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EUROPEAN PARLIAMENT: PARTIES, ISSUES AND POLICY POSITIONING IN THE NEW LEGISLATIVE TERM. INTRODUCTION

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In May 2014, 500 million Europeans chose their representatives in the European Parliament. There was the eighth round of elections since 1979 when the first direct electoral voting for the EP was organized. The elections were considered to mark a new milestone in the evolution of the EP as an institution of the European Union. They were supposed to mark a 'first' from at least two points of view: the first since the entry into force of the Lisbon Treaty in 2009, which widened significantly the legislative and budgetary powers of the EP, and the first to indirectly determine the person who will lead the European Commission, the EU executive, for the period 2014-2019 as according to Art. 17(7) TEU, MEPs were granted the responsibility to elect the President of the Commission on the basis of a candidate proposed by the European Council, after taking into account the outcome of the EP elections. Especially this latter development was perceived as a significant upgrade of the Parliament's nominating rights compared to the previous Nice Treaty, which entitled the EP with the right to simply approve the designation of the Commission President. Yet, European voters elected a new EP for the next five years in a climate of uncertain economic recovery and persistent decline of popular support for the Union. The crisis was seen as the product of an exceedingly

ponderous bureaucratic system that became even more bureaucratic and opaque because of a number of arrangements adopted in response to the downturn. The democratic quality of European governance and national and regional politics were treated with increasing awareness especially as they could not come up with adequate solutions to the vital problems of the day. They only deepened the already persistent conviction that what was needed in fact was reform and simplification, allowing transparency to build trust.

Faced with allegations that European institutions lack democratic legitimacy, European politicians designed the election campaign around the shibboleth "This time it's different". In an effort to boost participation this year, all the major blocs in the EP nominated a candidate to be head of the European Commission, and sent them on a US-style campaign trail. However, this did not manage to reverse the decline in turnout that has been registered every consecutive election since the first poll in 1979. At the end of the electoral process, the lack of leadership and responsibility when these two qualities were mostly in demand contributed decisively to a vote of no confidence in both the so-called political class and the European project. Public confidence in the EU has fallen to historically low levels. The latest Eurobarometer poll found that a record 60% of Europeans tend not to trust the EU, a number that has more than doubled since 2007, before the onset of the 2008-2009 global financial crisis and the ensuing Eurozone debt crisis.

As a result, when analyzing the results it is perhaps significant to take a closer look on how the European political system has been shaken up. It is precisely in this realm that this issue of Modelling the New Europe aims to make a contribution. Mainstream political parties have been catapulted in a state of troubled crisis to which they undoubtedly contributed, as they never bothered to explain the policies and compromises their governments have forged over the time on behalf of the people. This weakening of old parties has paved the way to the advent of populist parties that transcend both left and right and address in their public manifestations the outrage and disaffection of a growing part of the European electorate. Under the current circumstances, there is no wonder that the European project looks ridden with ever-widening fissures.

The current issue proposes a number of articles focusing on European elections, based on theoretical and empirical research and aiming to uncover the relation between European and national elections, the role of Europe in national elections, the impact of the economic crisis and of austerity policies for national and European democracy, the role of the EP, the repositioning of parties and policies, the trust in national and European institutions.

In his contribution, **Richard Rousseau** addresses one of the deeply ingrained problems of the European integration that, as already mentioned in this brief introduction, is closely associated with the position of EP within the European institutional setup. By this, he means the problem of the democratic deficit and the issues of legitimacy associated with it. The analysis distinguishes between input-oriented and output-oriented mechanisms and leads the author to the conclusion that while the existence of a demos is a precondition for the existence of any type of collective identity, "one must tread carefully when applying the nation-state concept to supranational entities such as the EU". His conclusion is that concepts like demos or citizenship may carve their way up to the European level, "but not on the same terms as those of nation-states". Moreover, a European party system, with European parties, competing around European rather than national issues has the potential to emerge "from the clash of ideologies of the party programs."

The absence of proper political parties at the European level has been a great problem and a great obstacle for better staging a political campaign focused on Europe. **Miruna Balosin** acknowledges it and looks to avenues for thorough electoral reform based on Andrew Duff Report. The analysis proceeds from the assumption that "Europe's political party system is failing to sustain the project of European unification in a democratic and efficient way". Since the current regulatory framework is "clearly not designed for a transnational and cross-border EU election campaign" the solution need in her opinion either to "introduce common EU-level rules for European election campaigns" or at least to "adapt EU-level and national-level rules or supervision mechanisms to the new transnational reality". Only by improving the style and quality of the campaigning and making it to elicit a greater sense of affinity within the electorate a true European identity will be progressively forged. As Miruna Balosin reveals in her contribution, the current

situation in which electoral campaigns continue to focus primarily on national issues while the debates on EU issues are pushed to the corner is simply not conducive to the aggregation of a sense of European identity.

Against the background of creeping euroscepticism, **Ciprian Păun** turns his attention to the complexity of MEPs voting systems, in order to demonstrate that a unique election procedure at the European level is yet to be implemented. Until then, each EU Member State preserves large autonomy on deciding how to elect their representatives in the EP. There are in fact only two compulsory rules, the proportional representation and a minimum threshold bound not to exceed 5 percent. All the other issues are left to single governments. In his opinion, the real advantage of a unique procedure for all member states would be a "more correct and equal quantification of the votes of the European citizens" and he brings in for further consideration a number of very pertinent issues.

Professor Simon Hix, head of the London School of Economics, was sure that "far from being national elections these days, national elections have started to become European elections". However, his observation applies with different degrees of intensity to different European countries. As the head of the Legislative Department of the Permanent Electoral Authority of Romania **Cristian-Alexandru Leahu** points out, this is hardly the case for Romania. Here the election campaign for the European elections "was largely seen as setting the stage for the presidential elections" that are to take place later this year. In the case of Romania, most candidates preferred to focus on national issues than to provide "political or economy-related ideas or long-term European strategies". The only beam of hope that something may also change in the case of Romania comes from the involvement of European institutions during the summer of 2012, which in the author's opinion led to the general impression that "national decisions are influenced a great deal by Brussels".

Despite the 2009 crisis, Europe remains one of the most prosperous and secure regions of the world. Its citizens live healthier, are more affluent and enjoy a more peaceful environment. Yet, today many people in Europe feel both materially and culturally more insecure, in the face of globalization, declining living standards and migration. The EP was very sensitive to the people's concerns, managed to secure restrictions on bankers' bonuses

across Europe and kill a digital antipiracy treaty (ACTA), and played hard in the negotiations over the long-term EU budget that was deemed disappointingly small. In his contribution **Titus Poenaru**, takes a closer look to what happened during the past legislative term in the areas of privacy and data protection, criminal law cooperation, civil justice cooperation, rule of law and fundamental values of the Union, non-discrimination, citizenship and freedom of movement, gender equality and other fundamental rights issues tries to scrutinize what is likely to be expected from the EP in its new configuration. According to him, after "a flurry of legislative action" was adopted or proposed in the last mandate, with the support of a Parliament dominated, in these areas, by the center-left, the next legislature is likely to be "slightly less ambitious" and "more focused on implementation". With a LIBE committee dominated by the center-right, the focus is to be expected to shift to security aspects and combating crime. Following his rationale, the impact will be felt more on the "legislative packages on data protection, on criminal law cooperation and on gender equality, but less on civil justice cooperation", whereas "fundamental rights and rule of law will continue to be strongly defended by Parliament", although "its reaction to eventual crises might be less virulent than in the past".

For **Michel Labori** economic issues took precedence over political discussions in most member states. As such, they stretched out the debate between a center-right that wanted to maintain rigorous austerity measures and a center-left that favored a boost in spending, confidence, growth and the trimming down of unemployment. Against the background of growing unease with both exit strategies, he came to draw attention to the spark of populism and euroscepticism among Europeans as phenomena that need to be tackled with gentle care before it is too late.

Organized in the shadow of the transition from the seventh to the eighth legislative term in the EP, the Scottish referendum has had as **Adrian Corpădean** points out with considerable accuracy in his study "a European magnitude" and" raised many unanswered questions on the part of the EU". It is without doubt that the decision to opt out or remain a part of the United Kingdom belongs entirely to the Scottish people and "render any official debate in the EP irrelevant". Nevertheless, his observation that the "extent to which the major political families would have supported an independent Scotland in search of EU

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integration would have been a relevant issue to uncover" deserves attention. As Scotland's position in the EP was weak and its representatives spread among different European parliamentary groups, neither of the dominant alliances in Parliament took any interest in supporting either the pro-yes campaign or the no-campaign. Even though it did not come up very much in the deliberations, for a Europe built on the idea of nation states whose borders underpin a legal order set up in the aftermath of the Second World War and altered with teething troubles just a few times, the Scottish referendum poses a serious challenge to the existing members of the EU.

Georgiana-Claudia Manole and **Dorin-Mircea Dobra** bring to the forefront of their article COSAC efforts towards a greater contribution of national parliaments in European decision-making. This increased participation of the national parliaments added an inter-parliamentary dimension at the European level. This was meant to capture "these in-depth reverberations produced by the concerns of national parliaments" and relay them at the European level. COSAC has become the "expression of deliberative democracy" whereas national parliaments have been distinguished by European institutions as key actors in a multi-level system of governance. Moreover, the experience of the last 20 years proved that national parliaments that worked in isolation were not capable of controlling the European agenda of their governments. Via COSAC, national parliaments have gained direct access to European documents surpassing the old times when they were only informed about by their respective governments. As the authors rightly emphasize in their contribution, COSAC has become over the years a valued forum for national parliaments and catered for a better democratic surveillance of the European policies. Despite some concerns that it is not yet achieving its full potential, the authors make a strong argument in its favor.

In her contribution, **Alina Andreica** performs a "systematic analysis of the EP's presence in the electronic environment", mainly on the web and social networks with the aim to perform a "thorough evaluation of the [institution's] web site and Facebook account electronic promotion efficiency". The results seem bright. Nevertheless, at a time when so many Europeans face unemployment, uncertainty and growing inequality, and a sort of European fatigue has set in, neither the news of the upgraded powers of the EP, nor the

"efficient and very friendly" site of the institution could determine the voters to flock in great numbers to the voting booths for this year's European elections.

Overall, it is true that the Parliament may have made one step further in building up its decision-making power within the EU's decision-making machinery, but the European citizens failed to take note of this and of the fact that their vote will have a direct impact on the way how European leaders handle their future. As this issue has indicated, the reasons are manifold. Given the fact that the pro-European parties will still dominate the Parliament it is now high time for the EU to adapt and renew itself before the dissenting bloc will be too powerful to challenge this ambition. Europe is much more than economy and growth. To counter euroscepticism politicians must come up with a new narrative that builds on the common values that bind Europeans together in a globalized world and a change of priorities towards more socially inclusive and economically supportive policies.

Leaders are now asked to take valiant decisions. The task is for sure not easy, as large entities like the EU are not known for their ability to be flexible or adapt to the reality on the ground. In order to offer the European voters a real prospect about the light at the end of the tunnel, the European politicians need to get rid of the habit of making positive political statements about the end of the crisis and embark on making difficult decisions, largely postponed in endless meetings in Brussels. The experience of the last elections showed that the Europeans punished the lack of leadership when the item was most in need and turned either to those politicians who at least at the rhetorical level better captured their concerns or largely ignored the electoral process. The present issue of Modelling the New Europe attempts to offer insight to those issues that will have to be revised starting with the functioning of the European Parliament as a fundamental institution of the European Union.

THE "DEMOCRATIC DEFICIT" AND LEGITIMACY PROBLEMS OF THE EUROPEAN UNION: ELEMENTS OF THE DEBATE

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Abstract: *The article examines the level of legitimacy in the institutions of the European Union, a topic that has been haunting the leaders and the people of the EU since its very foundation. The political apparatus in Brussels has been continually criticized for its lack of democratic legitimacy. The purpose of this article is to analyze some of the most powerful views on this fundamental issue. We will analyze concrete aspects of the "democratic deficit" of the EU and problems with its legitimacy. First, drawing upon the reflection of Fritz Scharpf, a definition of legitimacy is proposed. Legitimacy will be regarded as having two forms: input-oriented and output-oriented. Through this framework the legitimacy of the European Union will be assessed in a systematic fashion.*

Keywords: legitimacy, democracy, governance, Europe, parliament

Throughout the 1990s, European scholars and politicians alike worried about what was referred to as the "democratic deficit" of the European Union (EU). The foundation of the European Union after WWII was undertaken by political elites who lacked popular legitimacy. Some concepts commonly used in political science have their origins in the nation-state, democracy being one of them. Suddenly, scholars had to apply such concepts to a completely different political entity (Rozenberg, O., 2009; Wilkerson, J. et al., 2009).

As Eriksen and Fossum point out, "The tyranny of the concepts and principles associated with the nation-state relate to how sovereignty, identity, community, citizenship and democracy have all been tied to the notion of nation-state and made subject to the territorial logic of the state" (Eriksen and Fossum, 2000:7).

