illiberal state»', 28 July 2014, EUobserver, available at euobserver.com/political/125128 (consulted on 4 June 2016).

Matjašič, Peter, 'Democratic deficit: a federalist perspective', 17 October 2010, The New Federalist, available at thenewfederalist.eu/Democratic-deficit-a-federalist-perspective (consulted on 2 June 2016).

Milev, Mihail 'A democratic deficit in the European Union'. Nice: International Centre of European Information, 2004, unpublished M.A. thesis (resume), pp. 9-32, available at geopolitis.net/EUROPE%20EN%20FORMATION/Democratic%20Deficit%20in%20the%20European%20Union.pdf (consulted on 31 May 2016).

Moravcsik, Andrew, 'Reassessing legitimacy in the European Union', pp. 603-624 in Journal of Common Market Studies, Vol. 40, No. 4, 2002.

Nonnenmacher, Christophe, 'Pascal Durand: «L'initiative législative ne doit plus relever du libre choix de la seule Commission»', 22 September 2014, available at etudes-europeennes.eu/actualite-europeenne/pascal-durand-llinitiative-legislative-ne-doit-plus-relever-du-libre-choix-de-la-seule-commissionr.html (consulted on 20 June 2016).

Parlemeter 2015, Analitycal Overview - Part II Parlemeter, 30 November 2015, available at europarl.europa.eu/atyourservice/en/20150630PVL00108/2015-parlemeter (consulted on 9 June 2016).

Parltrack, 2015/2035(INL) Votes, *n.d.*, available at parltrack.euwiki.org/dossier/2015/2035(INL) (consulted on 6 July 2016).

Piketty, Thomas & Adelman, Jeremy & Delatte, Anne-Laure, 'How to Save Europe From Itself', 4 April 2016, Foreign Policy, available at foreignpolicy.com/2016/04/04/how-to-save-europe-from-itself-european-union/ (consulted on 10 May 2016).

Pinder, John, 'Altiero Spinelli's European Federal Odyssey', pp. 24-39 in Altiero Spinelli - European Federalist, «Constitutional Affairs» Collection, Paper No. PE 410.673, 2009, available at europarl.europa.eu/RegData/etudes/etudes/join/2007/410673/IPOL-AFCO_ET(2007)410673_EN.pdf (consulted on 27 May 2016).

Ponzano, Paolo, 'The «Spinelli» Treaty of February 1984: the Constitutionalisation of the European Union is launched', pp. 40-46 in Altiero Spinelli - European Federalist, «Constitutional Affairs» Collection, Paper No. PE 410.673, 2009, available at europarl.europa.eu/RegData/etudes/etudes/join/2007/410673/IPOL-AFCO_ET(2007)410673_EN.pdf (consulted on 27 May 2016).

Rittberger, Berthold, 'Insitutionalizing Representative Democracy in the European Union : The Case of the European Parliament', pp. 18-37 in Journal of Common Market Studies, Vol. 50, No. S1, 2012.

Scharpf, Fritz W., 'Problem-solving effectiveness and democratic accountability in the EU', MPIfG Working Paper, No. 03/1, 2003.

Stella, Gian Antonio (trans. by Tanner, Simon), 'Austria Builds Wall in Brenner Pass to Stop Migrants', 4 May 2016 (last update), Corriere della Sera, available at corriere.it/english/16_aprile_12/austria-builds-wall-brenner-pass-to-stop-migrants-0c2153bc-00d0-11e6-8701-d21ef4c79bc6.shtml (consulted on 4 June 2016).

Telò, Mario, 'European Union: Political Aspects', pp. 3-50 in The democratization of international organisations, International Democracy Report 2011, 2011, available at internationaldemocracywatch.org/attachments/454_EU-telo.pdf (consulted on 31 May 2016).

The Economist, 'An ever-deeper democratic deficit', 26 May 2012, available at economist.com/node/21555927 (consulted on 10 May 2016).

