# AFTER THE ELECTION – BEFORE THE NEW START. THE EUROPEAN UNION IN TRANSITION

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The elections for the European Parliament have taken place and the results are as follows:

1. The informal grand coalition of the European People's Party (EPP) and the Socialists/Social Democrats (S&D) has lost its majority.

2. Far-right populists won about 150 to 170 seats. At the time of writing, it was not clear how the political families would form up and organise themselves in the new parliament. The far right plans to found a European Alliance of Peoples and Nations. Given that the partners in this group disagree on important issues, this alliance is unlikely to be very constructive. While the Italian Lega under Matteo Salvini wants to spend more money in Italy, thereby violating the European Currency Union's rules on debt, the German Alternative for Germany (AfD) is firmly opposed to that. (The AfD was founded in 2013 to prevent Germany paying anything to partner countries during the Euro crisis.) While Mr Salvini wants other EU countries to take refugees arriving in Italy, the German AfD and the Hungarian Fidesz under Viktor Orbán want the opposite. The British Brexit Party, meanwhile, has no interest in any of this. There is, in fact, only one thing these parties have in common: the desire to destroy the EU or, at the very least, to cripple it. The AfD's election manifesto included a proposal to abolish the European Parliament. During their party conference, they held long debates about achieving the political goal of leaving the EU. This did not become part of the official programme in their manifesto because party leaders didn't think that the German public would be 'ready' for such a proposal.

3. These results mean that, from a total of 580-600 MEPs, 376 seats are required to form an absolute majority. Once the United Kingdom has left, a majority of 353 MEPs out of about 560 will be required. This might look difficult, but it is not impossible.

Immediately after the elections two different debates began. The parties analyzed the results of the elections (in fact, the results of their respective parties) and started discussing what should be done over the next five years. The heads of the parliamentary groups and the European Council began to negotiate who should do it. At first sight this was and is (as at the end of May 2019) a negotiation to decide who should become the next president of the European Commission. The president has to be nominated by the European Council and elected 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." (TEU 17(6))*

One aspect of this is the Spitzenkandidaten principle. This means that the parliament should only vote for somebody who is running as the leading candidate for one of the party families. This is not covered in the Treaty, but it worked in 2014 and the European Parliament wants to stick to the principle because MEPs believe it could strengthen the parliament's role and give the voters greater interest in the election process.

The heads of state and government are not fond of this idea. President Macron has openly questioned it. His argument: As long as there are no European lists and consequently not all citizens can vote for some of the candidates, the principle is useless. Indeed, only Germans – in fact, only Bavarians – could vote for the EPP candidate Manfred Weber while only the Dutch could vote for Frans Timmermans (S&D).

The position of the president of the European Commission is only one element in the package, however. European leaders also have to nominate a new president of the European Council, a new High Representative for Foreign and Security Policy and, later the same year, a new president of the European Central Bank. The parliament has to elect a new president. Several factors (North/South, East/West, Big/Small, Male/Female) will have to be taken into consideration.These discussions will keep the EU busy for sever-

al months. In parallel with this, there is still the United Kingdom's – so far fruitless – attempt to leave the Union. This is supposed to happen by October 31, 2019, at the latest.

So, the EU is in the process of defining what should be done and by whom. Unfortunately, this does not leave room for the debate which really should be conducted and that is how it should be done. The EU does not lack goals, nor does it have a scarcity of skilled human resources. What it does lack is ideas for ways to achieve those goals.This is why the European Commission launched its White Paper on the Future of Europe in March 2017. (European Commission: White Paper)

*"This White Paper maps out the drivers of change in the next decade and presents a range of scenarios for how Europe could evolve by 2025. In doing so, it starts a debate that should help focus minds and find new answers to an old question: What future do we want for ourselves, for our children and for our Union?"(European Commission: White Paper, p.7)*

The Commission outlined five scenarios:
1: Carrying on
2: Nothing but the Single Market
3: Those who want more do more
4: Doing less more efficiently
5: Doing more together

It is obvious that scenarios 1 and 5 are unrealistic. If they weren't, one would not need any scenarios at all.The other three scenarios all mean a reduction, either in policy fields or in participants. But why is this the case? The EU is an enormous success story and one could fill a whole book with the achievements of European integration. Nevertheless, the history of the EU also includes a series of setbacks which could fill a second book. Always, though – from the failed European Defence Community and the European Political Community in 1952/1954, the European Community for Nuclear Energy 1957/58 which never really blossomed, the crisis over the "policy of the empty chair" in 1965 and the withdrawal of Greenland from the European Community in 1985 to the Norwegian refusal to become a member in both 1973 and 1995 and the failure of the European Constitutional Treaty – always the EC/EU has found a way to develop further.