The terminological debate firstly aims to establish whether we can apply the concept of democracy to the EU entity or if the concept cannot be applied to an entity completely different to a nation-state. Some scholars found that the concept of democracy cannot be applied to the EU (Majone, 1998; Moravcsic, 2002) while others have found that it is necessary, or even urgent, to democratize the European Union (Schmitter, 2000, 2004).

In this paper, concrete aspects of the "democratic deficit" of the EU and problems with its legitimacy will be analyzed. Following the definition of legitimacy proposed by Fritz Scharpf, the concept will be regarded as having two forms: input-oriented and output-oriented. Through this framework the legitimacy of the European Union will be assessed in a systematic fashion (Scharpf, 1999).

Scharpf made a distinction between input and output legitimacy. Input-oriented legitimacy – *government by the people* – is based on the existence of a collective identity. Output-oriented legitimacy – *government for the people* – is based on the existence of common interests. As the EU does not have the preconditions for the former, important problems with establishing or claiming this type of legitimacy are clear. Some authors have identified several problems with output-oriented legitimacy in the EU. However, although in nation-states input-oriented legitimacy is often taken for granted, output-oriented legitimacy may likewise be questionable in certain other cases (Best, H., G. Lengyel and L. Verzichelli, eds., 2012).

This paper is divided into four sections. The first explores some of the most common approaches to the legitimacy problem within the EU. The second outlines problems of input-oriented and output-oriented legitimacy and addresses some relevant literature in the sphere of European studies. The third presents possible solutions to those problems while the fourth makes some reflections and draws conclusions concerning legitimacy in the EU.

At least three main approaches to the case of the European Union and its legitimacy are discussed in this paper. The first is that of the "regulatory state", as defined by Giandomenico Majone. The second is the intergovernmental position held by Moravcsik.

The third is the multilevel governance approach. A fourth approach could be distinguished if we consider deliberative democracy as an independent theory.

1. Problems of Legitimacy in the EU

Giandomenico Majone has argued that democratic legitimacy is not an appropriate concept if the EU is assessed from a normative perspective. The EU is fundamentally a regulatory union, which avoids taking on the discretionary power of allocating resources. It is mainly concerned with establishing and implementing regulatory policies whose efficiency is guaranteed through decision-making processes in which expertise is allocated a fundamental role (Haller, M., 2008).

Decisions about such policies as competition or monetary policy, which are accepted without polarization, gain credibility with the public by being Pareto-efficient. The procedural legitimacy of the EU as a regulatory agent is guaranteed by the Council and the governments of the member states (Majone, 1994, 1998; see also Follesdal and Hix, 2005; Kohler-Kockand Rittberger, 2007; Roth, F., 2011).

Moravcsik has developed an approach focusing on inter-governmental relations (Moravcsik, A., 2002). He argues that the EU's political system has deep procedural constraints. There are institutional checks and balances in the EU's institutional configuration, with the separation of powers between different actors guaranteeing reciprocal control among them. Another aspect of the guarantee of separation of powers, which grants the EU legitimacy, in his view, is the multilevel structure of the implementation of EU decisions. In the implementation of policies, various actors from different levels (national, regional and local governments) are involved. Moravcsik concurs with Majone's argument that the EU's governing bodies perform in most instances the task of elaborating EU regulations. As such there are some redistributive policy areas where strong control is exercised and crucial rules are necessary for decision-making process. For example, there are both direct and indirect sources of control: The Council of Ministers and national governments, Members of the European Parliament (MEPs) and national parliaments. Examples of redistributive policies are the Common Fisheries Policy or the

Common Agricultural Policy (Brouard, S., Costa, O. and König, T. (eds.), 2012a). As a result, the author affirms that we cannot draw "negative conclusions about the legitimacy of the European Union from causal observation of the non-participatory nature of its institutions" (Moravcsik, A. 2002: 622).

The third approach to the EU and its problem of legitimacy is the multi-level governance approach, which distinguishes between vertical and horizontal diffusions of authority (Marks et al., 1996; see also Kohler-Kock, 2007). In the vertical dimension power is shared between supranational, national and sub-national institutions. But there is also a horizontal diffusion of authority across the EU, in which particular jurisdictions are task-specific and flexible. Both public and private actors play a role in the policymaking process (Costa, O. and Latek M., 2001; Grossman, E., 2008). The novelty of this type of governance is the direct participation of organized private actors in the policymaking process and the sharing of responsibility with private stakeholders. In terms of legitimacy, the vertical diffusion of authority has as channels of accountability national, regional and local governments and parliaments as well as the European Parliament (EP from here). The vertical diffusion of authority has governments and parliaments, as well as the European Parliament (EP) itself, as channels of accountability on the national level as well as on regional and local ones.

Moreover, the participation of private interests in the decision-making increases the legitimacy of the EU (see for example Kohler-Kock and Rittberger, 2007). However, there are reservations about this view. Equality of access to participation is lacking, as the costs of taking part are often prohibitive. As a result this system can lead to bias development in favor of those who can gain this access.

The political structure of the EU is a mixture of intergovernmental and supranational institutions. The European Council and the Council of Ministers are intergovernmental, but the European Commission, European Court of Justice and the European Parliament are all supranational institutions. Consequently, the EU political system implies more than just cooperation between sovereign states. However, it is also far more than a supranational body. The multilevel governance concept considers that the multilevel nature of EU politics helps give legitimacy to EU institutions; however, this

legitimacy can be improved in different ways (Grossman, E. and Sauger, N., 2007; Hayward, J., 2004; Holzaker, R., 2002).

Advocates of the deliberative democracy approach claim this is an approach significantly different than others (Eriksen and Fossum, 2000).They maintain that deliberation is in itself a source of democracy and legitimacy. In this scenario, public deliberation should be based on convincing and modeling participants' arguments, rather than competition between different visions.

2. Input-Oriented Legitimacy in the European Union

The EU member states have different histories and languages and are culturally and ethnically diverse. The EU has not achieved the 'thick' collective identity we take for granted in nation-states (Scharpf, 1999). The formation of a political community with a common identity is part of the process of nation-building. The existence of different languages and cultural and ethnic diversity within a state does not impede the development of a common identity. Belgium and Switzerland are key examples of ethnically and linguistically diverse countries which have been able to develop a shared identity and build stable institutions under which all their people can live.

The theory that there is a lack of European identity is outlined in the literature on European integration. Although the EU has expanded its competency beyond purely economic cooperation, there is still no shared feeling of common EU identity within its borders. The absence of a European demos, a European citizenship, is seen by some authors as proof of the lack, or even the total impossibility, of a single European identity. Nevertheless, several commentators have tried to challenge this pessimistic view and offer another perspective (Eichenberg, R. C. and R. J. Dalton, 2007).

The existence of a *demos* is a precondition for the existence of any type of collective identity. This begs the question of whether the existence of a European demos is even possible. Various EU member states have argued that there is no real *demos* in Europe (see Weiler, 1995), and as a consequence a common European identity is

impossible. Some would say that even democracy is impossible in the EU, as there is no *demos* which can express its will (Ilonzki, G., ed., 2010).

Nevertheless, even pessimistic authors do not deny the possibility of a European demos developing sometime in the future, despite its nonexistence at the moment (Mair, 2005). Weiler and others posit the existence of a European *demos*, basing their argument on the certainty of two different types of *demos*, one related to the nation-states and the other to the EU. Each of these is based on different elements: a subjective component rooted in objective organic conditions (nation-state *demos*) and civic elements – or the fact of membership (European *demos*) (Weiler, 1995).

Another important concept close to that of European identity is "European citizenship". Is it possible to have such a thing as European citizenship? Recent academic contributions have answered this question positively. However, is it really possible to create a single citizenship when the concept of citizenship is rooted in liberal democratic principles and rights rather than "shared values" and "the common good" (Lehning, 2001)?

European citizenship can be interpreted as a compound of two elements (Cotta, 2008). It has both an "indirect citizenship", originally derived from nation-states, and a "direct European citizenship", resulting from the existence of a European polity (Cotta and Isernia, 2009). The fact that European citizenship is possible due to the existence of the EU may in itself lead to the development of a distinct European political community (see Scheuer, 1999).

However, when linking input-oriented with output-oriented legitimacy, a question can be raised: What is the nature of the European polity? We should first ask whether there is a European polity. Again, there are some ambiguous answers to this question. One thesis asserts that there is within the EU a 'polity-in-the making' (Mair, 2005) or an "emerging polity" (Schmitter, 2000). However, Bellamy and Castiglione, amongst others, accept the existence of a real European polity, and define it as "being post-national in character and post-state in form". It is post-national in the sense that nationhood no longer supplies the socio-cultural glue essential to political integration and to the unconditional assent of the people living in a given territory. It is post-state in form as the congruence between territory and functional competence, which has been one of the main elements of state

power, has broken down (Bellamy and Castiglione; 2000:68). As a result, the EU is characterized as a kind of "mixed polity" where member states continue to be the main players but other actors, such as the European Commission, the European Parliament, the European Court of Justice and the European Central Bank, play prominent roles in certain areas, likewise proposing or making policy.

In sum, we can subscribe to the existence of a European citizenship, but one with different characteristics than those of the nation-states. It is indirect, but also direct. Direct European citizenship derives from the EU's principles and rights. There is also a European demos, but this again is different in character to those of nation-states, as it is based on civic elements. There is also a European polity, likewise different in nature to those of nation-states. All these factors enable the EU to build institutions which can provide output-oriented legitimacy. However, we are left asking whether the European compound citizenship and the European demos solve the problem of whether it has input-oriented legitimacy. Should we affirm with Scharpf that the EU cannot aspire to this type of legitimacy (1999:12)?

Public opinion on European citizenship can be used as an indicator of the existence of a European political community (Scheuer, 1999; Best, H., 2012). The existence of a political community is an apparent prerequisite for a common European identity to emerge. However, this does not seem to be in place at present (see figure 1, 2, 3 and 4) This makes it impossible for the EU to obtain input-oriented legitimacy in the near future, as the relevant numbers have not changed in nearly 20 years with regards to the European identity. For instance, between 1992 and 2004 the number of people who considered themselves "merely European" was unchanged from 1992, and the numbers of people who consider themselves as first citizens of their own countries and then European, and likewise first European and then national, had also remained the same.

When challenging this 'static' view of European citizenship, one can argue that changes in identity cannot be reflected in short time frames such as 10 or 12 years, and if we analyze trends against generational patterns the results can be interpreted somewhat differently (Toshkov, D., 2011).

Interestingly enough, the indications are that the younger generations feel more European and national (or vice versa), instead of purely national, than the older generation. This difference may go even deeper than it appears. Figure 2 shows the answers to the same question for 2004, but divides the sample into age cohorts. This graph further demonstrates that older people have a stronger national orientation (feeling themselves only a national of their country) than younger people. Moreover, younger people, more recently, have a higher level of "feeling" of being national and European and European and national at the same time than their elders (see graph 4).

Nonetheless, it is necessary to be cautious and not generalize about these figures, or to conclude that European identity is increasing and will in turn increase the input-oriented legitimacy of the European Union.

3. Output-Oriented Legitimacy in the European Union

Output-oriented legitimacy, or *government for the people*, is based more on common interests and an identifiable constituency than on common identity. Moreover, there is no difficulty in using output-oriented legitimacy just as there is no difficulty in allowing for the coexistence of multiple, nested or overlapping, collective identities defined by "specific classes of problem-solving concerns and organized according to territorial as well as functional criteria" (Scharpf, 1999:11). Output-oriented legitimacy offers a wider variety of mechanisms than input-oriented legitimacy. It appears that this type of legitimacy can be more easily achieved by the EU, as it is much more institution-driven. It is derived from the desire to develop the capacity to resolve problems requiring "collective solutions, because they could not be resolved through individual action, through market exchanges, or through voluntary cooperation in civil society" (Scharpf, 1999: 11). Consequently, modifying institutions and processes can change – positively or negatively – output legitimacy.

As stated above, two different forms of output-oriented legitimacy can be distinguished: direct and indirect. Direct forms derive from European institutions themselves, basically the European Parliament, as there has been no direct election of a

European executive by the people. Indirect forms derive from national governments and parliaments, the Council of Ministers and the European Council.

3.1. Direct Sources of Output-Oriented Legitimacy: the European Parliament

The legitimating function of the European Parliament has three different dimensions: its legislative power, its control and selection of the European Commission, and its competency as a representative body (Paolini, 2007).

The legislative power of the EP has increased in recent years. Since the Single European Act (1986) brought into being the co-operation procedure, the EP has augmented its capacity to intervene in EU policy-making processes, and also now has the capacity to present proposals, its so-called "conditional agenda-setting power" (Tsebelis, 1994). Under the Maastricht Treaty (1992) the co-decision procedure was introduced, giving the EP the right to collectively decide matters with the European Council. Nevertheless, scholars still claim that its power is too weak compared to that of the Council (Follesdal and Hix, 2005; Raunio, T., 2009).