The Guardian, 'Dutch referendum voters overwhelmingly reject closer EU links to Ukraine', 7 April 2016, available at theguardian.com/world/2016/apr/06/dutch-voters-reject-closer-eu-links-to-ukraine-in-referendum (consulted on 22 April 2016).

The Guardian, 'Europe: the rise of technocracy', 13 November 2011, available at theguardian.com/commentisfree/2011/nov/13/europe-rise-technocracy-editorial (consulted on 2 June 2016).

Tilindyte, Laura, 'Referendums on EU issues', May 2016, available at europarl.europa.eu/RegData/etudes/BRIE/2016/582041/EPRS_BRI(2016)582041_EN.pdf (consulted on 19 June 2016).

Varoufakis, Yanis & Sakalis, Alex, '«One very simple, but radical, idea: to democratise Europe». An interview with Yanis Varoufakis', 25 October 2015, available at opendemocracy.net/can-europe-make-it/yanis-varoufakis-alex-sakalis/one-very-simple-but-radical-idea-to-democratise-eur (consulted on 26 April 2016).

Vincenti, Daniela, 'Leinen: Parliament mulls «first steps» to reform EU elections before 2019', 20 October 2015, available at euractiv.com/section/eu-priorities-2020/interview/leinen-parliament-mulls-first-steps-to-reform-eu-elections-before-2019/ (consulted on 5 July 2016).

VoteWatch Europe, 'End-of-term scorecard, part 2: The activity records of MEPs analysed by EP group and national party', 2014, available at votewatch.eu/blog/wp-content/uploads/2014/05/votewatch-europe-end-of-term-scorecard-part-2-groups-final.pdf (consulted on 25 June 2016).

VoteWatch Europe, 'Strong EP majority prepares harmonisation of EU elections' rules', 29 September 2015, available at votewatch.eu/blog/strong-ep-majority-prepares-harmonisation-of-eu-elections-rules/ (consulted on 5 July 2016).

VoteWatch Europe, 'Voting in the 2009-2014 European Parliament: How do MEPs Vote after Lisbon?', 2011, available at votewatch.eu/blog/wp-content/uploads/2011/01/votewatch_report_voting_behavior_26_january_beta.pdf (consulted on 25 June 2016).

## Internet Sites

Centre Virtuel de la Connaissance sur l'Europe, The European Political Community, 11 September 2012, available at cvce.eu/obj/the_european_political_community-en-8b63810a-e5bd-4979-9d27-9a21c056fc8d.html (consulted on 27 May 2016).

Centre Virtuel de la Connaissance sur l'Europe, The International Committee of the Movements for European Unity, 9 October 2012, available at cvce.eu/obj/the_international_committee_of_the_movements_for_european_unity-en-7f755781-133b-4738-b04f-918204c2810b.html (consulted on 8 June 2016).

DiEM25, 'What is DiEM25?', *n.d.*, available at diem25.org/what-is-diem25/ (consulted on 12 May 2016).

EUR-Lex, Glossary of summaries, *n.d.*, available at eur-lex.europa.eu/summary/glossary/glossary.html?locale=en (consulted on 19 June 2016).

EUR-Lex, Treaty establishing the European Economic Community, EEC Treaty - original text (non-consolidated version), 26 October 2010 (last update), available at eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3Axy0023 (consulted on 25 May 2016).

European Commission, Altiero Spinelli: an unrelenting federalist, 19 October 2015 (last update), available at europa.eu/about-eu/eu-history/founding-fathers/pdf/altiero_spinelli_en.pdf (consulted on 14 March 2016).

European Commission, Budget - Myths and Facts, 29 February 2016 (last update), available at ec.europa.eu/budget/explained/myths/myths_en.cfm (consulted on 30 May 2016).

European Commission, Conditions for membership, 10 October 2015 (last update), available at ec.europa.eu/enlargement/policy/conditions-membership/index_en.htm (consulted on 30 March 2016).

European Commission, Economic accession criteria, 9 October 2014 (last update), available at ec.europa.eu/economy_finance/international/enlargement/criteria/index_en.htm (consulted on 29 March 2016).

