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# The 'Spitzenkandidaten saga' 2014, 2019, 2024

Three races to become Commission President

The role of President of the European Commission is the most significant among the top-level positions within the EU. This analysis evaluates the procedure by which the Commission President is appointed. While the aim is to make the EU more democratic, the character of the EU system makes the procedure complex and ambiguous as well as hard to change.

**EUROPEAN POLICY ANALYSIS** 

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# Summary

The role of President of the European Commission is arguably the most significant among the various top-level positions within the European Union. In the period preceding the three most recent European Parliament elections, most European political parties have put forward lead candidates, or 'Spitzenkandidaten', for the position of Commission President in reaction to a new provision in the Lisbon Treaty. Their pre-selection has been followed by the European Council in 2014 and 2024, but not in 2019.

This analysis evaluates the Spitzenkandidaten procedure, which has strengthened the European political parties in addition to trying to make the EU more democratic. At the same time, the Heads of State and Government kept their prerogative of formally proposing the candidate for the position, '[t]aking into account the elections to the European Parliament'. In terms of shortcomings, the mix of separation of powers and parliamentary elements in the EU's political system makes the procedure complex and ambiguous.

The increasing party-political fragmentation creates an additional challenge for a Commission President candidate: to secure the necessary majority in the European Parliament. However, any change to the procedure is likely to be contentious and may have the intended or unintended consequence of altering the delicate inter-institutional balance.

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The opinions expressed in the publication are those of the author.

# 1. Introduction

On 2 July 2019, the European Council proposed Ursula von der Leyen as President of the European Commission for her first term. Jean-Claude Juncker, the outgoing Commission President at the time, commented that he was probably the first and last Spitzenkandidat to become Commission President (Deutsche Welle, 2019). He was wrong. Von der Leyen stood as her party's Spitzenkandidat in 2024 and was elected for a second term.

The German word 'Spitzenkandidat' appeared on the EU stage about ten years ago. The term is not mentioned in the EU Treaties but refers to the fact that the major European political parties nominate lead candidates to stand in the European Parliament elections, and that these Spitzenkandidaten are the individuals nominated by these parties for the position of the European Commission President. This new process emerged in response to the treaty changes that the EU had agreed on in the early 2000s – changes that were ultimately put into effect with the Lisbon Treaty on 1 December 2009.

President of the Commission is arguably the most important 'top job' in the EU. The Commission itself acts as the EU's agenda-setter. It has control of legislative initiative. Moreover, it executes and implements not just the EU budget but, as 'guardian of the treaties', oversees member state compliance and takes action when member states fail to live up to the provisions of the treaties (Cini, 1996; Kassim, 2019; Nugent & Rhinard, 2016). Other functions of the Commission include external representation – especially on economic and trade matters – providing technocratic and administrative procedural expertise for EU policymaking, and possibly acting as de facto legislator on delegation. In performing the preceding functions, the Commission shall promote the general interest of the EU, which typically also entails building consensus around its work and mediating between conflictual interests (Johansson et al., 2022).

"Over time, [...] the Commission itself has become more presidential."

Over time, with successive enlargements and an increasing number of Commissioners, the Commission itself has become more presidential. The political groups in the European Parliament that support the Commission do not constitute a government coalition but have in the past informally agreed not quite a government programme, but at least common projects and priorities, which has further strengthened the Commission President's position. In addition, it is quite difficult to censure the President of the Commission, having only happened once in 1999. Member states have tried to retain as much control as possible over the process and have been suspicious of attempts by the European Parliament to interfere with that procedure.

Research on European integration has shown how the EU institutional framework has developed along three lines (Schmidt, 2016). First, the European Parliament increased its powers (Héritier et al., 2019; Hix & Høyland, 2013). Furthermore, the European Council became more central to EU policy-making (Bickerton et al., 2015), and the European Commission could also expand its influence (Bauer & Becker, 2014). Recently, the politicisation of the European Commission's Presidency has attracted special attention (Ceron et al., 2024). This paper examines how the so-called Spitzenkandidaten procedure has shaped the politics of the nomination and election of the Commission President in 2014, 2019, and 2024 relative to these lines of development.

Understanding how the procedure for nominating and electing the Commission President has worked in previous mandates is crucial to understanding and identifying the opportunities and constraints of the EU Treaties. This paper asks how the Spitzenkandidaten 'saga' could have unfolded with the race for Commission President in the 2014, 2019, and 2024 elections. In these three elections, the process and outcomes have been considerably different. The first section looks at the notion of Spitzenkandidat - what it is, how it came about, and the extent to which it is based on informal and written rules in the Treaty on the European Union (TEU) and other texts. Pushed by different actors, its aim has been to display not only competing programmes but also competing faces in the election. The second section looks at the previous European elections in 2014, 2019, and 2024. The party-political and interinstitutional struggles and debates that influenced the race for the Commission Presidency had almost as much of an influence on the election results themselves. The Spitzenkandidat of the European People's Party (EPP) was proposed and elected as Commission President two times and ditched once. The third section looks at the lessons learned from the previous elections, such as the clashes between the European Council and European Parliament institutions as well as the role of the European political parties. Each of the three election cases has distinct features, but the need for the Spitzenkandidaten to be compatible with the Council and have executive experience stands out. The fourth section examines alternative reform options for the procedure, with and without changes to the treaty. Regarding the ambiguous provision of Article 17 TEU (Citino & Lupo, 2024), most of the actors involved seem to have had an interest in keeping the provision as it is, in order to not distort the delicate inter-institutional balance. Far-reaching change to that balance would probably come if an electoral innovation, such as transnational lists for the European Parliament elections (a modification of the electoral system), were introduced. The last section concludes the analysis and looks forward to 2029.