The second dimension is the EP's control and selection of the Commission. This power has also increased in the 2000s. The Maastricht Treaty gave the EP two different rudiments in terms of appointments to the Commission: governments of member states must consult the EP before putting forth candidate for the presidency of the Commission and the EP must approve the designated members of the Commission. However, once again some authors maintain that its control over the Commission and the Council remains insufficient (Hix and Foresdall, 2005).

The third dimension is the representative capacity of the EP. Several aspects of this are highlighted in the literature in relation to providing output legitimacy (Wessels, B., 2005). This is clearly the dimension where the fewest enhancements have been made in the last 10-15 years and no serious effort has been made to resolve this problem. The literature has identified at least three problems in terms of how all the institutions and processes of the EU work: (1) there are no European elections per se, except for national ones that concern European institutions, (2) there is the lack of European parties and a real European

party system, (3) and the internal functioning of MEPs within the European Parliament is inefficient.

(1) In reality, EU citizens cast their votes to elect their own governments who, in turn, elect the Commission. Mark Franklin suggests that voters have still not developed preferences for one European policy over another. European elections are contested on the basis of national political issues instead of European ones, and thus merely reflect national processes and concerns, what Franklin and van der Eijk call "second-order elections" (Franklin and van der Eijk, 2009; Thomassen et al., 2004). These two experts on elections borrowed this concept from Reif and Schmitt, who used it to differentiate between first order elections, in which people decide who governs a country, and second order elections, in which voters are nevertheless driven by national political cues and have the same party system and parties to vote for as in first order elections. Although Reif and Schmitt were discussing sub-state elections, Franklin and Eijk have applied this concept to European elections (Franklin, M. N., van der Eijk, C., 2009).

Without having clear information about the positions of the various parties on European issues voters are unable to either determine the platforms of the various parties or clearly form their own views. Consequently, elections held under such circumstances become a reflection of national issues, and even serve to punish national governments, as parties in opposition are more likely to be elected on a pro-Europe platform (Lord, 2001). Another factor which does not help create a sense of real European elections is that they are not held on the same day in all countries (Schmitter and Trechsel, 2004). Moreover, the electoral turnout in Western European countries' elections is very low, and in general falls below the turnout seen in national or regional elections. This low electoral participation can also be explained by the fact that after European elections there is no government formation process, contributing to a certain lack of engagement on the part of elected deputies and commissioners. People can also misunderstand the utility of these elections, as they cannot see any short term outcome from their participation (Sanders, D., G. Toka, P. Bellucci and M. Torcal, 2012).

(2) Another aspect of this third dimension is how parties in the EP act. The political groups within European political institutions do not function as European parties or

federations of parties. They are created by national or regional parties and then adapted to European institutions and politics. As a consequence, the internal differences among them are enormous and they have very little organizational structure (Schmitter and Trechsel, 2004). Thomassen et. al., have also demonstrated that party groupings are based on ideology but there is no group cohesion (Thomassen et al, 2004).

(3) Finally, and as other researchers have pointed out, organizational structures of MEPs in the European Parliament are similar to those of their parent political parties at national levels. Nevertheless, according to Hix and Foresdall, this tendency is changing, and MEPs are now more likely to vote with European issues in mind, and against their national leaders, rather than on the basis of national political interests (Follesdal, A and Hix, S., 2005; Gabel, M. and K. Scheve, 2007b).

3.2. Indirect Forms of Output-Oriented Legitimacy: National Governments and Parliaments

Literature on the legitimacy problem of the EU has generally taken for granted the level of legitimacy deriving from national governments and parliaments. Most authors assume that national governments provide legitimacy to the EU through participation in the Council of Ministers. At the same time, national parliaments are held accountable for the actions of their governments at European level. But some scholars have attempted to empirically determine the validity of such a statement. Based on empirical data, Auel and Tapio have recently demonstrated that national parliaments today are much more involved in European affairs than previously (Auel, K, Tapio R., 2012) Moreover, their scrutiny powers have been augmented, and so they are now investing more resources (time, money, people) in trying to account for what their governments are doing in European political institutions. Two things, though, should be taken into consideration. Not all national parliaments are equally effective as scrutiny bodies. Additionally, in the same way that EU affairs are more important for certain MPs than others, EU affairs are more important for certain national parliaments than for others (O'Brennan and Raunio, 2007; Paolini, 2007).

4. Solutions to the Legitimacy Problem of the EU

Several authors have defended the idea of increasing political competition in the EU (Lord, 2001; Hix and Foresdall, 2005; Best, H., 2012) in their search for a solution to the problem of legitimacy. Best maintain that such competition has in fact increased in recent years, especially in terms of 'left' versus 'right' competition and in the internal functioning of the EP. Groups have a common ideology, and MEPs are now thinking more in terms of ideology than nationality. These same authors note that more negotiations and votes are taking place within the Council. They maintain that polarization could increase democracy in the EU, and this would in turn increase its legitimacy in at least three ways: (1) competition will allow citizens to identify the protagonists and understand the likely consequences of electing different options; (2) it will produce a mandate for the winners; (3) today's losers can become tomorrow's winners.

First, political competition allows citizens to identify who the protagonists are and understand the consequences of the agendas they want to develop. However, as Hix and Foredall point out, questions about the leadership of the EU and its future agenda is avoided during the elections of national leaders and members of the EP. Moreover, EP elections are 'second order elections', and often not held at the same time as national elections. There is no European party system, but only one of national parties competing on the basis of national issues, not European ones. Besides, opposition and protest parties often gain the most from these elections, especially those who are European Union skeptic. The positive side of competition is that alternative policies that educate the public about European matters are presented and allow citizens to position themselves in function of leaders and their given agendas (Franklin and Eijk, 1996; Hix and Foresdall, 2005). Opening the issue of European leadership to the public does not imply in itself the direct election of the President of the Commission by the citizens. This could either be a direct election by the people (see Lord, 2001) or an election by national governments. An increase of public discussion within Europe has been demanded by the advocates of the "deliberative democracy approach" (Eriksen and Fossum, 2000). Such an approach has

positive impacts on input-oriented legitimacy, as it increases the idea of shared values and common aspirations. Expanded deliberation also shapes identity (Eriksen and Fossum, 2000), and this in turn can reinforce a shared European identity. It likewise increases output-oriented legitimacy by bringing about an improvement in the capacity to solve collective European problems. Deliberative democracy is considered to imply the creation of a more encompassing European Public Sphere. But in spite of this, deliberative democracy remains elusive and undeveloped in the EU.

There is also the issue of how ineffective the European media is in providing citizens with a clear vision of European problems and current affairs. Moreover, NGOs, considered an effective instrument for change and social marketing and key components of civil society, have not been very effective in bringing about an improvement in the deliberation process; their visions and goals do not often coincide and are not properly connected with those of the EU. Accordingly, two of the key elements for the development of a European public sphere – the media and an organized civil society – have not been developed.

Second, competition produces a mandate for the winners – almost a winner-takes-all system. A coalition of winners would be legitimized in being able to develop its own policy agenda. Hix and Foresdall maintain that the Commission, which should have its own program and policies, developed over a span of five years, and the authority to prepare laws in various policy areas and negotiate budgets in support of such policies, would benefit from greater competition and criticism (Hix and Foresdall, 2005).

Third, electoral losers (people who voted for a party left out of the winning coalition) will easily accept this outcome provided they are convinced that they can prevail in future elections. That is to say, those who have concrete preferences about policies, and the leader who represents their agenda, will accept the result of an election if they feel the process gives them an opportunity for their voice to be heard. This is a way of convincing people that their interests can be served in European institutions, arenas where they feel they can play a role.

More concrete proposals for increasing legitimacy have been made, relating to specific institutions (Hix, 2006; Best, H., 2012). In terms of the European Parliament, it

has been proposed that its president could be elected for a five-year rather than a renewable term of two-and-a-half year term. A survey carried out by TNS Opinion & Social Network in the 27 Member States of the European Union in 2012 shows that a significant majority of respondents are in favor of a direct election of the President of the European Commission (Special Eurobarometer 379, 22-31). Such a change would encourage the formation of majority coalitions, as parties would seek to gain this more coveted position rather than let it pass to another group (Hix, 2006).

Changing the system of allocating committee membership and chairs would increase competition. Instead of doing this on a proportional basis, Hix suggests a system which would guarantee greater representation to the largest or majority group. For example, by allowing the largest political group to choose several committee members directly, while the rest would be allocated under the d'Hont rule or proportional representation (Hix, 2006).

The Council's legislative deliberations could be made more transparent, allowing the public and governments to scrutinize amendments proposed by the presidency prior to their deliberation in the COREPER (Committee of Permanent Representatives responsible for preparing the work of the Council of the European Union (Hix, 2006). Moreover the public and media should have access to the deliberations of the Council, as supporters of deliberative democracy maintain (Eriksen and Fossum 2000; Hix, 2006; Toshkov, D., 2011: 180).

Regarding the Commission, a more open battle for the election of its president is also recommended as a source of providing greater legitimacy. This election could be made by the people directly, or, as Lord as also proposed, by the European Parliament (Lord, 2001). One difficulty of having an executive elected by the EP is that there is a need for it to have stable majorities which support the Commission. This would be difficult to achieve, given the number of parties and different countries represented in the EP (Lord, 2001). Hix also proposes that rival candidates should present their ideas in manifestos, public debates among key candidates should be held, and open declarations of support by the heads of national governments and party group leaders in the EP (preferably before European elections) should be made. Allowing direct public election of the Commission

and its president would require campaigns to debate European issues and thus give the opportunity to citizens to see where they stand on these issues in relation to the various parties (Hix, 2006; see also Franklin et al., 1996).

It has also been suggested to adopt Swiss-style referendums or direct democracy on law proposals to increase their legitimacy. Again, this measure would augment debate on European affairs, educate people about the functioning of institutions, and give the public the idea that they control European institutions and processes (Lord, 2001).

Nevertheless, some voices have appeared criticizing political competition within the EU (see for example Bartolini, 2006). One of their most important critiques is that politicization of constitutional issues should be avoided. Not doing so could create situations difficult to manage. The point made by Bartolini is that issues which in some countries divide parties are precisely constitutional ones, and thus these could easily be politicized. Another interesting argument raised by this scholar is that EP political groups are not strong, and there are still no cohesive Europe-wide parties as such. The reinforcement of these structures will be needed before politicization can begin. Another argument is that the utility of partisan politics has been eroded in recent years, due to a variety of reasons, two being the end of the Cold War and globalization. Moreover, people are disengaging with partisan politics (see also Torcal and Montero, 2006). This has led to the rise of alternative decision-making forms which aspire to be less democratic but much more effective: judicialization or expert decision-making are now more accepted (Mair, 2005).

Over time the EU has acquired more authority and more policies now have their locus in Brussels. As a result of these extensions, problems related to democracy and the democratic legitimacy of the EU have been raised.

5. Conclusion

The analysis of the problems of EU legitimacy, which distinguishes input-oriented and output oriented mechanisms, leads us to various conclusions. It is first necessary to ask whether old concepts can be made to serve new objects. The apparent "tyranny" of

concepts (sovereignty, identity, community, citizenship and democracy), which Eriksen, Fossum and Toshkov have pointed out, can also be applied to the problem of legitimacy. The object of this paper has neither been the concept of legitimacy *per se* nor the broader conceptual problems related to the definition and description of how the EU functions. In any case, one must tread carefully when applying the nation-state concept to suprastate entities such as the EU.

Regarding input-oriented legitimacy, we find arguments against the idea that the EU embodies this type of legitimacy, as a European identity *per se* does not exist. Input-oriented legitimacy problems cannot be resolved. Nevertheless, when we look at related concepts such as *demos* or citizenship, we can conclude that both could possibly exist at the European level, or may one day, or that they may do so in the future, albeit not on the same terms as those of nation-states.

Regarding the output-oriented legitimacy, we have seen approaches that look at the EU as sufficiently different entity that old concepts cannot be applied. Majone, Moravcsik, Kohler-Kock and Roth, although from different perspectives, defend that democracy is not an adequate concept to the EU. Differently, Mair support the idea that EU has, until certain point, went beyond popular democracy, and new forms of decision-making as the EU are more interesting and legitimate for citizens now than popular democracy is.

Regarding output-oriented legitimacy, this paper has presented approaches which regard the EU as being a sufficiently different entity that older concepts of this kind cannot be applied to it. Although they take different perspectives, both Majone and Moravcsik maintain that democracy is not an adequate concept to apply to a discussion of the EU. However, Mairs opposes that the EU has, at least to a certain extent, moved beyond popular democracy and created new forms of decision-making which are now more legitimate for European citizens than popular democracy.

Other approaches consider that democratic legitimacy is not only possible, but necessary for the EU. Advocates of these approaches support the establishment of competitive politics within the EU. Hix, Foresdall, Lord and Mark Franklin, among others, claim that right-left competition within the EU could increase political legitimacy, particularly inside the European Parliament. According to the advocates of competition,

European leaders should lay the basis for real European elections, with real candidates and different agendas. A European party system, with European parties, competing around European rather than national issues should emerge from the clash of ideologies party programs. Left-right competition could also be positive within the Commission, as the latter could be elected for a specific period, with a clear agenda open to critique and review.

