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BRIEF



## *EP- EUI Joint Roundtable The 1976 Electoral Act 40 Years on: History and Significance for European Democracy Today*

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*7 December 2016*

*Sala del Capitolo, Badia Fiesolana, Via dei Roccettini, 9  
San Domenico di Fiesole*

On 7 December, the European Parliament (EP) and the European University Institute (EUI) held a joint history roundtable on the occasion of the 40<sup>th</sup> anniversary of the 1976 Electoral Act, which introduced direct elections to the European Parliament. The event, organised by the Robert Schuman Centre for Advanced Studies, took place in Florence, with a video-link to the European Parliamentary Research Service (EPRS) in Brussels. It brought together policy-makers and academics to discuss the impact of direct elections on the EU's institutional system and recent proposals for reform of the Electoral Act.

Speakers included Jo Leinen, rapporteur for the Constitutional Affairs Committee on electoral reform, and Andrew Duff, Visiting Fellow at the European Policy Centre and former member of the European Parliament. The EPRS was represented by its Director-General Anthony Teasdale and Acting Head of Unit Monika Nogaj, who had previously worked on the European Added Value Assessment of the Hübner/Leinen report on the reform of the electoral law of the European Union.<sup>1</sup> Olivier Costa, Professor of Political Science at Bruges and Bordeaux, Ulrike Guérot, from Danube University Krems,

1. *European Parliament resolution of 11 November 2015 on the reform of the electoral law of the European Union (2015/2035)*



Wilfried Loth, Professor of History at the University of Duisburg-Essen and Brigid Laffan, Director of the Robert Schuman Centre for Advanced Studies, provided an interdisciplinary academic analysis. The conference was chaired by Federico Romero, Professor at the History Department of the EUI and co-director of its Alcide de Gasperi Research Centre on the History of European Integration.

## Background

The roundtable focused on the impact of direct elections on the democratic legitimacy of the European Parliament and on EU policy-making in general. The 1976 Electoral Act can be considered a breakthrough in the EU's institutional evolution and deeply affected the inter-institutional balance within the EU. Since its entry into force many proposals for addressing the EU's democratic deficit have relied on an increase of MEPs' powers, as the directly elected representatives of European citizens. However, relatively low turn-out in European elections, a variety of different national rules and procedures as well as the predominantly national dimension of the European electoral debate cast a shadow on the ability of the current electoral set-up to respond to citizens' expectations and demands for democratic participation. Rising euro-skepticism and recent disintegration risks following the euro-crisis and the Brexit referendum add to this rather gloomy outlook.

The European Parliament has repeatedly sought to reform the electoral process. The Lisbon Treaty strengthened the European Parliament's claim to "represent" EU citizens, thus providing for a solid legal basis for reform<sup>2</sup>. In this context, the introduction of the *Spitzenkandidaten* procedure was meant to increase the political significance of the European elections by linking candidates for the Commission presidency to European political parties and thus giving citizens a say on who is going to lead the European executive. Further reform is in preparation. The recent parliamentary resolution on the reform of the Electoral Act (based on the Hübner/Leinen Report) aims at introducing several procedural changes in order to strengthen the European dimension of EU elections, to enhance transparency and to improve gender equality.

2. *Treaty on the European Union*, Art. 10.1-2, which states "The functioning of the Union shall be founded on representative democracy. Citizens are directly represented at Union level in the European Parliament".

Against this background, roundtable participants presented different views on how to rethink parliamentary elections as a fundamental democratic tool for the European Union. A number of controversial issues were addressed, such as the creation of a transnational electoral constituency, streamlining of electoral procedures across Member States and increasing visibility for European political parties. Speakers and discussants also touched upon the role of the media in European electoral campaigns, the short-comings of the current European party system and the role of national parliaments.

## Introduction and Welcome

Brigid Laffan, Director of the Robert Schuman Centre, and Anthony Teasdale, Director-General of the European Parliamentary Research Service, welcomed the participants of the Roundtable. Professor Laffan underlined that the adoption of the 1976 Electoral Act was an important step towards stronger European integration and that the timing of the roundtable was very appropriate considering recent intense debates about the crisis of political representation, both at national and European level. Anthony Teasdale agreed that the event came at the right moment and stressed the value of the cooperation between the EUI and the European Parliament, noting that both institutions can greatly benefit from regular exchanges of views between academia and policy-making.