Today, however, the EU is not only facing new challenges, which happens all the time, but a different set of challenges. Four of them can be listed here.

1. The fundamental motive for the creation of the European Communities was safeguarding peace between member states – meaning between Germany and France – and securing democracy. After the experiences of two world wars and cruel dictatorships in Europe, the order of the day was to create a structure which would make war and oppression impossible.But while the motive was deeply political, the approach to integration appeared to be quite technical. Coal and steel, agricultural products, technical rules and standards – these weren't things which greatly interested the public. Away from the public eye, these technicalities generated a network which always grew stronger – an "ever closer union", as the Rome Treaties put it. There was a "permissive consensus" between the people and their leaders. The people did not understand what was happening in Brussels, but nor did they care. Therefore they permitted their governments to carry on.

In the meantime it became obvious to the public that the EU is much more than an assemblage of technical rules. The turning point, at least in Germany, was the introduction of the Euro in 1999. "Suddenly" the EU was taking away the Germans' most beloved child and the focal point of German post-war pride: the Deutschmark. The German public was assuaged with further technical arguments, such as the abolition of exchange fees at borders and improved price comparisons while travelling in other countries. For about ten years everything worked very well. But in 2009/2010 when the Euro crisis arose people realized that the EU is not a non-political technical structure but a highly politicised integration structure with far-reaching consequences for their everyday life.

Ever since then they have demanded to have their opinions heard. The Euro crisis gave birth to the populist movements – in Germany, in the Netherlands, in Finland, in Greece … That the EU lacks transparency isn't news. But that's precisely what's being demanded today.

2. European integration is not a love affair between 27 or 28 states, it is the result of endless negotiations. You could define the EU as a negotiated negotiation system for conducting further negotiations. This system, known as the "Méthode Monnet", was and is quite successful, but it takes time and it requires secrecy. As mentioned above, this secrecy is no longer accepted and, in the last few years, big decisions have had to be taken under extreme time pressure. Decisions about billions of Euro had to be made over the weekend before 3 a.m. on Monday morning – because of the opening of the Tokyo Stock Exchange. 200,000 refugees arrived at European borders overnight. These situations did not allow for long negotiations. On the other hand, however, there

is no institution or president with the capability and the authorization to take instant decisions. The EU lacks a "Rapid Response Centre".

3. The outstanding success of European integration in the past was due to deregulation – take the Single Market or Schengen, the abolition of internal border controls as examples. Now, though, the European Union is in a different situation. Liberalization has come to an end, the situation and people's expectations require new regulations. This is true for the Banking Union, but also for the social dimension of the EU. The EU proclaimed far-reaching social goals. Article 3 (3) of the Treaty on European Union reads:

*"The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance.*

*It shall combat social exclusion and discrimination, and shall promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child. It shall promote economic, social and territorial cohesion, and solidarity among Member States."(TEU 3(3))*

The President of the European Commission raised expectations:

*"Up until the elections of the European Parliament, we want to use the time for people to feel that Europe protects, empowers, and defends them. For this very purpose, we have presented a roadmap with specific steps, which we want to implement before the summit in Sibiu, Romania this coming [May] where the Heads of State and Government will convene. With that, we will deliver tangible results for citizens before the European elections – be it by extending the protection of our common borders or by supporting those member states which still don't have the euro to become part of the Economic and Monetary Union." (Juncker 2018)*

Until now, however, the EU has not delivered. Rather than narrowing, social and wealth gaps within and between member states have widened (World Economic Forum 2018). Establishing new rules and regulations beyond technical matters has proved to be more difficult than abolishing old ones.

4. Despite the many setbacks, however, the EC/EU was making progress and a majority of its citizens were reasonably optimistic as regards the future. This has now changed.

*"(Our) evidence suggests that European citizens are deeply divided with regard to how they view society and their own economic position within it. We find a divide between those who are hopeful about society and their economic situation within it, and those who are fearful about these topics. Our findings suggest that within the European Union as a whole, 51 percent of the population is worried about the state of society while 49 percent is not. Similarly, 35 percent of people are economically anxious, while 65 percent are not." (de Vries/Hoffmann 2019: 7)*

The EU lacks optimism. The consequence of this is not only that the "fearful" incline towards far-right parties to a greater extent, it also costs the EU in terms of both lost momentum and energy from its citizens.