The various European parties should position themselves and their agendas in a clearly identifiable way for citizens. Left-right competition could thus be both desirable and necessary to bring about open democracy and greater public scrutiny of the negotiations that take place within the Council and the Council of Ministers. Finally, deliberative democracy is desirable but not easily obtainable at EU level. There is a continuing need to develop a European Public Sphere containing a European media and European NGOs. European governance should be based on public deliberation, with evidence based arguments used to convince electors to support various policies and programs for the general population of Europe as a whole.

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THE EUROPEAN UNION ELECTORAL REFORM: ANDREW DUFF REPORT

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Abstract: The article aims at raising the attention over the current situation of the electoral system of the European Union by presenting important aspects like the role of the European Parliament; the need of transparency in the European party system and the EU electoral reform. EU elections may be European in viewpoint and in outcome, but they are actually governed by 28 diverse national systems as well as some supplementary EU-level guidelines for election campaigning, electoral management and political party finance.

"Electoral reform is timely, cost-efficient and necessary. Those who care for the future of Europe should support it." (Andrew Duff).

Keywords: European Parliament, electoral reform, political parties, Duff Report.

The European Parliament as the only directly elected European institution has always understood its role as the voice of the citizens, strongly defending their interests. The strong democratic legitimacy of the European Parliament constituted the democratic basis of the European Community. It was generally accepted that only a directly elected Parliament could gain itself the democratic powers, and that it would not be possible to confer new competences to the Community unless Europe's citizens regarded it as the expression of their own political will

In an assembly where only a very small minority was opposed to direct elections, there was a division between those who believed that direct elections should have been accompanied by an extension of Parliament's powers, and those who believed that Parliament's powers would gradually expand as the logical consequence of direct elections. The latter approach won the day due to pragmatic considerations and the need to press ahead regardless of difficulties. The European Parliament, step by step, acquired an increasing and significant number of legislative powers with the Council and secured a considerable expansion of the competences first of the Community, and then of the Union (Piodi, 2009, p.5).

Elected every five years by direct universal suffrage, the European Parliament has substantial budgetary powers and is responsible, with the Council, for decisions on the majority of European Union legislation. Over the decades and thanks to some important revisions of the Treaties, the Parliament has gained more and more powers and competences and has positioned itself at the centre of the EU decisional process. Broadly speaking, the prerogatives of the European Parliament were increased by the Treaty establishing a Constitution for Europe (TECE), then the Reform Treaty. The EP would not only exercise, jointly with the Council, legislative and budgetary functions but also the functions of political control and consultation and elect the President of the Commission.

With regards to its legislative powers, the EP has seen its prerogatives enlarged, and put on an equal footing with those of the Council of Ministers. The co-decision procedure becomes the ordinary legislative procedure for the adoption of legislative acts. The Constitution extends the co-decision procedure to virtually all fields of action of the Union where the Council has to decide by qualified majority voting.

Under the Reform Treaty (see Article 9a of the Reform Treaty, CIG 1/1/07 REV 1: 11), Parliament's new composition is to be decided by the European Council acting by unanimity, on the basis of Parliament's proposal and after obtaining its consent. The composition of the European Parliament, established to 751 members, will in future require adjustment so as to take account of demographic changes and/or future enlargement. This could well lead to difficult political debate between Member States, especially when new

enlargements imply a loss in the number of parliamentary seats allotted to incumbent members.

Why European Union leaders have frequently increased the powers of the European Parliament represents a reason easy to understand: to treat the democratic deficit, or the so-called lack of power of European voters to influence EU decision-making.

The European Parliament is supposed to provide a popular counterweight to both the member-state controlled Council and the powerful European Commission, an appointed body that is intentionally some- what removed from popular and national political pressures and that serves primarily as the executive branch of the EU, while also exercising important legislative functions. Popular elections to an increasingly powerful EP were supposed to provide European voters a direct and important role in the EU's separation of powers (Schleicher, 2011, p. 112).

The European general public was never attracted by the European elections. The level of voting has decreased in every election from 62% in 1979 to 43% in 2009 (Hix, 2006; Malkopoulou, 2009) and is much lower than in national elections.

Citizens use the European Parliament elections to express their opinions on national parties, national politicians, and national policy issues, instead on the European-level political alternatives. This phenomenon derives from the fact that the stakes for national parties, voters, and the national media are much higher in national parliamentary (or presidential) elections than in European Parliament elections. As a result, parties, the media and voters treat European Parliament elections as 'second-order' contests in the national electoral cycles rather than as an opportunity to debate EU policy issues and their preferences over which political majority should be given the opportunity to govern at the European level (Hix and Hagemann, 2009, p. 29).

Voters have no idea who the MEPs are, do not care about what they do, and certainly do nothing to punish their bad behavior. Voter disengagement from the EP has ensured that the decision to give it more power failed to confer much democratic legitimacy on the EU as a whole. In fact, polls reveal a collapse in popular support for the EU since granting the EP real power (Schleicher, 2011, p. 113).

In general, one cannot expect greater transparency of politics inside the European Parliament to change the way voters' behave in European Parliament elections. And, in return, if voters are unlikely to pay much attention, MEPs are unlikely to change the way they behave in response to greater transparency. MEPs are torn between two principals: their national parties, and their European political groups. One factor which influences whether MEPs respond more to pressure from their European political groups or more to pressure from their national parties is the way the MEPs are elected. There is no uniform electoral system in European Parliament elections (Hix et al., 2012, pp. 8-9).

According to Andrew Duff[1] in a special interview for Euractiv, "Europe's political party system is failing to sustain the project of European unification in a democratic and efficient way. Political parties are an essential sinew of democracy, and at the European level that sinew is missing. Genuine European political parties are needed [...]. To be sure, the European political families have already created formal party organisations which broadly mirror the political groups inside the European Parliament: Christian Democrats, Social Democrats, Liberals, Greens, Right and Left. But these parties are pale forerunners of what they need to become. A major objective of the European Parliament's current package of proposals, therefore, is to galvanise the rapid development of truly European political parties".

Another obstacle for a move towards more uniformity is the lack of visibility of the European party system. The 2013 analysis of Transparency International EU Office has revealed the considerable flaws in the landscape of political party finance regimes across Europe and at EU-level regarding the regulation of public and private support, transparency of finances, supervision and effective sanctions in case of violation of rules. Issues such as anonymous or unlimited donations, cheap loans or sponsoring have been found to be problematic as has the lack of proactive public oversight or the lack of rules for finances of individual candidates alongside rules for parties (Patz, 2013).

In the last years, efforts have been made to improve the rules for EU-level political

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[1] Duff, Andrew, Catch-up democracy: The case for electoral reform of the European Parliament, 16 May 2011, http://www.euractiv.com/future-eu/catch-democracy-case-electoral-r-analysis-504864, accessed 10 October 2014

parties, but the European Parliament and member states were powerless to implement the new directives in due time for the European elections.

Under present practices and rules, EU voters would know long after the European elections, maybe in late 2015, how EU-level political parties have been funded and how they used their funds during the 2014 campaign.

Without common European rules demanding that European political parties' candidate be transparent in how their individual campaigns are financed or effectively prevent misuse of administrative resources, it will depend on European political parties as well as their affiliates to commit to the transparency and integrity of the electoral process and the campaign. It will also depend on civil society, European and national media and citizens to collectively watch pre-electoral activities and campaign finances of European parties, and encourage all political players not to misuse loopholes in national and European laws for the EU campaign (Patz, 2013).

Electoral Reform of the European Parliament: Duff Initiative

The European Parliament did not reform its electoral system since 1999 - before the Treaties of Nice and Lisbon and before the great enlargement of the Union. Meanwhile, the competences and the powers of the EU institutions have grown radically.

The Treaty on European Union contains a mandate for the European Parliament to put forward a proposal for a uniform procedure for European elections or an electoral procedure in accordance with principles common to all Member States. Parliament has continuously made efforts to increase 'harmonisation' of electoral rules for the EP elections, beyond those enshrined in the 1976 Act (as amended in 2002)[2].

Taking into account the next elections, are we confident that the quality of the election campaign will be such an advance on previous elections that the electors will see that, in voting for MEPs, real choices can be made about the direction of the EU polity?

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[2]European Parliamentary Research Service, European electoral reform – no change to the status quo, 13 March 2014, http://epthinktank.eu/2014/03/13/european-electoral-reform-no-change-to-the-status-quo/, accessed 10 October 2014

Surely only European political parties and not national political parties will be able to offer real choices at election time about, for example, the name of the new President of the Commission, the pace of enlargement, or the size and shape of the EU budget?[3]

In such a context, Andrew Duff, British MEP and President of the Union of European Federalists, member of the Committee on Constitutional Affairs, initiated in 2010 a process of electoral reform of the European parliament with the aim of addressing at least, partially the lack of political contestation within the European Union. Together with its colleagues from the Parliament's Constitutional Affairs Committee, Andrew Duff mainly proposes to set aside 25 additional seats for candidates elected through Europe-wide lists presented by the European political parties. The main idea of the proposal is thus to create transnational lists where 25 candidates drawn from at least a third of states would be elected through a pan-EU constituency and would as a result be accountable both to their European political party and to their European electorate. The introduction of these transnational lists would allow European political parties to engage in real 'European' campaigns and create the vital space for political contestation (Duff, 2011, 2012; European Parliament, 2011).

The proposal was endorsed by the Committee by 20 votes to 4 with no abstentions and was voted in plenary in June 2011. Mr Duff said, responding to the vote: "MEPs from all the main groups have reached a strong consensus on the need to reform Parliament. Under the proposed scheme, the next European elections in 2014 will take on a genuine European dimension. The opportunity of using a second vote for transnational MEPs should galvanise voters who have come to recognise that national political parties no longer work to sustain European integration in an efficient or democratic way"[4].

The centre piece of the recommendation is to add 25 seats in Parliament to nominees of the European political parties all the way through the 27 member states. The members will be voted in a pan-EU constituency from transnational lists, gender balanced

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[3] EUObserver, 'Why do MEPs fear electoral reform?', http://euobserver.com/7/115596, accessed 10 October 2014

[4] European Parliament, "A big step forward for a United European Democracy": Duff on electoral reform, 15 April 2011, http://www.europarl.europa.eu/news/en/news-room/content/20110415STO17908/html/A-big-step-forward-for-a-United-European-Democracy-Duff-on-electoral-reform , accessed 11 October 2014

with candidates from at least a third of states. The lists will be established by the European political parties and the election will be regulated by a new EU electoral authority. In effect, every elector would have two votes - one for the national or regional list and one for the transnational list.

The 25 MEPs would be elected for a pan-European constituency. The transnational lists would be composed of candidates of at least nine nationalities drawn up by the European political parties. They would not favour any specific nationality. MEPs for the pan-European constituency would be directly accountable both to the European political parties and to the electorate (much like any other MEP)[5].

The question of transnational lists has been discussed for many years within the Parliament and among the European political parties, many of which see potential benefits to their own development once they are made responsible for the selection of candidates on the transnational lists, for electoral campaigning and for holding pan-European MEPs to account.

The 25 candidates on the transnational list will likely be leading European politicians or celebrities from other walks of life, helping to give the election campaign a wider following. "I have no objection to celebrities in politics," said Mr. Duff. "There is no reason to doubt that the political parties will choose their candidates responsibly."[6]

The date of elections should be changed to May from June allowing the European Parliament enough time to prepare for the new Commission President's election, ideally taking place in July.

The Committee intends to increase the representation of minority candidates and women and requests the Commission to represent a new draft Directive on the right of European Union voters to vote in other state than their own. As a final point, it proposes a revision to the 1965 Protocol on Immunities and Privileges which would install a supranational regime for the European Parliament designed for modern standards.

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[5] EUObserver, 'Why do MEPs fear electoral reform?', http://euobserver.com/7/115596 , accessed 10 October 2014

[6] European Parliament, "A big step forward for a United European Democracy": Duff on electoral reform, 15 April 2011, http://www.europarl.europa.eu/news/en/news-room/content/20110415STO17908/html/A-big-step-forward-for-a-United-European-Democracy-Duff-on-electoral-reform , accessed 11 October 2014

The transnational lists will transform the existing EU parties into real campaigning organisations, allowing them to campaign for voters or seats. Their candidates will be recruiting members and seeking support even in states where they do not have national political affiliates.

Nevertheless, since the first draft report was presented in 2011, Duff's proposal has been facing criticism, especially from smaller EU countries, fearing this proposal would especially promote candidates from the larger member states.

The report was referred by plenary for further consideration back to the Committee and a second amended report was tabled in 2012.

Duff's second report recognises that some issues concerning the pan-European proposal are particularly sensitive - namely, the choice between closed or semi-open lists the timing of the reforms, and the question of whether the 25 pan-European MEPs should come on top of the 751 existing deputies or be drawn from among them[7].