# 2. Spitzenkandidat: What is this and how did it emerge in the EU?

While the role of the President of the Commission remained unchanged under the Lisbon Treaty, the way in which he or she is appointed changed. Prior to Lisbon, the President was nominated by the Council (composed of the Heads of State or Government) acting by qualified majority. At that time, the nomination was simply 'approved' by the European Parliament (Article 214 TEC). Under Article 17 TEU of the Lisbon Treaty, the President is proposed by the European Council, acting by a qualified majority, 'taking into account the elections to the European Parliament and after having held the appropriate consultations'. The candidate is 'elected' by a majority of the component members of the European Parliament, rather than 'approved'. This is a change of emphasis (see Table 1).

Nice Treaty	Lisbon Treaty	
Article 214(2) TEC	Article 17(7) TEU	
'The Council, meeting in the composition of Heads of State or Government and acting by a qualified majority, shall nominate the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament.'	'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council, acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the European Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.'	

# Table 1. Article 214 TEC and Article 17 TEU in comparison

Source: Own elaboration.

The Lisbon Treaty only specifies the duty of '[t]aking into account the European elections' that the European Council has for proposing a candidate for the position of Commission President – nothing more. Since the Maastricht Treaty, which gave the European Parliament the right to be 'consulted' on this issue, it has been able to consistently expand its influence. It interpreted this right as a veto (Hix, 2002) and if Jacques Santer had not been able to unite a majority behind him in the European Parliament in 1994, he would have resigned. In the end, 260 MEPs voted in favour of Santer and 238 MEPs voted against him (Hix et al., 2007, pp. 182–199). The right of veto was subsequently codified by the Amsterdam Treaty. The Nice Treaty then replaced the previously required unanimity in the European Council with a qualified majority. Subsequently, José Manuel Barroso was only accepted by Germany and France in 2004 when it was clear that a qualified majority would rally behind him in the European Council (Hix et al., 2007, pp. 12–15).

"The Lisbon Treaty made the "small but significant change" that the European Parliament *elects* the Commission President."

The Lisbon Treaty made the 'small but significant change' (Christiansen, 2016, p. 992) that the European Parliament *elects* the Commission President. In addition, the Treaty altered the majority requirement: While a simple majority of votes cast in the European Parliament was sufficient until 2009, since the entry into force of the Lisbon Treaty this has been amended to an absolute majority. As the Treaty states, a 'majority of component members' of the European Parliament is now required. The vote shall be by secret ballot in accordance with the Rules of Procedure of the European Parliament. If the candidate nominated by the European Council does not command an absolute majority in the European Parliament, 'the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure' (Article 17(7) TEU).

The concept of politicising the selection of the Commission President – nominating competing candidates for the office by the major European political parties ahead of the European Parliament elections – can be traced back to at least 1998 (Comité européen d'orientation de Notre Europe, 1998). EU executive leadership selection would become politicised, giving a 'face' to European democracy and bringing citizens closer to the EU. Academic proponents have argued that such politicization would help overcome policy gridlock, foster policy innovation, and compel politicians to communicate their preferences, for instance. Such politicisation could also shape the views of citizens on key issues, facilitate issue linkage, and help citizens to get a more realistic picture of EU policy-making (Dimitrakopoulos et al., 2024; Hix, 2008; Hix & Bartolini, 2006, pp. 7–11). These ideas emerged in the context of successive treaty changes and attempts to tackle the EU's alleged democratic deficit.

The European Parliament adopted a first resolution in favour of lead candidates in 2012. It has positioned itself as an advocate of the Spitzenkandidaten procedure and is still committed to it. This is part of its long-term ambition to strengthen its role in the political system (Héritier et al., 2019) together with the three major European party families – the European People's Party (EPP), the Party of European Socialists (PES), and the Alliance of Liberals and Democrats in Europe (ALDE).

# 3. The European elections of 2014, 2019, and 2024

Elections to the European Parliament take place every five years. The elections of May 2009 were the last elections before the Lisbon Treaty entered into force on 1 December 2009. The following three elections were thus the first elections under the new treaty 'regime', and the year 2024 featured 'part 3' of the Spitzenkandidaten saga.<sup>1</sup> After 2014, when Jean-Claude

<sup>&</sup>lt;sup>1</sup> The focus of the analysis is on the EPP and the PES with occasional reference to the next-biggest political families.

Juncker (EPP) and Martin Schulz (PES) were the main contenders, and 2019, when Manfred Weber (EPP) and Frans Timmermans (PES) served as candidates of these two parties, there was an incumbent Commission President in 2024, Ursula von der Leyen (EPP) who had not been a Spitzenkandidat five years earlier, and a main contender, Nicolas Schmitt (PES).