European Commission, Enlargement, 24 September 2015 (last update), available at ec.europa.eu/economy_finance/international/enlargement/index_en.htm (consulted on 30 March 2016).

European Commission, Eurobarometer Interactive, available at ec.europa.eu/COMMFrontOffice/PublicOpinion/index.cfm/Chart/index (consulted on 3 June 2016).

European Commission, The European Citizen's Initiative, 15 April 2016 (last update), available at ec.europa.eu/citizens-initiative/public/basic-facts?lg=en (consulted on 8 June 2016).

European Green Party, 2014 European Elections: this time it's different!, 2014, available at europeangreens.eu/votegreen2014 (consulted on 22 June 2016).

European Parliament, Legislative powers - Ordinary legislative procedure, *n.d.*, available at europarl.europa.eu/aboutparliament/en/20150201PVL00004/Legislative-powers (consulted on 9 June 2016).

European Parliament, MEPs, *n.d.*, available at europarl.europa.eu/meps/en/hemicycle.html (consulted on 9 June 2016).

European Parliament, Political parties at European level, *n.d.*, available at europarl.europa.eu/contracts-and-grants/en/20150201PVL00101/Political-parties-and-foundations (consulted on 24 June 2016).

European Parliament, The Maastricht and Amsterdam Treaties, October 2015, available at europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_1.1.3.html (consulted on 30 March 2016).

European Parliament, The Treaty of Nice and the Convention on the Future of Europe, October 2015, available at europarl.europa.eu/atyourservice/en/displayFtu.html?ftuId=FTU_1.1.4.html (consulted on 30 March 2016).

European Parliament, Turnout, *n.d.*, available at europarl.europa.eu/elections2014-results/en/turnout.html (consulted on 9 June 2016).

European Union, European Court of Justice, 26 October 2015 (last update), available at europa.eu/about-eu/institutions-bodies/court-justice/index_en.htm (consulted on 2 June 2016).

European Union, European Ombudsman, 21 October 2015 (last update), available at europa.eu/about-eu/institutions-bodies/ombudsman/index_en.htm (consulted on 1 June 2016).

European Union, The Founding Fathers of the EU, 19 October 2015, available at europa.eu/about-eu/eu-history/founding-fathers/index_en.htm (consulted on 25 May 2016).

European Union, The History of the European Union, 19 October 2015 (last update), available at europa.eu/about-eu/eu-history/1945-1959/1953/index_en.htm (consulted on 27 May 2016).

European Union, The Schuman Declaration - 9 May 1950, 1 December 2015 (last update), available at europa.eu/about-eu/basic-information/symbols/europe-day/schuman-declaration/index_en.htm (consulted on 25 May 2016).

European Youth Forum, Vote 16, *n.d.*, available at youthforum.org/vote-16/ (consulted on 3 June 2016).

## Public speeches

Costantinesco, Vlad, 'L'Union Européenne à l'épreuve des crises : l'urgence d'une réforme institutionnelle', 28 April 2016, Maison de l'Europe Strasbourg Alsace, Strasbourg.

Delors, Jacques, 9 September 1985, Luxembourg, available at cvce.eu/obj/speech_by_jacques_delors_luxembourg_9_september_1985-en-423d6913-b4e2-4395-9157-fe70b3ca8521.html (consulted on 30 May 2016).

Taubira, Christiane, 'Efficiency and Independence of the Judiciary', 12 May 2016, Council of Europe, Strasbourg.

Varoufakis, Yanis, 'Capitalism will eat democracy, unless we speak up', 8 December 2015, TED Global Talk, Geneva, available at ted.com/talks/yanis_varoufakis_capitalism_will_eat_democracy_unless_we_speak_up/transcript?language=en (consulted on 5 May 2016).

Verhofstadt, Guy, press conference of the Alliance of Liberals and Democrats for Europe Group, 24 June 2016, European Parliament, Brussels.