The report composes an agenda for the inevitable negotiations with the Council which is designed to achieve a comprehensive package deal on a range of issues, including the revision of the 1976 Act, the date of the elections and the modernisation of the Protocol on Privileges and Immunities. The report also prepares the ground for the necessary negotiations on seat apportionment between nationalities after the accession of Croatia. The Committee desires to examine a new transparent and durable system for the distribution of the existing 751 seats in preference to the present unseemly bartering.

Progress was only made regarding the formalities to be met by Union citizens wishing to vote or stand as candidates in the European elections in a Member State of which they are not nationals (Consolidated version of Council Directive 93/109/EC).

"For the European Elections in 2014, citizens should have two votes. One for a national list of candidates and one for a transnational European list with candidates from all over Europe", said Jo Leinen, President of the European Movement International. "The

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[7] EUObserver, 'Why do MEPs fear electoral reform?', http://euobserver.com/7/115596, accessed 10 October 2014

European Movement International highly welcomes this step forward to realize European Democracy."

"European lists will trigger pan-European election campaigns and give the possibility to every European citizen to really choose between political alternatives. This is a huge step towards a European public space", said Jo Leinen. Transnational lists will push the political class in Europe to discuss European issues during their campaigns and to stop concentrating on national issues. "We absolutely need more transnational debates and more European Democracy to tackle the big challenges ahead, like the financial and economic crisis or climate change", said Jo Leinen[8].

Moreover, in view of the upcoming elections, Parliament adopted on July, 4, 2013, an initiative report on improving the practical arrangements for the holding of the European elections in 2014 (2013/2102(INL). The report's purpose was to make European elections more European, says Constitutional Affairs Committee.

National political parties should tell citizens - before and during the electoral campaign - which European political party they belong to and also which candidate they support for Commission President, including his or her political programme. The committee urges member states and political parties to see that the names of the European political parties and, where appropriate, their emblems, appear on the ballot paper. No member state currently does this.

Political parties should ensure that the names of candidate Members of the European Parliament are made public at least six weeks before the start of polling. Parties should also field more female candidates, and encourage equal representation wherever possible. Candidates should also be expected to pledge that if elected to serve as an MEP, they will do so, unless meanwhile appointed to a post that makes them ineligible (e.g. in the European Commission or a national government).

European political parties should name their candidates for Commission President "sufficiently well in advance of the election" to enable them to mount an EU-wide

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[8] European Movement, *Better European Elections in 2014 with transnational European lists*, 26th January 2014, http://europeanmovement.eu/news/better-european-elections-in-2014-with-transnational-european-lists/, accessed 10 October 2014

campaign on European issues, based on the party platform and the programme of their candidate for Commission President, says the committee. Candidates should be transparently and democratically selected, it adds.

Candidates for Commission President should personally present their political programmes in all EU member states, MEPs say. They also urge the European political parties to hold a series of public debates between the nominated candidates.

"Detailed arrangements for consultations between Parliament and the European Council on the election of the new Commission President should be agreed by common accord in good time before the elections", stresses the committee.

The committee also expects that "the candidate for Commission President who was 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/her ability to secure the support of the necessary absolute majority in Parliament".

National political parties are encouraged to include on their lists of candidates EU citizens residing in member states other than their own and registered to vote there.

No official result should be published in any member state until after the close of polling in the member state whose electors are the last to vote on Sunday 25 May 2014, stresses the text.

The Constitutional Affairs Committee calls on member states to mount campaigns to encourage citizens to turn out and vote. The committee also "encourages all media outlets to treat the elections with maximum attention"[9].

Conclusions

The Duff Report is the first use by MEPs of their new powers under Lisbon to initiate a revision of the treaties. The package will be sent by Parliament to the European

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[9]Report on improving the practical arrangements for the holding of the European elections in 2014 (2013/2102(INI)),   12   June   2013, http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&reference=A7-2013-0219&language=EN, accessed 10 October 2014

Council, which will have to decide, by simple majority, whether to open an intergovernmental conference to install trans-national lists. All the proposals, including the extra 25 MEPs (Article 14(2) Treaty on European Union), the revision of the 1965 Protocol on Privileges and Immunities and other changes to primary law (the 1976 Electoral Act), as well as the decision on the apportionment of seats, will require a consensus to be reached among governments and the final agreement of the European Parliament, followed by ratification in each national parliament.

There will be resistance, especially from Eurosceptic national leaders. But it ill-behoves those leaders, be they ever so powerful, to blame the EU for not working well (and holding the Parliament in particular contempt) while, at the same time, refusing to do anything to rectify the problems. Few heads of government can relish the prospect of a constitutional clash with the European Parliament[10].

The current regulatory framework therefore is clearly not designed for a transnational and cross-border EU election campaign. In the absence of an adequate supervisory authority or coordination between all supervisory authorities during the European election campaign period, the overall fairness, transparency and integrity of campaign financing and campaign organisation across the EU is not guaranteed.

If the transnational campaigning continues in the future, then there will have to be a new regulatory and supervisory framework, either by introducing common EU-level rules on European election campaigns or at least by adapting EU-level and national-level rules or supervision mechanisms to the new transnational reality. Addressing this well in time before the 2019 elections will be crucial to increase transparency and integrity of the next European Parliament elections.

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THE NEW COMMUNITY DIMENSION: A PARLIAMENT FOR EU CITIZENS

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Abstract: *From the organization of the European institutions, in their initial stage, we can state that the European project developed spontaneously, according to the needs of the European area and of the global geopolitical dynamics. The article draws attention over fundamental stages in the evolution of the European Parliament: the Representative Assembly stage and the Parliamentary Assembly stage, discussing the complexity of MEPs voting systems before the Lisbon Treaty, in order to demonstrate that a unique election procedure at the European level is yet to be implemented*

Keywords: European Parliament, Representative Assembly, Parliamentary Assembly, voting system

The representation of citizens has been one of the main ideas of the rhetoric of politics, regardless of the era, philosophy or governing ideology (Senellart, 1998, pp. 15-32). The Parliament or the Representative Assembly gained legitimacy in the public European life with the occurrence of constitutionalism and of the "principle of separation of powers in the state" (Iliescu and Socaciu, 1999). If the first post-antiquity parliamentary form dates back to Iceland, in the 9th century, still, the English Representative Assemblies came into prominence in the public eye of our recent history.

The Parliament was defined as being the representation of the people in the democratic states, whose main attributions are: exercising the legislative power, the right to vote the budget, the control over the Government (Schubert/Klein, 1997, p. 207). This short definition characterizes the functionalist formula of defining the Parliament. In the following analysis, we will commence from this functionalist perception of the Parliament, characteristic particularly to the German legal system (see Avenarius, 2001, pp. 13-63).

The Parliament has been defined as being a political concept according to which the people exercise the governing through their representatives, delegated into the Parliament. The Parliament is a governing system where the government, as an executive power, is subordinate and responsible to a representative assembly elected by the people and composed of its representatives (see Lalumiere and Demichel, 1966, in Deleanu, 1978, p. 24)

The European Parliament, part of a *sui-generis* process

The European Parliament is one of the fundamental institutions of the European Union. But, in order for the European Parliament to reach the position it occupies today in the integrationist equation, studies, analyses, opinion polls, and political pressures have been made. If 70 years ago we imagined the European Union as trans-border cooperation, today we can say that we are witnessing the construction of a real European state structure. In this context, we must avoid making comparisons between national parliamentary structures and the European Parliament because, at least temporarily, the common bond of the popular sovereignty of the state structure is missing.

Hence, a comparison between the role of national parliaments and the European Parliament would mean renouncing at the rigor specific to a pertinent analysis based on contemporary realities, for a speculation of the federal imaginary.

According to the legal provisions (art. 189 par. 107 of the EU Treaty, art. 20 of the ECSC Treaty, art. 107 of the Euratom Treaty), the European Parliament consists of representatives of the member peoples of the Communities. The legal statement leaves no room for interpretation, establishing a popular representation of the member states, and not a governmental one. In time, with the evolution of the European Economic Community, the European Parliament has become the *agora* of the European citizens, in pursuit of democratic rights and representation. The differences between the positions of the European Parliament and those of the European Commission and the Council, governmental representation institutions, resulting most of the time with the victory of the latter, fuelled the theories of "democratic deficit" of EEC and, later, of the European

Union. According to these theories, the European Parliament should hold complete control within the European structure, it should subordinate the governmental institutions, and possess censorship and control instruments over the "*eurobureaucratic*" (Schönberger, 1994, p.99 and Steffani, 1978, pp. 233-259) activity.

The option of the leaders of the European countries in the 6th decade of the previous century was a natural one, common for the international inter-governmental organizations. (Reuter and Combacau, 1985, pp.285-316)

From the organization of the European institutions, in their initial stage, we can conclude that the European project developed spontaneously, according to the needs of the European area and of the global geopolitical dynamics. (see Pulzer, 1955)

The European Parliament comprises two fundamental stages in its evolution: the Representative Assembly stage and the Parliamentary Assembly stage.

The Representative Assembly

The structure presented above illustrates the territorial form of legislative codification. It represents, as mentioned above, a starting point. The period of the "Representative Assembly", when the members of the parliament were being designated by the national parliaments, covers the interval 1952-1979, considering the ECSC Assembly.

The number of representatives increased from 78 for the Common Assembly of the ECSC to 142 with the accession of the United Kingdom, of Ireland and of Denmark, and it reached 410, with the establishment of direct elections. Hence, in 27 years, the Representative Assembly increased its number up to almost 6 times. This aspect cannot be explained by the enlargement of the "select European club", but by a complex process of increasing the importance of the representation of the population and, at the same time, by an enlargement of the attributions of the European representatives. (Streinz, 2001, pp. 115-117)

The designation by the national parliaments, stipulated in the art. 133 TCEE, followed a procedure established by each member state. Due to this ability of national

parliaments to establish the procedure for the designation of the representatives, the chosen solutions were fundamentally different from one state to the other, to which we can add clear discriminations of some political groups.

General de Gaulle had proposed in 1949 the establishment of some institutions that could represent the will of the European citizens, namely the "institutions of Europe must be created as a result of a democratic manifestation, through the universal suffrage of the European citizens" (the speech delivered at the press conference of Palais d'Orsay, 14 November 1949). We must point out that the founding treaties contained directives that authorized the election of the representatives through universal direct suffrage. The complex procedure and the supra-nationalist fears delayed the process by almost thirty years. Even from the first gathering of the European Assembly, in March 1958, a project on a convention regarding the direct election of the European Parliament was elaborated. The project was adopted in plenary sitting in 1960 and was sent to the Council that "delayed" its debate and adoption by almost fifteen years.

A new project was proposed by the Parliament in 1975, known under the denomination of project Patijn, by the name of the special rapporteur M. Patijn. The project was signed on September 20th 1976, in Brussels, after long discussions and debates, where the arguments of unconditioned support of the project from the public opinion proved to be decisive. An important part was also played by the prime minister of Luxemburg, Gaston Thorn, (see Burban, 1999, p. 15) and the French president Valery Giscard d'Estaing, whereas the German social-democrats seemed to be the least interested in the project. (see Schulze, 1997, pp. 237-261)

The above mentioned period, besides being spectacular due to the results in the architecture of the European institutional power, represents the resistance of the European citizens towards any defiance of the fundamentals of the occidental society based mainly on the principle of democratic representation. It was a time of difficult negotiations to discover the common tools of electing the European Parliament members and, at the same time, a period characterized by the beginning of outlining the European political groups. It was a starting point where the positions of negotiating the future of Europe have been identified. Regarding political collaboration, this period was characterized by alliances

between the social democrats and the communists, who place themselves on an "Europeanist" line of thought.

The Parliamentary Assembly

"The Assembly", a common institution of the three communities, completes its construction with the direct election of the members of the Parliament in the member states, by distinct procedures for each state. "The Assembly", known by most citizens as the European Parliament, demonstrates its development. In this period, the European Parliament becomes a space for practicing democratic negotiations between the member states, between the European political groups and even within them. An American author wrote that: "The European Parliament is a kaleidoscope of the European politics. For example, groups of the socialists have been formed, the European People's Party, the *Group* of the European *Liberal Democrat* and *Reform Party* , the Greens, the European Democratic Alliance, *the Technical Group of the European Right*, the Rainbow Group, etc. None of these groups can cover the diversity of opinions that, most of the times, socialists successfully promote. In this environment, alliances are essential" (Folsom, 1995, p.41).

The Headquarters of the European Parliament

Even the headquarters of the Parliament proved to be subject to numerous discussions. Currently, the plenary sessions take place in Strasbourg, the Commission sessions take place in Brussels (in one of the most imposing buildings), and the secretariat is in Luxemburg. This movement of the members of the Parliament in the European area has the purpose of avoiding the monopolisation of one country over an institution designed to represent all European citizens. An interesting detail is the fact that the buildings of the Parliament have a lot of glass in their construction and are very bright. This fact is not just the result of an architectural preference, but also a desire of the presidents of these structures to create a space of accessibility and transparency.