European elections were long seen as 'second-order national elections', determined by domestic political cleavages. The 'second-order arena' is related to the 'first-order arenas' of the member states: European elections take place at different stages in the national election cycle – the political alternatives at the European level did not play a role in the elections (Reif & Schmitt, 1980, pp. 3–4). European elections were also 'neither really European nor really elections' (van der Eijk & Franklin, 1996, p. 10), because they displayed 'national political processes' and these were 'uncontaminated by the intrusion of political concerns that might dominate particular national elections' (van der Eijk & Franklin, 1996, p. 10). This was supposed to change with leading candidates that are visible and compete against each other. Electoral participation, however, continued to decline in 2014 (42.61% after 42.97% in 2009) and rose to 50.66% in 2019. It could be argued that turnout would have fallen further without the introduction of Spitzenkandidaten, but 'this kind of counterfactual argument is impossible to prove, and [...] the evidence on the impact of leading candidates on the mobilisation of voters is [still] inconclusive' (Dimitrakopoulos et al., 2024, p. 9). In 2024, turnout increased by 0.08 points to 50.74%.

# 3.1 Juncker vs Schulz (2014)

In July 2013, the European Parliament adopted a resolution on practical arrangements for the holding of the European elections in 2014. In this resolution, it formulated the expectation

'that [...] the candidate for Commission President put forward by the European political party that wins the most seats in the Parliament will be the first to be considered, with a view to ascertaining his or her ability to secure the support of the necessary absolute majority in Parliament' (European Parliament, 2013, para. 15).

Jean-Claude Juncker



Martin Schulz

With this resolution, the European Parliament set the stage for a race to first place where the second-largest group and the potential ability of its candidate to build a majority is not explicitly mentioned.

Among the two largest parties, the PES clearly 'wanted to challenge the primacy of the EPP' (Crum, 2023, p. 203). In 2011, it re-iterated an earlier commitment from 2009 to choose a candidate for the next European elections and set out its internal procedure for the process in November 2011 (PES, 2011) before nominating Schulz, the President of the European Parliament, as its Spitzenkandidat in November 2013.

The EPP could not stick to its initial timetable and postponed the nomination to the party congress in March 2014 with a three-way race between Jean-Claude Juncker, Michel Barnier and Valdis Dombrovskis. Juncker won against Barnier after Dombrovskis had withdrawn his candidacy before the congress. 382 delegates voted for Juncker, while 245 supported Barnier (Keating, 2014). Juncker stressed that the result of the elections in May 2014 should be respected by national leaders, stating, '[t]he elections are there to sound out a clear signal

Photo (Juncker): European People's Party - EPP Summit, Brussels, 17 October 2019, CC BY 2.0, https://commons.wikimedia.org/w/ index.php?curid=85195184

Photo (Schulz): Michael Lucan, Lizenz: CC-BY-SA 3.0 de https://creativecommons.org/licenses/by-sa/3.0/de/legalcode

[...], if the EPP wins, then Juncker is in' (ibid.). However, at a press conference on the margins of the European Council on 24–25 October 2013, German Chancellor Angela Merkel had already stated that she did not see 'any automatism between top candidacies and the filling of offices' (Bundesregierung, 2013).

As for the ALDE, former Belgian Prime Minister Guy Verhofstadt was the candidate for the position of Commission President, while his internal contender, EU Commissioner for Economic affairs Olli Rehn, ran for another senior position that would be related to either economic or foreign affairs (Vogel, 2014). In addition, the European Green Party (the Greens) held an open primary and selected the MEPs Ska Keller and José Bové to lead the Greens in their European election campaign.

After the election, the two main candidates, Jean-Claude Juncker and Martin Schulz, moved quickly and on the Tuesday after the elections, Schulz recommended that Juncker should become Commission President after being the (winning) lead candidate of the EPP for the elections (Deutschlandfunk, 2014). The European Council then proposed him by qualified majority, with Hungary and the United Kingdom not voting for Juncker. Martin Schulz had conceded his defeat and was consoled with the promise to serve as President of the European Parliament for another two-and-a-half years (Christiansen, 2016, p. 1006).

The first part of the Spitzenkandidaten saga came to an end with a defeat for the PES. The EPP remained in charge of the Commission (and the European Council), while the top posts for the PES were second in line: High Representative of the Union, First Vice-President of the Commission, President of the European Parliament. Among the institutions, the European Parliament had established the Spitzenkandidaten procedure on the political stage.

In 2014, the swift maneuvering of the European Parliament and the European political parties took many by surprise. The interpretation put forward was that the candidate from the group that won the plurality of seats would almost automatically be the first to be proposed by the European Council. Despite criticism of the procedure from several member states, Juncker was installed as Commission President without much noise (von Sydow, 2019, p. 1).

# 3.2 Weber vs Timmermans (2019)

In a radio interview in February 2017, Commission President Juncker announced that he would not be seeking re-election (Deutschlandfunk, 2017). His own party organised a competition between two rival candidates, but Alexander Stubb was the outsider: At the EPP congress in Helsinki in November 2018, the leader of the EPP group in the European Parliament, Manfred Weber, won by a clear majority against former Finnish Prime Minister Alexander Stubb: Weber received 492 out of 619 valid votes, Stubb obtained 127 votes.