MEP Jo Leinen then presented the principal elements of the parliamentary resolution adopted in November 2015 (co-rapporteur Danuta Hübner). The proposal, currently examined by the Council of Ministers, aims at enhancing the transnational dimension of the European elections and the democratic legitimacy of the EU decision-making process.

Taking into account the fact that European elections are still very much national in nature, the resolution adopted by the European Parliament puts forward 26 reform proposals, including:

- Increasing the visibility of European political parties by placing their names and logos on ballot papers, campaign leaflets and invitations to events.
- As a measure to strengthen transparency, setting a common minimum deadline for the establishment of electoral lists (12 weeks), as well as for the finalisation



of the electoral roll (8 weeks) so as to avoid double voting. Also citizens living outside of the Union would be allowed to vote.

- Putting a strong emphasis on equality and accessibility, by increasing the representation of women in European elections, by harmonising the minimum voting age at 16 and by allowing e-voting.

The procedure to change the electoral act requires agreement by unanimity in the Council. To smooth out adoption, controversial proposals such as the introduction of transnational electoral lists were left out of the report. Parliament expects the Council to work on the dossier so as to implement the changes in time for the 2019 elections.

## Roundtable debate

The roundtable opened with an overview of contemporary post-crisis perspectives on the future of Europe. It was underlined that a modern concept of sovereignty should be based on citizens rather than on states. Some speakers deplored the intergovernmental turn the EU has taken in recent times.

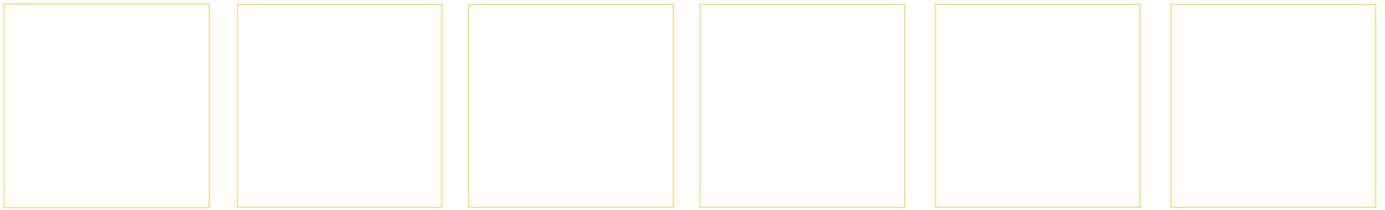
At the outset a proportional reform of the European Parliament's electoral system was proposed, underlining the importance of ensuring equality of vote (one person-one vote). The EU should strive for full political equality across the three key dimensions of electoral, fiscal and social equality. As the UK Referendum on Brexit showed, EU citizens are currently not treated equally because European citizenship is dependent on national citizenship, which hence determines electoral rights.

On a similar note, it was also stressed that the current EU system of governance does not provide enough space for key democratic notions such as responsibility and reversibility. In the EU institutional architecture, the Parliament is a legislative body but does not have the right of initiative, whereas the European Commission represents the major component of the EU executive without being a Government. Therefore, a different model of governance should be aimed at. One speaker proposed the creation of a European Republic, at least in the long term, composed of a European Senate, a European President and a European House of Representatives and based on the principle of electoral equality.

Then the main findings of the study *The history of European electoral reform and the Electoral Act 1976*<sup>3</sup>, written by Prof. Olivier Costa and previously published by the Historical Archives of the European Parliament, were discussed. The study assesses the impact of the Electoral Act on the political and democratic legitimacy of the European elections. It highlights that direct elections had significant consequences for the EU political system as a whole, as they increased its parliamentarisation and politicisation and also supported the EU's constitutionalisation process. Some key results of the study are:

- The Electoral Act contributed to **constraining political parties to address European issues**, by forcing them to take position on EU issues and encouraging political leaders and media to pay attention to specific topics, such as gender equality and the protection of the environment.
- Although **the salience of EU politics in the domestic arena** has progressively risen since 1976, this has mainly happened through national channels. National debates mostly do not focus on EU policies but on the benefits and challenges of European integration as such, reflecting the fact that European integration has become an important issue in national politics.
- Direct European elections fell short of **mobilizing citizens and media**. The media remain very much focussed on national issues, knowledge of citizens in EU affairs is still weak and turnout in EU elections has continually decreased since 1979, only stabilising in 2014.
- According to empirical research, direct European elections did not substantially affect **the support of citizens for the integration process** or their attitudes regarding the EU. On the other hand, EU elections are portrayed by some scholars as an opportunity structure for extremist parties to reach visibility and acquire political power.
- Direct elections had an important **impact on the EU political system in general**. They favoured the empowerment of the EP by increasing the legitimacy

3. Olivier Costa, *The history of European electoral reform and the Electoral Act 1976. Issues of democratisation and political legitimacy*, European Parliament History Series, Historical Archives of the European Parliament, EPRS, October 2016.



of MEPs' claims for more competences and by defending the increase in the assembly's powers as a solution to the EU's democratic deficit'. In addition, they increased the EP's capacity to control and scrutinise the Commission, thus enhancing checks and balances in the EU political system. However, the important powers of other institutions still restrict the EP's role in the decision-making process. In particular, its ability to influence the Council and, notably, the European Council is still limited.

- Finally, direct elections did not result in a substantial increase of the public image of the **EP as a political body**. EU citizens are often not aware of the competences and impact of their MEPs. In addition, national parliaments have been trying to get more involved in EU decision-making over the past decades.

Subsequently, the main conclusions of a European added value assessment<sup>4</sup> accompanying the Hübner/Leinen report on the reform of the electoral law were presented. This study, prepared by DG EPRS for the Committee on Constitutional Affairs (AFCO), evaluated the benefits of actions to be undertaken at the EU level in comparison to an adoption of national measures.

The report generally finds that the steps proposed by the parliamentary resolution would contribute to create added-value in order to stimulate a truly European debate and to bring European citizens closer to the European Parliament. However, the study also shows that the proposed improvements will not be easy to implement. Among others, the EP proposal would have beneficial effects in three key areas:

- The introduction of a deadline of twelve weeks to establish candidate lists at the national level would prove valuable both in terms of democracy and visibility. It would give candidates enough time to set out their ideas, it would make elections more media-friendly and it would help establish links between national campaigns, thus strengthening the European dimension of the elections.

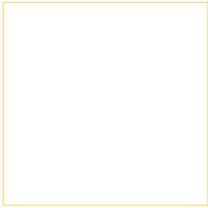
- The introduction of a uniform electoral threshold (between 3 and 5%) for assigning seats in the EP would prevent fragmentation, while contributing to promoting equal opportunities for political parties across the EU.
- Finally, provisions on establishing a common deadline for voting and on prohibiting premature publication of results would not only strengthen the legality and transparency of the electoral process but would also possibly enhance the pan-European debate by creating a common electoral evening.

Some critical comments on these reform proposals were made during the following debate. In particular, a need for bolder reform was underlined. It was pointed out that several shortcomings affect the EU institutional system in general and European political parties in particular. Notably the adoption of a European transnational list was mentioned as the major reform step needed to obtain effective European elections.

Since 1976 the EP and the European Council have seen their powers strengthened at the expense of the European Commission, which has progressively lost political weight. However, according to some observers, the systemic effect on EU governance of a weakened Commission is problematic since in the long run the absence of a certain form of EU government will also be detrimental for Parliament. A sophisticated and mature parliamentary system can hardly emerge in the absence of strong executive authority at the European level.

As regards European political parties, the likelihood of an incremental experience leading from a confederal system of national parties to quasi-federal political groups seems low at this stage. National parties are generally opposed to the rise of European political parties and they are not much interested in politicising or enhancing the visibility of European elections. The media and the citizens are also not sufficiently involved. In the European Parliament itself there is resistance to systemic change and a lack of support for the move to a Europe-wide constituency. Yet, according to some participants, transnational lists would represent a promising step towards a more European electoral process. This would require the EP to go beyond its present proposals. As mentioned, the single European constituency and transnational lists were not included in the Hübner/Leinen report although Parliament's adopted resolution includes some language along these lines.