The Number of EU Parliament Members and Their Division on Member Countries

This aspect has been highly negotiated and it is related to the discussions on under and overrepresentation. With the institution of direct elections, the number of MEPs has been settled at 410, then at 434 and, since the 1ˢᵗ of January 1981, with the accession of Greece, then at 518 with the accession of Spain and Portugal in 1986, then at 567 with the reunification of Germany in 1990, and then at 626 with the accession of Austria, Sweden and Finland in January 1995.

The Amsterdam Treaty introduced the stipulation according to which the maximum number of the Parliament members cannot be higher than 700 (Glossary *Dinamica Europeană*, 2001, p.94).

The Nice Treaty (see von Kyaw, 2001, pp. 5-13), introduced a new distribution of the mandates of the Parliament members, from the perspective of a Union with 27 member states. The maximum number of EU Parliament members increased from 700 to 732. Only Germany and Luxemburg maintained the same number of representatives. As until the elections of 2004 not all associated countries had accessed, an increase proportionate to the number of the Parliament members was decided, under the provision that the number is not higher than 726.

Article 191 of the of the EC Treaty has been amended with the inclusion of a stipulation that allowed the adoption, based on co-decision, of the *Statute of the political parties at the European level* and, particularly, the rules regarding their financing.

"The regulations and the general conditions regarding the activity and the obligations of the EU Parliament members" would be approved by the Council with a qualified majority, except for the regulations on taxes (see art. 190 of the EC Treaty).

Voting rights and eligibility in European Parliament elections

As mentioned above, in the art. 190 (ex art. 138), the EC Treaty stipulates the general regulations regarding the election of EU Parliament members. In accordance with

Article 190 of the EC Treaty, the Council adopted the regulation of 20 September 1976 (see Păun, 2003, pp. 81-91) on the election procedure. Before the Treaty of Maastricht, another issue was resolved in different manners by the member states, namely the vote and the right to vote that could be cast or not by nationals of a member state that resided in a different member state. In the Maastricht Treaty, art. 19, par. 1, the residency principle was introduced. According to this principle, every citizen of a EU member state, had the same rights to vote and to stand as a candidate for the European Parliament as the other citizens of a particular state (see Păun, 2003, p. 52). Hence, a French citizen may be elected member of the EU Parliament in Italy, by the Italian procedures (see the case of Maurice Duverger, French political scientist elected on the lists of Italian communists). This measure is accompanied by the perception on the unity of the European electoral space divided into national circumscriptions. It is a step forward towards the outlining of the European citizenship; this was regarded as a controversial regulation at that time, especially by Denmark and Great Britain.

In 1993, the Council (see Păun, 2003, pp. 81-91) elaborated the Directive no. 93/109/EC which lays down the details on active and passive voting rights. The directive was implemented in the member states as laws on EU elections. (Păun, 2003, p.57)

According to the current regulations, "all European citizens have the right to vote and to stand as a candidate at elections to the European Parliament (Constitutional Treaty – EU Citizens), regardless of their county of residence.

Voting Systems

Each member state has its own voting system. Next, we are going to discuss some European legislative systems.

The French system. Since 1977, France has had a European electoral legislation. The French system is based on a unique electoral circumscription. France's representatives are elected based on the principle of proportionality, with a 5% threshold of the votes. French citizens residing abroad are entitled to vote at the French embassies in their country of residence.

The public media are available for the electoral lists, based on their representation in the National Assembly and the Senate. (Burban, 2001, p. 35)

The Danish system. In Denmark, the European electoral law dates back to 2 December 1977. The procedure is identical to the French one, but the parties that are not represented in the Folketing must obtain the signatures of at least 2% of the electorate that took part in the previous elections in order to run for the European elections.

The Irish system. The Irish system uses the national electoral practice with the method *single transferable vote*. The Irish representatives are chosen in 5 circumscriptions, where a number of 2-3 European parliament members are being elected. Each voter ranks the list of candidates in order of preference. In this system, it is possible for one position not to be occupied, and the decision falls under the responsibility of the Irish Parliament. A deposit of £ 1000 is required for a candidate and it is not refunded if the candidate does not receive at least one third of the votes required for election.

The German system. In Germany, the electorate law has been postponed because of different tensions between the Federal and the Land levels regarding their competencies. The political parties are entitled to place their candidates either on federal, or on Land lists. A 5% threshold is set in Germany as well, in order for a party to participate in the proportional allocation of seats, and, if the party or association is not represented in the Bundestag or Landtag with at least five seats, nominations must be supported by 4000 signatures, in the case of a Federal list, or 2000 signatures in the case of a Land list. (Burban, 2001, pp. 36-37)

The British system. The European Assembly Elections Bill entered into force in May 1978, stipulating a one-round uninominal voting system. A specificity of this system is that the candidates cannot be represented by alternate members and vacant seats are filled by means of by-elections.

The Italian system. This system entered into force based on the regulation of 16 February 1977. This law divides the country into five ad-hoc electoral constituencies. The system of proportional representation, used at the national level, is applied. Applications, except the nominations by a party, must be endorsed by at least 30000 electors. (Burban, 2001, p. 40)

Conclusions

We have illustrated with the examples above the complexity of the MPEs voting systems, in order to demonstrate that a unique election procedure at the European level is yet to be implemented. The advantage of a unique procedure for all member states would be a more correct and equal quantification of the votes of the European citizens. Regarding the minimum age required in order to have the right to vote in the MPEs elections, in Finland, Sweden, Denmark, Germany, Spain, The Netherlands and Portugal the minimum age is 18, in Austria it is 19, in Belgium Greece, Ireland, Luxembourg, Great Britain it is 23, and in France and Italy it is 25. Therefore, at the EU level, there is a "legal discrimination" in the European elections voting rights, despite the existence of a strong legal basis – the European citizenship that should soon come into prominence in politics as well.

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2014 EUROPEAN ELECTIONS IN ROMANIA. KEY FACTS AND FIGURES

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Abstract: The present article describes, in a synthetic manner, Romanian political background, electoral system, election legislation, election administration, voter and candidate registration, election campaign and results of 2014 European elections in Romania. Beyond representation of European citizens, democratic deficit and political participation usually raised when analyzing European elections, an election practitioner's perspective on the organization of elections in one Member State may provide fresh ideas on how to tackle these issues.

Keywords: European elections, Romanian electoral system, Permanent Electoral Authority, political parties

The 2014 European elections were the first held since the Lisbon Treaty entered into force. Also 2014 European elections were the third round of European elections held in Romania.

Political background

The 25 May 2014 European elections took place in the midst of a political dispute caused by the rupture of the Social Liberal Union, a former political alliance between the Socialist Democratic Party, National Liberal Party, Conservative Party and the National

Union for the Progress of Romania which won 2012 local and parliamentary elections. Also, personalized verbal attacks and disputes regarding constitutional prerogatives of the Romanian president further polarized the political scene. Socialist Democratic Party tried to insinuate itself in the public opinion as the continuator of the former alliance while National Liberal Party opposed this action and endeavored to establish a separate identity.

The electoral system

Romania has 32 representatives in the European Parliament who are elected in a nation-wide constituency, on closed party lists, under a proportional system. The threshold is 5% of validly cast votes, and mandates are distributed according to the D'Hondt formula.

Independents candidates also have the right to participate. They are not subject to the threshold requirement of five per cent that only applies to political parties. Independent candidates merely have to achieve the coefficient for a single seat to be elected.

The legal framework

The legal framework for the European elections is formed by a combination of EU law and national legal provisions.

The 1976 Act, as amended in 2002, established electoral rules common to all Member States. It introduced universal suffrage for the European elections and established the requirement that elections be held under a proportional system.

Another relevant EU legal text for European elections is Directive 93/109/EC of the Council of 6 December 1993, which lays down detailed arrangements for the exercise of the right to vote and to stand as a candidate in EP elections for EU citizens residing in a Member State of which they are not nationals. According to the 1993 Directive, EU citizens who are eligible voters in their Member State of origin are automatically eligible to vote in the European elections in any other Member State as long as they are resident in the Member State they intend to vote in. They must also register as voters for the European elections by the relevant deadline. In accordance with the 1993 Directive, no voter is

allowed to vote more than once at the same elections. The Member States have to exchange voter list information before European elections in order to avoid double voting.

The Law on the organization and conduct of elections to the European Parliament was enacted in 2007, on the occasion of the first European elections. Since then it was amended several times by Government Emergency Ordinances. The last Emergency Ordinance was adopted by the Government in February 2014, a few months before the elections. It introduced the Electronic Electoral Register to the European Elections and transposed the Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals. This directive provides that candidates no longer have to provide proof that they have not been deprived of their electoral rights in their home Member State. Instead, they will have to make a formal declaration to that effect, to be verified by the electoral authorities in the Member State in which they reside.

The election administration

The elections were administered by a three-tiered ad hoc election administration consisting of 41 County Election Bureaus, an Election Bureau for the Polling Stations Abroad, 6 electoral offices in the Bucharest municipality, and 18,722 Polling Station Bureaus, including 190 abroad. In addition, the Permanent Electoral Authority supported the election bureaus during elections and coordinated voter registration and other election operations carried out by central and local public institutions.

Electoral bureaus are temporary autonomous administrative authorities, composed of members of the judiciary and representatives of Permanent Electoral Authority (higher electoral bureaus) non–partisan jurists (lower electoral bureaus) as well as representatives of political parties. They adjudicate complaints according to an expeditious jurisdictional procedure and take decisions by majority vote.

Voter registration

All citizens over the age of 18 are eligible to vote, unless disenfranchised by a final

court decision for reasons of legal incapacity (including for mental disability) or as part of an outstanding conviction. Also, residents of other European Union member states have the possibility to apply for registration as voters. Romania's passive voter registration system is based on the data contained in the Electoral Register, a centralized database maintained by the Permanent Electoral Authority with inputs from the Ministry of Internal Affairs and mayors. The final number of registered voters for these elections was 18,221,061 out of which 18,220,469 Romanian voters and 592 citizens of other European Union Member States.

The Permanent Electoral Authority received notifications regarding 137,765 Romanian citizens who expressed their wish to vote in other EU member states. Due to insufficient data only 49,053 were removed from the electoral lists.[1]

Candidate registration

All citizens over the age of 23 are eligible, unless disenfranchised by a final court decision for reasons of legal incapacity (including for mental disability) or as part of an outstanding conviction or administrative decision of the National Integrity Agency.

Political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities have to submit 200,000 supporters' signatures, while independent candidates must present 100,000. Up to 26 March 2014, the deadline for candidate registration, 15 political movements submitted candidates, and 8 independents applied for candidate registration. Out of the 579 candidates who competed in elections, 2 were citizens of other EU member states. [1]

Current number	Political movements	Number of definitive candidacies
1	Dan Diaconescu-People's Party	42
2	Civic Force	42
3	Popular Movement Party	41
4	Electoral Alliance SDP-CP-NUPR (Socialist	42

	Democratic Party, Conservative Party and the National Union for the Progress of Romania)	
5	National Peasant Christian-Democratic Party	42
6	Democratic Union of Hungarians in Romania	42
7	National Liberal Party	42
8	Democrat Liberal Party	42
9	Grand Romania Party	31
10	New Republic Party	31
11	Romanian Ecologist Party	34
12	Green Party	24
13	Socialist Alternative Party	42
14	National Alliance of Agricultors	33
15	Social Justice Party	41

Independent candidates

1	Ungureanu Georgiana-Corina
2	Filip Constantin-Titian
3	Liga Dănuţ
4	Purea Paul
5	Capsali Pericle-Iulian
6	Costea Peter
7	Diaconu Mircea
8	Dăeanu Valentin-Eugen

Election campaign

The election campaign began on 25 April and was marked by a highly polarized political environment with a prominent focus on the rupture of the Social Liberal Union and interventions of president Traian Băsescu, on behalf of one election competitor, the Popular Movement Party. The electoral alliance between Socialist Democratic Party, Conservative Party and the National Union for the Progress of Romania, with a quasi-nationalist rhetoric, publicly assumed the role of heir of the Social Liberal Union, trying to accaparate the former's alliance electorate.

Overall the election campaign was largely seen as setting the stage for the

Total number of candidates	Women	169	29,2 %
579	Men	410	70,8 %
Age categories	23 – 32 years	127	21,9 %
	33 – 42 years	175	30,2 %
	43 – 52 years	138	23,8 %
	53 – 62 years	82	14,3 %
	63 – 72 years	51	8,8 %
	73 years +	6	1 %

presidential elections, future competitors such as the social democrat Prime Minister Victor Ponta and the National Liberal Party's president Crin Antonescu interjecting themselves in the campaign, speaking on the political rupture between them, and consequently becoming a regular subject of the campaign.

Most candidates preferred to focus on national issues than to provide political or economy-related ideas or long-term European strategies. However, the election campaign benefited from involvement of European institutions during the summer of 2012, which led to the general impression that national decisions are influenced a great deal by Brussels.