The Social Democrats did not even vote between their two competitors Timmermans, the First Vice-President of the Juncker Commission, and Maroš Šefčovič, EU Commissioner for Energy, but the latter withdrew his candidacy. Neither of the two largest party families included novel elements in their selection processes compared to the contest five years earlier. The third-largest party, the ALDE, did not put forward one Spitzenkandidat but presented a 'Spitzenteam' that included EU Competition Commissioner Margarethe Vestager.

French President Emmanuel Macron was the most vocal critic of the Spitzenkandidaten procedure. In his Sorbonne speech in September 2017, Macron had criticized 'all the major European parties who explained [...] that it would be great to have a 'Spitzenkandidat' for the

'In 2014, the swift maneuvering of the European Parliament and the European political parties took many by surprise.'



Manfred Weber



Frans Timmermans

European Commission' and argued that he would 'not allow these major European parties to have a monopoly on the debate on Europe and the European elections!' (Elysée, 2017).

After the elections, Timmermans, unlike Schulz five years earlier, did not concede his defeat. Many in the EPP camp blame Timmermans and the dynamics in the European Council for bringing down Spitzenkandidat Weber (Gray et al., 2019). Austria was no longer and Greece not yet governed by the EPP during the decisive weeks, and French President Macron and Hungarian Prime Minister Viktor Orbán had forged an unholy alliance against Weber.

The candidate for the position of the Commission President ultimately put forward by the European Council in July 2019 was Ursula von der Leyen (EPP), who did not stand in the European Parliament elections. According to media reports, French President Macron opposed the Spitzenkandidaten procedure and 'was the first to throw von der Leyen's name into the ring' (Der Spiegel, 2019). When the European Council proposed her, it was a complete surprise. Germany abstained on von der Leyen because the Christian democrats' coalition partner, the Social democrats, did not agree. It was arguably because none of the top candidates could unite a majority behind them that von der Leyen was offered the job.

She received only 383 out of 747 votes in the European Parliament at her election in July 2019, just 9 votes above the threshold. The European Council proposed not only the Commission President and filled the other EU top job vacancies, but implicitly appointed two 'first' Vice-Presidents of the European Commission. This was, to some extent, a symbolic gesture to Timmermans and Vestager – to appease these two unsuccessful top candidates and the European Parliament.

In the second part of the Spitzenkandidaten saga, 'governments reasserted their control over the process and prevented the Spitzenkandidaten-process from becoming an institutional rule' (Crum, 2023, p. 209). The EPP sacrificed its Spitzenkandidat in favour of a Commission President from its own ranks who did not stand in the election but came from the same country, Germany. The PES, once again, only got the second-rank jobs of High Representative and President of the European Parliament for two-and-half years. The Liberals of ALDE were given the Presidency of the European Council in recognition of their electoral success.

In 2019, the EPP and the PES lost their combined parliamentary majority in the election and did not act together in the days afterwards. The European Council had learnt from the experience five years earlier, ensuring that this time would be different: It searched for a candidate in the political centre who could be 'tolerated' by a majority of the European Parliament (von Sydow, 2019, p. 2). All this meant was that the future of the Spitzenkandidaten procedure would be uncertain for 2024 and the automaticity sought by the European Parliament was severely called into question.

# 3.3 Von der Leyen vs Schmit (2024)

In 2024 the situation was different, as Ursula von der Leyen was the incumbent Commission President. For the first time since the Lisbon Treaty had entered into force on 1 December 2009, a Commission President seemed eager for another term. She was almost certain to secure the top position in the EPP, but stated her intention to stand only on 19 February 2024, roughly three months before the elections. Von der Leyen was officially declared the party's candidate at the EPP congress in Bucharest in March 2024. She received 400 votes,

Photo (Weber): European Parliament from EU, CC BY 2.0 https://creativecommons.org/licenses/by/2.0 Photo (Timmermans): © European Union, 2025, CC BY 4.0 https://creativecommons.org/licenses/by/4.0



Ursula von der Leyen



Nicolas Schmit

while 89 delegates opposed her nomination. A total of 737 delegates had had voting rights for this election: 591 of them had registered to vote, 499 votes were cast with 10 of them invalid or blank (European People's Party, 2024). Some observers, including Thierry Breton, Commissioner for the Internal Market, considered the result weak.<sup>2</sup>

Nicolas Schmit, the Commissioner for Jobs and Social Rights in the Commission led by von der Leyen, was elected common candidate of the PES at the party's congress in Rome in March 2024. This meant that, for the first time, a member of the College ran against the Commission President in whose Commission that member had served. In addition to the top candidates of the EPP and the PES, the liberal Renew Europe Now platform presented a team of three leading candidates for high-level posts. Beyond these three parties, the Greens chose two top candidates, and the European Conservatives and Reformists (ECR) decided not to have one.

Predictions of the demise of the Spitzenkandidaten, made in the wake of the 2019 European elections, were proven to be premature. In 2023, the European Parliament repeated that the lead candidate of the European political party

that has obtained the largest share of seats must in the first instance lead the negotiations to identify the common candidate with the largest majority, followed, if needed, by the other lead candidates in this effort, in proportion to the share of seats obtained by their respective European political parties. (European Parliament, 2023, para. 8)

The European Parliament had carefully modified the wording in order not to give a disproportionate amount of power to the European political party that won the most seats but to open a certain space for the other lead candidates in a second phase.