To sum this up: the challenge for the EU is to restructure itself in a way such that it is able to make quick decisions on important matters, to connect the people into these decisions through greater transparency and to demonstrate positive outcomes in relation to social protection and thereby bring optimism back to the people.

*"The old Europe of a market and a mania for rules encountered indifference or mild ridicule from its population, but that did not stand in the way of its progress. The new Europe of currency, power and borders sets loose larger public forces and counterforces, higher expectations and deeper distrust. In this new Europe, decisions are taken that are no longer always based on treaties or expertise but instead are a joint response to the needs of the moment, born out of clash of opinions. Precisely for that reason they require public justification and scrutability and have to be fought out on an open political stage." (van Middelaar 2019: 483/6616)*

Coming back to the Commission's scenarios, it is clear that two of the three remaining ideas would not be able to achieve these goals. Limiting the Single Market (scenario 2) would either reinvent the EU as a pure Free Trade Zone or ignite a long debate about what would come under the aegis of the Single Market: social policy, environmental policy, climate protection? A similar thing would happen with scenario 4. The principle of doing less but better is easy to agree on, but what would that "less" be? No foreign and security policy, no migration policy, no climate protection, no structural policy?

As a result, all the indications points towards scenario 3: Those who want to do more do more.

The Rome Declaration which the 27 heads of state and government (without the United Kingdom) passed on the occasion of the 60th anniversary of the signing of the Rome Treaties was already pointing in this direction:

*"We will act together, at different paces and intensity where necessary, while moving in the same direction, as we have done in the past, in line with the Treaties and keeping the door open to those who want to join later."(Council of the EU, Rome Declaration 2017)*

Alongside conventional statements, the declaration offers an exit strategy for the current situation: different paces and intensity. Again, moving at different paces is not news for the EU because we already have that in many fields. As the treaty says, the Euro is the currency of the European Union (TEU 3(4)), but only 19 members are Euro countries. Schengen is part of the Treaty, but only 22 EU countries (and a couple of third states) belong to it. The new element is "different intensity".

The Commission's plan was to decide all of this before the European elections so that afterwards the EU could make a fresh start. Jean-Claude Juncker sketched it out in his foreword to the White Paper on the Future of Europe:

*"But Rome must also be the start of a new chapter. There are important challenges ahead of us, for our security, for the well-being of our people, for the role that Europe will need to play in an increasingly multipolar world.*

*After a broad debate across our continent in the months to come, including the European Parliament, national Parliaments, local and regional authorities, and civil society at large, I will take these ideas forward and give my personal views on the future of Europe in my State of the Union speech in September 2017. This should help the European Council draw first conclusions by the end of the year and decide on a course of action to be rolled out in time for the European Parliament elections in June 2019." (European Commission, White Paper 2017: 3)*

The Sibiu summit on May 9, 2019 was supposed to give at least some answers to the most pressing problems, but it did not. The declaration merely expressed good will and avoided doing anything other than describing goals vague enough to please everyone: *"We will stay united, through thick and thin." (European Council, Sibiu Declaration 2019)*

Unless the EU can find a new and effective structure for itself, however, it can identify as many high-flown goals as it wishes, but the results will not be impressive. The EU doesn't lack goals, it lacks implementation. Conse-

quently, something like scenario 3 will be the only realistic option. Some countries have to build a core group and push the EU forward.

Such a concept of a Core Europe should not be confused with "Europe à la carte". A variable geometry – which is what "Europe à la carte" is about – would mean that countries cooperate in different policy fields in different contexts. However, on top of the fact that such a structure would be extremely complicated and highly non-transparent, it would make it very difficult, if not impossible, to make compromises in the usual EU package-dealing processes. On the other hand, this would also give all the power back to the nation states and dissolve the structure of European integration.

A Core Europe, however, also raises questions of democratic legitimacy, especially in regard to the communitarian institutions – the European Parliament, European Commission, European Court of Justice. If there is a group of how ever many countries making far-reaching decisions, how can these institutions be included when they have members which don't belong to the core? Or do we need a Core Europe Parliament, a Core European Commission? This is not a new debate. As early as 1994 the conservative German politicians Wolfgang Schäuble, nowadays speaker of the German parliament (Bundestag), and Karl Lamers came up with suggestions for a "Kerneuropa".