Another largely debated issue on the campaign was the independent candidacy of Mircea Diaconu who won his right to stand as a candidate in court against the National Integrity Agency and the Central Election Bureau.

Results

Five political parties, political alliances, electoral alliances and organizations of citizens belonging to national minorities passed the election threshold. The Electoral Alliance between Socialist Democratic Party, Conservative Party and the National Union for the Progress of Romania obtained 16 mandates, the National Liberal Party 6 mandates, the Democrat Liberal Party 5 mandates, the Democratic Union of Hungarians in Romania 2 mandates, the Popular Movement Party 2 mandates and Mircea Diaconu an independent candidate, one mandate[1].

The turnout increased from 27.67% in 2009 to 32.44%.

References
[1] www.bec2014.ro (last accessed on 10 October 2014)

Electoral competitor	Votes	
Electoral Alliance SDP-CP-NUPR	37,60%	2.093.234
National Liberal Party	15,00%	835.531
Democrat Liberal Party	12,23%	680.853
Democratic Union of Hungarians in Romania	6,29%	350.689
Popular Movement Party	6,21%	345.973
Dan Diaconescu-People's Party	3,67%	204.310
Grand Romania Party	2,70%	150.484
Civic Force	2,60%	145.181
Romanian Ecologist Party	1,15%	64.232
National Alliance of Agricultors	0,95%	53.273
National Peasant Christian-Democratic Party	0,89%	49.983
Green Party	0,34%	19.148
New Republic Party	0,27%	15.419
Social Justice Party	0,24%	13.537
Social Alternative Party	0,17%	9.803
Diaconu Mircea	6,81%	379.582
Capsali Pericle-Iulian	0,89%	49.612
Costea Peter	0,74%	41.274
Ungureanu Georgiana-Corina	0,49%	27.324
Purea Paul	0,20%	11.319
Liga Dănuţ	0,19%	10.650
Dăeanu Valentin-Eugen	0,15%	8.747
Filip Constantin-Titian	0,11%	6.458

THE IMPACT OF THE 2014 EUROPEAN ELECTIONS ON THE EU POLICIES ON JUSTICE, FUNDAMENTAL RIGHTS AND RULE OF LAW

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Abstract: The EU policies of Justice, Fundamental Rights and Rule of Law have developed relatively recently in the past twenty years. First as part of the inter-governmental third pillar and thereafter as a shared EU competence, following the entry into force of the Lisbon Treaty, which gave the EU Charter of Fundamental Rights binding value and integrated these policies in the standard sphere of community competence, including co-decision powers for the European Parliament in most fields. A flurry of legislative action and several soft measures were adopted or proposed in the last mandate, with the support of a Parliament dominated, in these areas, by the centre-left. The next legislature is likely to be slightly less ambitious, more focused on implementation and on the adoption of existing proposals. This results from Commission papers and the European Council Strategic Guidelines. In addition, the result of the European Parliament elections means that there will be an overall centre-right majority, which will focus more on security aspects and combating crime and on subsidiarity concerns. The impact will be felt on the legislative package on data protection, on criminal law cooperation and on gender equality issues, but less on civil justice cooperation. Fundamental rights and rule of law will continue to be strongly defended by Parliament, but its reaction to eventual crises might be less virulent than in the past.

Keywords: European Parliament, personal data protection, justice, fundamental rights

1. Introduction

The European Union has relatively recently acquired competences in the areas of justice, fundamental rights and the rule of law. Equality, non-discrimination and consumer policies were already part of the Treaty of Rome and EU competence has been strengthened further in recent treaties. However, it was only in the 1990s that the Maastricht Treaty introduced Justice policies under the "third pillar", of an intergovernmental nature, which was strengthened in the Amsterdam and Nice Treaties. The European Parliament and the Commission had only a limited role. In particular, the Commission and the European Court of Justice had no powers to enforce the laws adopted by the Council. The Lisbon Treaty finally abolished the pillar structure, albeit with a five-year transition period as regards the powers of the Commission and European Court of Justice on criminal justice. Under the "third pillar", the European Council set legislative priorities in detailed five-year programmes (successively, the Tampere, Hague, and Stockholm programmes). Under the Lisbon Treaty, these have been superseded by strategic guidelines for the Justice Policy area, which the European Council adopted for the first time on 27 June 2014. In what concerns fundamental rights, for a long time, the legal basis at EU level consisted essentially of the reference made in the Treaties to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). Although recognised as having a high legal value by the Court of Justice (ECJ) as a body of rights and values common to the constitutional traditions of Member States as early as 1970[12], a non-binding EU Charter of Fundamental rights was proclaimed in 2000 and became binding (on EU institutions and EU law, including national transposition measures) only with the entry into force of the Lisbon Treaty in 2010. Rule of law has always been a founding value of the Union (art. 2 of the EU Treaty), but an EU competence in monitoring the application of these values was only introduced in article 7 of the Treaty of Amsterdam and subsequently strengthened in the Nice Treaty, in particular following the entry into the Austrian governing coalition of Haider's right wing party in

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[11] The opinions expressed in this paper are those of the author and not of the Institution for which he works.

[12] *International Handelsgesellschaft v Einfuhr- und Vorratsstelle Getreide* [1970] ECR 1125 Case 11/70

2000[13]. The lack of political will to apply article 7 to the situations in Hungary and Romania in recent years showed that this article is difficult to apply. In 2014, the European Commission issued a communication trying to establish a mechanism to be able to intervene politically early, in order to prevent serious breaches of the rule of law and fundamental values in the EU Member States.

Following the entry into force of the Lisbon Treaty in 2010, the European Parliament now has a full legislative role in this field (with limited exceptions). It is therefore relevant to study the impact of the 2014 European elections on these policies, which is the subject of our paper.

1. Which legal basis and which bodies?

This paper will look at the impact of the 2014 European elections on EU policies strongly linked with the following primary law articles:

- Treaty on the European Union - Articles 2 (values), 6 (fundamental rights), and 7 (procedure for breach of fundamental values)
- Treaty on the functioning of the European Union - Articles 10 (non-discrimination), article 16 (data protection), articles 18-23 (citizenship, free movement and non-discrimination on grounds of nationality), The Area of Freedom Security and Justice (Title V and in particular chapter 3, article 81 - judicial cooperation in civil matters, and chapter 4, articles 82-86 – judicial cooperation in criminal matters)
- Charter of Fundamental rights – overall application, as it does not extend the powers or competences of the Union beyond what is in the Treaty

In the European Parliament, the main political bodies dealing with these aspects are the committees on Civil Liberties, Justice and Home Affairs (LIBE – for criminal law cooperation and fundamental rights), Legal Affairs (JURI – for civil and administrative

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[13]   http://www.euractiv.com/future-eu/austria-haider-affair-gave-eu-emergency-brake/article-151443   (last accessed on 25.08.2014)

law) and Women's rights and Gender Equality (FEMM – in what concerns equality between men and women).

In the European Commission, the Directorate General on Justice deals with all of these issues as of 2010, while the Commissioner in charge was until recently Viviane Reding. The president-elect of the Commission, Jean-Claude Juncker has already declared that he intends to appoint a Commissioner for fundamental rights and rule of law, which would therefore cover these policies.

In the Council, most of the aspects area dealt with by the Justice and Home Affairs formation, while some general aspects are dealt with in the General Affairs Council. According to article 68 TFEU, the European Council has a specific responsibility in drawing up strategic guidelines, which it has done on 27 June 2014.

There are also several agencies involved in this field – in particular the Fundamental Rights Agency, Eurojust (judicial cooperation in criminal matters), the European Institute for Gender Equality (EIGE).

3. Overview of the 7th European Parliament mandate (2009-2014)

The 7th European Parliament was the first one to deal with justice policies under the Treaty of Lisbon on an almost equal basis with the Council. The European People's Party (EPP) won the 2009 elections[14], with a corresponding loss of the socialists (called the Progressive Alliance Socialists and Democrats - S&D Group, following the inclusion of the Italian Partito Democratico[15]).
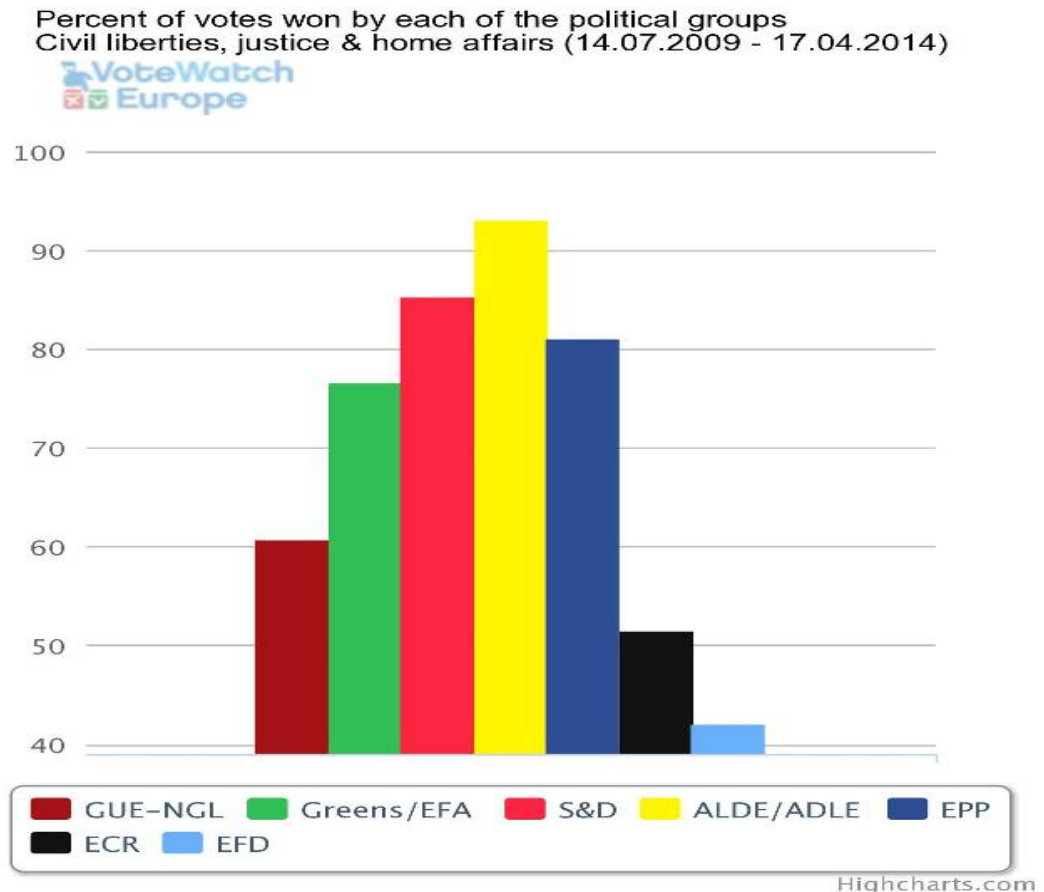
Despite this win, there was a solid centre-left majority on civil liberties issues, due to several factors:
- Alliance of Liberals and Democrats for Europe (ALDE), the third largest group voting mostly with the centre-left on justice / civil liberties issues
- An increase in the size of the Greens group, who is also on the left on such issues

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[14] http://www.qcea.org/wp-content/uploads/2011/04/bp-epanalysis2-results-en-2009.pdf (last accessed on 25.08.2014)

- An even stronger centre-left stronger majority within the LIBE committee (where ALDE and SD were slightly over-represented in comparison with the overall EP proportions), which created a momentum difficult to overturn in a plenary vote

- Defections within the EPP group from several groups of MEPs on certain issues

    The result was that ALDE was most often on the winning side on LIBE issues[16], followed by the S&D group, EPP coming only third[17]:
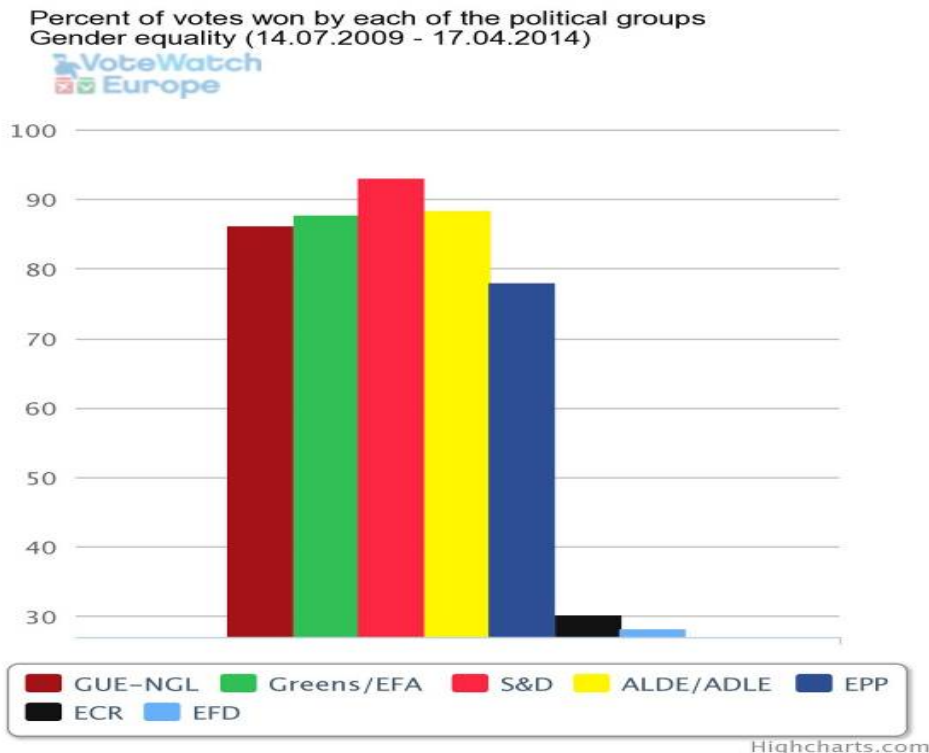