Von der Leyen was proposed by the European Council at the end of June<sup>3</sup> and re-elected by the European Parliament in July 2024: 401 MEPs voted in favour, 284 against, and 22 cast blank or invalid votes. Compared to her first election five years earlier, the Commission President had a slightly broader majority of support: 56% instead of 51% (see Figure 1).

The third part of the Spitenkandidaten saga led to a second term for von der Leyen, who was able to secure the top position on her own terms: The campaign was short, and the Commission President continued in her functions while being Spitzenkandidat. The EPP had visibly shown some dissatisfaction with her but refrained from creating serious political damage to its candidate. The other top jobs went to the PES (European Council) and the ALDE/RE (High Representative), while the EPP kept the Presidency of the European Parliament for another two-and-a-half years. The losing Spitzenkandidat, Nicolas Schmit, was not considered for a top job. The EPP reportedly lost a last-minute bid to split the European Council Presidency during the next five years between the PES and itself.

In 2024, the Spitzenkandidaten procedure was tailored to Ursula von der Leyen who sailed through the campaign and the post-election bargaining without serious opposition. Only the more fragmented parliament presented a serious challenge for her re-election that she

Photo (von der Leyen): European People's Party, CC BY 2.0 https://creativecommons.org/licenses/by/2.0

Photo (Schmit): Belgian Presidency of the Council of the EU 2024 from Belgium, CC BY 2.0 https://creativecommons.org/licenses/by/2.0

<sup>&</sup>lt;sup>2</sup> <u>https://x.com/ThierryBreton/status/1765855197903880395</u>

<sup>&</sup>lt;sup>3</sup> Italy abstained and Hungary voted against von der Leyen.

ultimately passed successfully. After a first term which she started as a weak Commission President, von der Leyen's strong performance and the 'mandate' from citizens for a second term meant that she could centralise and presidentialise the College even more, for instance by insisting on the French Commissioner to be replaced.

# 4. Lessons from the three elections with Spitzenkandidaten

The three electoral contests of 2014, 2019 and 2024 differ but they offer the possibility to draw lessons on at least three aspects: First, on the role of the European political parties which are the entrepreneurs behind the Spitzenkandidaten, second, on clashes between the European Council and the European Parliament that could occur again, third, on democratic legitimacy and public visibility, and, fourth, on what happened to the main Spitzenkandidaten who did not become Commission President in 2014, 2019 and 2024. A few losers of the contest were consoled in 2014 and 2019, but not in 2024.

#### 4.1 The European political parties

Leadership selection for the European Commission has been a complex process (Christiansen et al., 2024, p. 314) in which members of the European Council are active players in the selection of Spitzenkandidaten inside their respective European political parties (Dimitrakopoulos, 2024). This double role of many Heads of State or Government must be considered in any assessment. The European Parliament is not a uniform actor. The EPP, the PES, and the Greens have been the strongest supporters of the Spitzenkandidaten procedure, but the fine-tuning of the phrasing in the resolutions of the European Parliament shows that the grip of the strongest group on the Presidency was softened because it had favoured the EPP (see below). French President Emmanuel Macron has been the most vocal opponent of the Spitzenkandidaten procedure since he took office in 2017 and was instrumental in the ALDE's effective switch away from supporting the Spitzenkandidaten model in 2019 (Dimitrakopoulos, 2024, p. 139). The European Left fielded lead candidates in 2014, 2019, and 2024. The ECR's nomination of a Spitzenkandidat in 2019 was a 'tactical move rather than a change of principle' (ibid., 144).

Over the course of ten years, the European Parliament has fine-tuned its positioning on the question. While in 2013, its resolution stated that

the candidate for Commission President put forward by the European political party that wins the most seats in the Parliament will be the first to be considered, with a view to ascertaining his or her ability to secure the support of the necessary absolute majority in Parliament (European Parliament, 2013, para. 15),

the European Parliament specified, ten years later, that the lead candidate of the European political party with

the largest share of seats must in the first instance lead the negotiations to identify the common candidate with the largest majority, followed, if needed, by the other lead candidates in this effort, in proportion to the share of seats obtained by their respective European political parties (European Parliament, 2023, para. 8)

and thus opened the possibility for the candidate of the second-largest group to play a role.

The member of the European Council who experienced that European political parties matter, and that the mainstream parties of the EPP, the PES, and the ALDE/RE were still agreeing the 'top jobs' package among themselves was Italian Prime Minister Georgia Meloni (ECR) who was not invited to take part in the negotiations prior to the official European Council meetings in June 2024. This confirms the outsized role that the two largest European political parties, the EPP and the PES, continue to play. These parties have gained influence and consolidated their power, thanks to the Spitzenkandidaten procedure. Through their political bodies, they act as a bridge between their (national) member parties and the EU level. Powerful national party leaders who often also sit in the European Council have been those who make or break the Spitzenkandidaten and the procedure.

# 4.2 Clashes between the institutions

Despite a complex overall picture which adds nuances to otherwise clear-cut battle lines, it seems probable that conflicts between the European Council and the European Parliament will continue. This is because the European Council remains the key player, although not the sole decision-maker, in the nomination of the European Commission President (Bujard & Wessels, 2024).