And in 2000 the at-the-time Foreign Minister of Germany, Joschka Fischer from the Green Party, elaborated that idea in a speech given at Berlin's Humboldt University:

*"One possible interim step on the road to completing political integration could then later be the formation of a centre of gravity. Such a group of states would conclude a new European framework treaty, the nucleus of a constitution of the Federation. On the basis of this treaty, the Federation would develop its own institutions, establish a government which within the EU should speak with one voice on behalf of the members of the group on as many issues as possible, a strong parliament and a directly elected president. Such a centre of gravity would have to be the avant-garde, the driving force for the completion of political integration and should from the start comprise all the elements of the future federation." (Fischer 2000)*

Such a structure would not be easily achieved. Although very often a group of countries refuses to support a certain policy, they are all keen not to be excluded. The necessary changes in the European Treaty are consequently not very likely – and would cost the EU time it does not have.

Therefore, the only way to proceed is to make use of the instrument of Enhanced Cooperation, established in Art. 20 TEU and 326 to 334 TFEU. This is not an easy way to push things forward and is consequently not very often used[1]. Those countries which want to set up an enhanced cooperation procedure have to send a request to the Commission which than forwards a proposal to the Council. The Council has to approve the enhanced cooperation procedure, as does the European Parliament. The enhanced cooperation programme has to be open to all members. (TFEU 329) So, even after the revision of the preconditions in the Lisbon Treaty, which made enhanced cooperation a little easier, there are a couple of hurdles to establishing an enhanced cooperation procedure.

There is, of course, another way to initiate closer integration – by doing so outside existing European treaties. Schengen saw the light of day in this way (and was only integrated into the *acquis communautaire* with the Amsterdam Treaty in 1999). The Fiscal Compact is another example. Here 25 countries (in a Union of 27 before the accession of Croatia) signed an agreement within the framework of international law.

Both ways of pushing European integration forward are difficult and require leadership.

Leadership is a touchy issue in the European Union. All member states are equal – legally and in theory, of course. In reality they are not, and everybody knows it.

It takes strong countries to take the lead, and in the current situation this can only be Germany and France. Italy took itself out of the game through its dual populist government, Poland is reluctant, Spain is dealing with a secession conflict and the United Kingdom is no longer an effective presence – just to name a few. Germany and France have a special responsibility for the wellbeing of the European Union, due to their size, but also due to history. Nobody in the EU wants a Franco-German directorate (or, even worse, Germany running European affairs), but everybody is aware that without the impetus of these two countries nothing will happen.

In 2011 the at-the-time Polish foreign minister Radoslaw Sikorski gave a quite emotional public speech in Berlin:*"I will probably be first Polish foreign minister in history to say so, but here it is: I fear German power less than I am beginning to fear German inactivity.*

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[1] See: European Commission: Scenario 3 of the White Paper on the Future of Europe 2019

*"And I demand of Germany that, for your own sake and for ours, you help it (the Euro; EDS) survive and prosper. You know full well that nobody else can do it. [...] As a Pole and a European, here in Berlin, I say: the time to act is now."* (EU inside 2011)

In his famous Sorbonne speech in September 2017 Emmanuel Macron put it as follows:

*"So first of all I am making the proposal to Germany for a new partnership. We will not agree on everything, or straightaway, but we will discuss everything. To those who say that is an impossible task, I reply: you may be used to giving up; I am not. To those who say it is too difficult, I say: think of Robert Schuman five years after a war, from which the blood was barely dry. On all the issues I have talked about, France and Germany can inject decisive, practical momentum."* (Macron 2017)

Due to the internal problems in Germany after the last parliamentary election, there was no substantial response from the German side. The German government is a coalition formed from the two conservative parties CSU (only in Bavaria) and CDU (everywhere but Bavaria) together with the Social Democrats. One side effect of the European elections in May 2019 is this government's further instability. After massive losses in the elections, the Social Democrats are considering leaving the coalition. This could mean a new government will be built by the Conservatives, the Liberals and Greens – an undertaking which failed in 2017 after week-long negotiations – or new general elections. In both cases Angela Merkel will not be Federal Chancellor any longer. Both processes will take time – time Europe does not have, because the structural reforms of the EU – the French president Emmanuel Macron speaks of a "refoundation of Europe" (Macron 2017) – cannot be delayed. Unfortunately, in France President Macron lost a lot of public support and also has internal problems to deal with. He is in a much weaker position than he was two years ago.

The article does end on a pessimistic note.[2] The only hope for the further development of the EU is a public outcry in at least a few EU countries. The increased turn-out at the European elections (over 50 percent in EU, in Germany even 60 percent) are a sign of hope – one sign at least.

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[2] This article had to be finished by June 2, 2019, so the outcome of these processes cannot be described here.

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