4. European Parliamentary Research Service, *The Reform of the Electoral Law of the European Union. European Added Value Assessment accompanying the legislative own-initiative Report (Co-Rapporteurs Danuta Hübner and Jo Leinen)*, September 2015.



Reform of political party financing, the establishment of uniform and democratic selection criteria for candidates and an independent authority to monitor the electoral process would also be needed, particularly if transnational lists were eventually accepted.

The roundtable then proceeded to a historical analysis of the circumstances that led to the adoption of the 1976 electoral act<sup>5</sup>. Its focus was on three related questions: Why were direct elections not adopted before 1976? Why were they adopted in 1976? And what were the consequences of this adoption?

- It was pointed out that the institutional setting defined in the Treaties of Rome was based on a delicate balance between diverging conceptions of the role of the institutions in the Community: whereas France favoured a strong Council, the Netherlands argued for a powerful role of the Commission, and the Italian and West German governments insisted on a strong position for the European Parliament. As a result, the compromise that was reached on the competences and powers of the three institutions did not initially foresee direct elections of the EP.
- The introduction of direct elections in 1976 is to be seen mainly as a compensation for the establishment of the European Council, strongly advocated by the French President Valéry Giscard d'Estaing but perceived as risky by smaller Member States. The adoption of the 1976 Act was not uncontroversial. Problems emerged in particular in France, where the constitutionality of the Act was challenged in front of the French Constitutional Court, and in the UK, where the House of Commons rejected the proportional electoral system in 1977. This led to a postponement of the first European elections by one year.
- The long-term consequences of the introduction of direct elections are mixed. Transnational cooperation between the big European party families increased. Yet, given their heterogeneity, the common identity of these alliances remained relatively weak and parties made growing use of the European campaign for domestic purposes. The emergence of a European

public was not fostered and overall turnout in 1979 was 62.4 percent. This was sufficient to legitimize the directly-elected Parliament but did not contribute significantly to strengthening its position with regard to national governments.

Overall, these conclusions were in line with the analysis provided by Professor Costa's study: one result of the adoption of the Electoral Act was to establish a form of political contest between the European Council and the European Parliament. Steps towards democratic federalism were overshadowed by increasing executive federalism. These tensions continue and the question of an appropriate balance between the institutions of the EU remains on the agenda.

### Concluding remarks

It was stressed during the final round that in the light of current disintegration tendencies, rising euro-scepticism and diffuse political instability the stronger politicisation of European governance has positive effects on European democracy but also carries major risks, such as the reinforcement and radicalisation of Eurosceptic political forces.

On a more positive note, it was underlined that the European Parliament has become a remarkable institution, unique in its kind, and that this is also the result of its being directly elected. However, there is a dark side of direct elections, including the absence of strong European parties, the failure of European elections to mobilise masses and the dangerous consequences of recent politicisation for the EU. For instance, the Brexit campaign has provided an illustration of a politicisation model focusing on the existence of the EU as such rather than on the merit or problems of European policies and outputs.

During the questions and answers session that followed the roundtable, a number of controversial issues were addressed, such as the feasibility of a transnational electoral constituency, the type of proportionality that would suit a uniform electoral system, the question of how to bring MEPs closer to European citizens, the role of national parliaments in ensuring EU legitimacy and the risks linked to euro-scepticism using European elections and referendums as a political arena.

5. See Wilfried Loth, *Building Europe. A History of European Unification*, Berlin/Boston: De Gruyter Oldenbourg 2015, pp. 70-71, 217-229.

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## Robert Schuman Centre for Advanced Studies

*The Robert Schuman Centre for Advanced Studies (RSCAS), created in 1992 and directed by Professor Brigid Laffan, aims to develop inter-disciplinary and comparative research on the major issues facing the process of European integration, European societies and Europe's place in 21<sup>st</sup> century global politics. The Centre is home to a large post-doctoral programme and hosts major research programmes, projects and data sets, in addition to a range of working groups and ad hoc initiatives. The research agenda is organised around a set of core themes and is continuously evolving, reflecting the changing agenda of European integration, the expanding membership of the European Union, developments in Europe's neighbourhood and the wider world.*

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