On the one hand, the European Council has always resisted any 'automaticity' with the European Parliament election and proposing the Commission President. Instead, the 'top jobs' package that the European Council tries to put together must take into account various characteristics of the appointees – especially party affiliation, geographical origin, population size of the country of origin, and gender balance. Ideally, the main political parties, old and new member states, east and west, north and south, large and small member states, will all be represented, and the number of women will be equal to or greater than the number of men (Kreilinger, 2024, p. 17).

On the other hand, in the European Parliament as a whole, there has always been majority support for the principle. But, after the 2019 European Parliament elections, a majority of the MEPs supported von der Leyen, although she had not been a Spitzenkandidat. In the end, concessions on policy, notably the European Green Deal, and the top jobs package secured the approval, albeit razor thin. Five years earlier, the political groups within the European Parliament were able to negotiate an agreement that resulted in Juncker becoming President of the European Commission and Schulz becoming President of the European Parliament. They could do this 'rather autonomously of interference from the member states' (Christiansen et al., 2024, p. 329).

The risk of a 'clash of institutions', in which the European Parliament and the European Council disagree on the automaticity of the path to the Commission Presidency under Article 17(7) TEU, was diminished in 2024, compared to five years earlier. Von der Leyen stood as the leading candidate of the EPP and her party/group came first. Her legitimacy from the election and as the first incumbent President to be proposed by the European Council for a second term (with the majority of the EPP and the support of most other leaders) was undisputed. In the future, more severe clashes cannot be ruled out and could even go so far as the European Parliament rejecting a candidate proposed by the European Council, whether a former Spitzenkandidat or not, requiring the European Council to propose another candidate in line with Article 17(7) TEU.

# 4.3 Democratic legitimacy and public visibility

The EU relies on two sources of democratic legitimacy. The Treaty states: 'The functioning of the Union shall be founded on representative democracy' (Article 10(1) TEU). It continues that '[c]itizens are directly represented at Union level in the European Parliament' and that 'Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens' (Article 10(2) TEU).

'[...] it seems
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the European Parliament will
continue.'

The procedure to propose and elect the Commission President, taking into account the elections in Article 17(7) TEU, brings together these two sources and keeps them in tension as the possibility of clashes between the institutions shows. The Lisbon Treaty provisions on representative democracy and the Commission President tried to address the perceived democratic deficit. The Spitzenkandidaten procedure, in particular, coupled with more politicization of the political system and the election has been helpful in overcoming policy gridlock, fostering policy innovation, and compelling politicians to communicate their preferences. It could also help shape the views of citizens on key issues, facilitate issue linkage, and support citizens in getting a more realistic picture of EU policy-making (Dimitrakopoulos et al., 2024; Hix, 2008; Hix & Bartolini, 2006, pp. 7–11). Whether the lead candidates had an impact on the mobilisation of voters and thus the election turnout in the European elections is inconclusive – this sort of impact would have fostered democratic legitimacy (Dimitrakopoulos et al., 2024, p. 9).

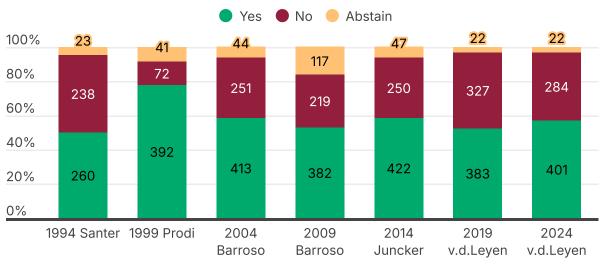
# 4.4 Unsuccessful lead candidates

In all three cases, there were unsuccessful candidates (or applicants) for the job of Commission President. What changed with the procedure is that there was a debate about the contenders for the position, particularly in 2014 and 2019, 'in terms of the qualities that they would bring to the job, from executive experience via their European credentials and linguistic skills to factors such as gender and age' (Christiansen et al., 2024, p. 322). The nomination of Schulz in 2014 and Weber in 2019 can be explained by their prominent roles in their respective parties at the EU level, while their lack of experience in government was only considered in a negative light at later stages (ibid., 327).

The 'winner-takes-all mentality implied by the *Spitzenkandidaten* process' (Christiansen, 2024, p. 323) is reinforced by the 2024 case when none of von der Leyen's opponents obtained a higher position during or after the distribution of the 'top jobs' and second-rank positions in the EU leadership. Nicolas Schmit, von der Leyen's rival from the PES, did not become Commissioner of his native Luxembourg, but the position fell to the EPP national governing party which instead nominated Christophe Hansen. In 2019, Timmermans and Vestager became 'Executive Vice-Presidents' on von der Leyen's team.

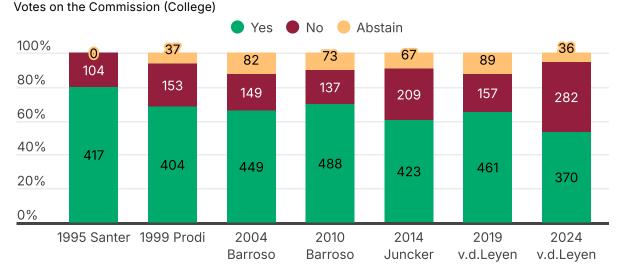
'The College had less support in the European Parliament than any of its recent predecessors.' Von der Leyen also managed to eliminate an internal opponent from her first term, French Commissioner Thierry Breton, at the last minute before presenting the College for her second term. An unnamed EU official was quoted saying, 'she is taking no prisoners' (Wax, 2024). Breton had even floated himself as Commission President earlier, although he did not become part of or compete for the 'Spitzenteam' of the liberal Renew Europe Now platform.

After hearings with all Commissioners, the entire Commission is approved or refused by a majority of the votes cast in the European Parliament. This vote is taken by roll call. Compensating former rival candidates with important positions inside or outside the Commission can be considered a useful approach to broaden the majority for the College in that vote. The decrease in the majority for the von der Leyen Commission as a whole in November 2024 (370 votes in favour, compared to 401 votes for her election as Commission President in July 2024) supports this assumption (see Figure 1). The College had less support in the European Parliament than any of its recent predecessors.



# Figure 1. European Parliament votes on the Commission President and the College (1994-2024)

Votes on the Commission President



**Data:** European Parliament.

# 5. Reform options for the Spitzenkandidaten procedure

The European Council did not propose any of the lead candidates of a European political party for the office of Commission President in 2019, and this has triggered some discussions about how the process to propose and elect the Commission President should be organized in the future (Crum, 2023). But the procedure has not been changed since the Lisbon Treaty entered into force in 2009. Despite clear promises in 2019 to address the Spitzenkandidaten question, EU decision-makers have not clarified how the Commission President should come into office after European elections. Ursula von der Leyen had, for instance, proposed that she could broker negotiations between the European Parliament and the European Council 'to review the way we appoint and elect the leaders of our institutions' (European Commission, 2019a, p. 20).

This section assesses three reform options that have been raised in proposals for institutional reforms (Costa & Schwarzer, 2023; Nicolaidis et al., 2023) in the aftermath of the Conference on the Future of Europe (2022) and in the context of the need to make the EU fit for enlargement. Three principal avenues are identified, each characterised by a distinct level of ambition in terms of the extent of change it seeks to achieve. However, any change to the procedure is likely to be controversial and may affect the balance between the institutions.

# 5.1 Clarification of Article 17(7) TEU

The provisions in Declaration N°11 on Article 17(6) and (7) of the TEU, part of the Lisbon Treaty that entered into force on 1 December 2009, have not been followed up by the European Parliament and the European Council but could be clarified by these institutions.

The Declaration states:

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

It has not been determined by the European Council and the European Parliament what the 'most appropriate' framework is. The two institutions have never discussed common principles and procedural aspects for 'consultations' on proposing and electing the Commission President.

More fragmentation and rather unstable majorities in the European Parliament (as well as the European Council) mean that the election of the Commission President has become even more uncertain (Hix et al., 2024). Any candidate proposed by the European Council faces greater obstacles in getting elected in the secret ballot in the European Parliament. Article 17(7) TEU, quoted earlier, continues that if the candidate for President of the Commission

does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.

Without more specific provisions, the two institutions would have to improvise their coordination or continue without structured consultations. An Inter-institutional Agreement has been deemed a possible tool to establish the appropriate framework in writing (Costa & Schwarzer, 2023, pp. 24–25; Nicolaidis et al., 2023, pp. 25–31).

# 5.2 Transnational lists with national ratification

Already in his Sorbonne speech in 2017 Emmanuel Marcon called for genuine European elections via transnational lists (Elysée, 2017). He wanted to replace the cohort of the 73 MEPs elected in the United Kingdom with MEPs from transnational lists in 2019 and to have 50% of all MEPs elected on transnational lists in 2024. His rationale has been to make the elections truly European and break the dominance of the existing European political parties. The precise rules for the election of the European Parliament make a difference, and are stipulated in the 1976 Electoral Act which was last amended in 2018 to modify the distribution of seats in the European Parliament following Brexit. The European Parliament has the right of initiative on this issue, but any changes to the Act require a unanimous decision by the Council. Von der Leyen was applauded in the European Parliament when she said, in her speech on 16 July 2019, that 'we need to address the issue of transnational lists at the European elections as a complementary tool of European democracy' (European Commission 2019b). The latest proposal of the European Parliament to amend the Act included transnational lists, but has not been supported by the Council.

The Spitzenkandidaten procedure has often been linked with calls for transnational lists (Conference on the Future of Europe, 2022, p. 81). Combining transnational lists with the Spitzenkandidaten system would enable citizens to vote for their favourite Commission President in every EU member state (Nicolaidis et al., 2023, pp. 25–31), not just in the member state (or region) in which that Spitzenkandidat might be running for election. In 2014, Martin Schulz was on the ballot in Germany. Five years later, voters could vote for Frans Timmermans in the Netherlands and for Manfred Weber in Bavaria only, because the CDU/CSU use regional lists. At the last election in 2024, Ursula von der Leyen refrained from standing in her native region of Lower Saxony and Nicolas Schmit did not run in Luxembourg either. Amending the Electoral Act requires unanimous support by EU member states after they have completed their national ratification procedures.

#### 5.3 One EU President without Treaty change

While the Spitzenkandidaten procedure has arguably given the Commission President additional legitimacy and visibility, the Commission President is not the sole person to provide leadership in the EU. Some individual institutions and their leaders are possible power centres in the EU. Not only the European Commission and its president, but also the presidencies of the Council and the European Council, individual heads of state or government, and groups of national leaders such as the Franco-German tandem (Tömmel & Verdun, 2017, p. 105). Before the Spitzenkandidaten procedure emerged, Jacques Delors was, for example, more of a transforming leader compared to Jacques Santer and Romano Prodi, who performed merely as transactional leaders (Tömmel, 2013).

Juncker proposed, while still in office in 2017, that the functions of the President of the European Council and the President of the European Commission should be merged. In his opinion, Europe would be 'easier to understand if one captain was steering the ship' (European Commission, 2017). He declared, in his 2017 State of the Union address, that he wanted a situation where 'eventually a single President leads the work of the Commission and the European Council, having been elected after a democratic Europe-wide election campaign' (European Commission, 2017).

The idea of merging these two functions is not new. Indeed, it had already been discussed in the Convention on the Future of Europe that drafted the European Constitution in 2002/3. One interpretation of Juncker's proposal was that the European political families would, once again, nominate Spitzenkandidaten for the European Parliament elections. Consequently, in the election of the President of the Commission, the candidate who could secure the support from a majority of the MEPs in the European Parliament would then also be elected by the European Council as its President. This would undoubtedly strengthen the leadership of a person who leads both the European Council and the European Commission can provide.

'Combining transnational lists with the Spitzenkandidaten system would enable citizens to vote for their favourite Commission President in every EU member state[.]' Legally, the terms of the Treaty do not rule out having both functions filled by one person: The European Council shall elect its President by a qualified majority for a term of two and a half years, renewable once (Article 15(5) TEU). The President of the European Council shall not hold a national office (Article 15(6) TEU) but is not prohibited from holding another office at EU level, such as that of the President of the European Commission. However, there are unanswered institutional questions, especially regarding accountability and a possible censure of an 'EU President' who holds both offices. The European Parliament argues that it was possible to merge the two functions 'although [it was] not in the interest of the European Parliament' (European Parliament, 2017). Such a change would not require Treaty change but can be done under the existing Treaties.

# 6. Conclusion

The European Parliament has long emphasised the principle of separation of powers as constitutive of the European polity, making it more like the Congress of the United States than national parliaments in Europe. By contrast, with the Spitzenkandidaten procedure for electing the Commission President, the European Parliament pursues a concept of parliamentary government (Shackleton, 2017).

'The principal lesson for the major European political parties is that a Spitzenkandidat must be compatible with the Council and have executive experience as Head of State or Government or as a government minister.' Juncker was the first and von der Leyen the second Spitzenkandidat to become Commission President. Notably, von der Leyen became the first Commission President to be re-elected after running as Spitzenkandidat. 15 years after the entry-into-force of the Lisbon Treaty, the procedure has now been tested on three occasions, with a mixed 2–1 outcome for the Spitzenkandidaten procedure and a clear 3–0 victory for the EPP against the PES.

The nomination and election to the most important 'top job' has been shaped by the Spitzenkandidaten procedure, the objective of which has been to display not only competing programmes but also competing faces in the electoral campaign. The Spitzenkandidat of the EPP was proposed and elected as Commission President on two occasions and dismissed on one occasion. But since 2004, the Commission Presidency has remained firmly in the hands of the EPP. The principal lesson for the major European political parties is that a Spitzenkandidat must be compatible with the Council and have executive experience as Head of State or Government (as most previous Commission Presidents) or as a government minister (for example, Delors and von der Leyen).

The ambiguity of Article 17 TEU and Declaration N°11 has thus far been maintained, as there is a concern that changes would lead to inter-institutional imbalances. It would also be very challenging to achieve consensus between and within the European Council and the European Parliament. The possibility of transnational lists for the European Parliament elections has been under discussion for several years, but the idea is controversial. It seems likely, therefore, that the rules of the game will remain the same.

While these developments and this stalemate have taken place during the drafting and since the entry into force of the Lisbon Treaty, the role of the Commission has not changed. This creates a situation in which a Commission President who previously stood as a Spitzen-kandidat and who was elected in the European Parliament may not be able to lead the College in the way that many would expect. In the opposite case, when the European Council proposed non-Spitzenkandidat Ursula von der Leyen for her first term, the centre-left had to be offered far-reaching policy concessions. This was not necessary for von der Leyen's second term in which the EPP managed to include more of its own priorities and occupy key positions (with the latter due to the party's current dominance in EU member states). The link between running successfully as a Spitzenkandidat (or not running), becoming

Commission President, and acting as a powerful leader of the Commission and the EU, is thus not clear-cut due to the mix of separation of powers and parliamentary elements in the EU's political system.

Repeating or expanding the Spitzenkandidaten procedure in the 2029 European Parliament elections depends mostly on the willingness of the EPP and the PES to put forward such candidates. The chances of a sitting Commission President who seeks re-election and runs as Spitzenkandidat should usually be elevated. But the largest European political parties are the real winners of the Spitzenkandidaten procedure, and they hold its fate in their hands. Nevertheless, it remains unclear whether the candidate representing the strongest group in the European Parliament is proposed by the European Council for the position of President of the Commission and elected by the European Parliament.

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