Percent of votes won by each of the political groups
Civil liberties, justice & home affairs (14.07.2009 - 17.04.2014)

The dominance of the left (and the division left/right) is even more evident on gender equality issues, where there was such a strong S&D/ALDE/Greens/GUE majority, that the EPP won fewer votes than any of those four groups[18]:

On the other hand, in the legal affairs committee (JURI), due to the different nature of the topics (leading, for example, to ALDE voting more often with the EPP), the leadership of the committee (which belonged to the EPP), it is the EPP group that won most of the votes in the plenary – 97,67%.[19]

In the field of our research, the old European Parliament has left a "legacy" resolution - the mid-term review of the Stockholm programme[20]. It focused on fundamental rights and cooperation in civil and criminal law, as well as on institutional issues. Asylum, Migration, security are also well reflected, but they come thereafter in the

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[18] http://term7.votewatch.eu/en/epg-in-winning-majority-gender-equality.html, (last accessed on 25.08.2014)

[19] http://term7.votewatch.eu/en/epg-in-winning-majority-legal-affairs.html (last accessed on 25.08.2014)

resolution and, therefore, in the intended priorities. There is also focus on the need for implementation and enforcement of existing legislation. As the text of the resolution is relatively long, the European Parliament also proposed an important number of actions to be taken in the future.

Before going into the impact of the elections on the follow-up to this resolution, it is worth giving an overview of the possible orientations in the justice and fundamental rights areas in the other main EU institutions, as they are the ones with more influence on the initiatives in this field.

4. Outlook in the Commission and Council for the next legislature

At the time of the writing of this paper, the definitive allocations of the portfolios and the name of the Commissioner(s) in charge are not known. However, several indications as to the policy to be pursued are available.

The most relevant document is the Policy Guidelines presented by President Jean Claude Juncker to the European Parliament before his election on 15th of July 2014[21]. The main statement of Juncker highlights the need to "restore European citizens' confidence", to focus on the "key challenges ahead for our economies and for our societies" and "strengthen democratic legitimacy on the basis of the Community method". The main and overall priority is a "New Boost for Jobs, Growth and Investment" and most of the other priorities are aimed at supporting it. Justice and Fundamental Rights play an important role in this context and this is not by chance. Juncker's former "electoral campaign" manager, current head of "transition team" (assisting Juncker until the approval of the new Commission) and (likely) future head of cabinet is Martin Selmayr. He has worked for many years in the cabinet of the former Luxembourgese Commissioner – Viviane Reding,

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[20] European Parliament resolution of 2 April 2014 on the mid-term review of the Stockholm Programme, http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2014-0276 (last accessed on 25.08.2014)

[21] Jean-Claude Juncker, "A New Start for Europe: My Agenda for Jobs, Growth, Fairness and Democratic Change - Political Guidelines for the next European Commission", Strasbourg, 15.07.2014, accessible at http://ec.europa.eu/about/juncker-commission/docs/pg_en.pdf (last accessed on 25.08.2014)

being her Head of Cabinet while she was Vice-president for Justice, Fundamental Rights and Citizenship. He had therefore an essential role in shaping justice policy over the last five years. One of the key priorities has indeed been "Justice for Growth"[22].

As such, agreement on a single set of rules on data protection and simplifying consumer rules for online and digital purchases are key elements of the second priority – "A Connected Digital Single Market". The document also supports free movement of workers as "one of the key pillars of the internal market", which should be seen "as an economic opportunity, and not as a threat". In the context of the Transatlantic Trade and Investment Partnership, "the protection of Europeans' personal data will be non-negotiable", while it will not be acceptable that "jurisdiction of courts in the EU Member States is limited by special regimes for investor disputes".

The Area of Justice and Fundamental Rights Based on Mutual Trust is the 7th priority, and Juncker focuses on achieving "justice, protection and fairness with full respect for fundamental rights and the rule of law". The Commissioner with specific responsibility for the Charter of Fundamental Rights and the Rule of Law "will also have the responsibility of concluding the accession of the Union to the European Convention of Human Rights, which is an obligation under the EU Treaty". The policy guidelines further mention discrimination, which "must have no place in our Union, whether on the basis of nationality, sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation, or with regard to people belonging to a minority", therefore the proposal for an horizontal anti-discrimination directive will be maintained, despite the deadlock in Council. The paper then goes on to detail the importance of the legislative work on data protection, as well as need for the US to give privacy guarantees and opportunities for judicial redress to EU citizens "whether or not they reside on U.S. soil". The paper then refers to crime and terrorism, judicial cooperation in civil matters (to accompany the freedom of movement and its implications in terms or legal rights for citizens), Eurojust and the European Public Prosecutor's Office.

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[22] http://ec.europa.eu/commission_2010-2014/reding/justice/index_en.htm#growth (last accessed on 25.08.2014)

This approach is very similar to the one of the European Parliament in its legacy resolution and it is no surprise. Jean Claude Juncker was mostly interested in obtaining a large and absolute majority in the Strasbourg vote. This meant, in particular, getting support from ALDE, S&D and the Greens, since the EPP was already guaranteed to support him, while all the others were likely to vote against anyway. The strategy worked and Juncker was elected with 422 votes in favour, 250 against and 47 abstentions.

A more sober and institutional paper on the outlook for the Justice policy was published by the outgoing Commission in March 2014[23]. While the new Commission(er) is likely to make changes and perhaps try to be more ambitious, the thrust of this document should be followed up, particularly if Martin Selmayr is confirmed as head of cabinet of the new Commission President as mentioned above. The document does not contain many new proposals for legislative action, but rather it focuses on the implementation of existing legislation and adoption of ongoing proposals. The keywords of the document and their prioritisation are a proof of this:

- consolidate ("first and foremost" – i.e. implementation and application),
- codify (EU legislation or ECJ Case-law - therefore limited new policy development),
- complement (as justice policy is a "dynamic area", initiatives "*may* therefore have to be envisaged where appropriate").

In June 2014, The European Council also adopted "strategic guidelines" in the Area of Freedom Security and Justice[24], as provided for in article 68 of the Treaty. These are not anymore the detailed 5 year programmes of the past, but are more political guidelines. The focus is put of security aspects (including asylum, migration, security, etc), in terms of their place (first paragraphs), length and number of initiatives requested. Justice and fundamental rights are also strongly present, but mostly with a focus on implementation ("the overall priority now is to consistently transpose, effectively implement and

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[23] Communication from the Commission – "The EU Justice Agenda for 2020 - Strengthening Trust, Mobility and Growth within the Union", COM(2014) 144 final, http://ec.europa.eu/justice/effective-justice/files/com_2014_144_en.pdf, (last accessed on 25.08.2014)

[24] http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/143478.pdf (last accessed on 25.08.2014)

consolidate the legal instruments and policy measures in place") while the requirements for "further action" are mostly linked with ongoing legislative proposals or improvement of cooperation.

It can be said therefore that the European Council Guidelines and the Commission's Communication on the EU-Justice Agenda for 2020 converge by focusing on the need to protect and apply fundamental rights and the necessity to implement and consolidate the instruments that have been achieved, as well as adopt proposals already on the table. The Juncker political guidelines stress more the fundamental rights aspects, but, they still do not add concrete proposals. The importance of a sound European justice policy for economic growth has been in the focus of all three documents.

We will now look at the results of the European Parliament elections and see what impact these could have on the EP overall priorities and on specific dossiers and policies.

5. The results of the 2014 Elections

There are several factors which lead to the conclusion that the majorities are going to be different in the 8th Parliamentary mandate:

- The EPP maintained the 1st place, albeit with a smaller number of MEPs (220 instead of 274).

- While the SD roughly maintained its numbers, ALDE dropped to fourth place and lost almost a quarter of seats – including through an important defection of 5 MEPs from the Romanian National Liberal Party to the EPP.

- In the aftermath of the elections, the European Conservative and Reformist group (ECR) managed to attract several new MEPs (such as the 7 member strong Alternativ fur Deutschland) and also convince some existing MEPs to join them (such as the Belgian NVA - Flemish nationalists, who defected from the Greens[25]). This made them the third largest political group, albeit only a few places in front of ALDE.

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[25]   http://europedecides.eu/2014/06/whos-going-where-tracking-the-musical-chairs-in-the-european-parliament/ (last accessed on 25.08.2014)

- The "communists" (GUE/NGL), which are often voting against the deals of the largest groups (although not so much on civil liberties issues), have also gained a few seats

- The Greens lost some MEPs and dropped to sixth place.

- UKIP has managed to form a group (Europe of Freedom and Direct Democracy - EFDD), attracting the Italians from Movimento 5 Stelle to form the required number of members, and 1-2 MEPs from 5 more countries to reach the required Member State threshold.

- There are also a large number of non-attached members (NA), in particular those from the extremist parties – such as the Front National in France, the PVV in the Netherlands, Jobbik in Hungary, who were not able to form a group[26].

The most obvious impact will be in the LIBE committee. From a strong centre-left majority (which worked almost as a "voting machine" in the old Parliament), it will turn to a majority of the right: 32 (EPP + ECR + EFDD + NI) against 28 (S&D + ALDE + GUE-NGL + Greens). This may of course change on specific votes and issues, but overall it will be difficult for the centre left to win. It is possible, if not likely, that the Movimento 5 Stelle is going to have different positions from UKIP (whose members are also rarely present), as they seem to be more on the left of the political spectrum and, certainly, more pro-European. The Greens have courted them during the period of the formation of the new political groups and they are likely to continue contacts with a view to attracting at least some of their MEPs. If there are any divisions within the EPP group, it is possible that in some cases, the centre left will still win votes.

In the FEMM committee (women's rights and gender equality), the majority will be still on the left, but much smaller (EPP + ECR + EFDD + NI = 17; S&D + ALDE + GUE-NGL + Greens = 18). Considering the fact that the FEMM committee has very limited legislative power, it is very likely that it will adopt opinions which will be ignored by the lead committees, or own initiative reports which may cause heated debates and tight votes

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[26] For a full overview, see here: http://www.europarl.europa.eu/meps/en/crosstable.html (last accessed on 25.08.2014)

in plenary, with the likely result of the committee reports being changed considerably (and following heated debates) at the level of the plenary.

No major changes are expected in the JURI committee, dealing with civil justice and company law, a more consensual issue among political groups (except perhaps family law, or aspects involving consumer protection and subsidiarity). The EPP is most likely going to continue to win most of the votes in this field.

Overall, in the new Parliament the weight of eurosceptic forces remains fairly limited and pro-European parties have kept a very comfortable majority (70% compared to 79% in the outgoing Parliament, or even more if the GUE group is included among pro-Europeans). However, EPP and S&D represented 61% of the outgoing Parliament and have dropped to 53%. The difference means that neither EPP nor S&D will have the option of building alternative majorities on divisive votes within the existing political groups and traditional alliances. This opens new perspectives for European parliamentarism as a de-facto grand coalition is looming, with an increased power for national delegations across the board whenever an EPP-S&D consensus will prove difficult to achieve.

On justice and fundamental rights matters, the EPP and ECR focus on security aspects (including combating crime) and subsidiarity. This was obvious also from the hearing of the interim Commissioner designate for Justice Martine Reicherts, which took place on 14 July. Apart from data protection issues, both EPP and ECR MEPs focused on doing more to combat cross-border crime[27].

Nevertheless, we have to note that, in addition to the division on basis of political spectrum, there is also a division on the basis of the degree of pro-European orientation. The EPP is still pro-European on justice and fundamental rights issues and it voted more often together with ALDE and S&D (75% and 66% respectively), than with the ECR (60%)[28]. In view of the overall increase of the eurosceptic votes, this trend needs to strengthen.

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[27] Full recording of the hearing can be found here: http://www.europarl.europa.eu/ep-live/en/committees/video?event=20140714-1900-COMMITTEE-LIBE-JURI-FEMM (last accessed on 25.08.2014)

[28] http://term7.votewatch.eu/en/epg-coalitions.html#/#0/5/2009-07-14/2014-07-14/12/9 (last accessed on 25.08.2014)

Nevertheless, the overall changes mean that the new Parliament is likely to follow the approach of the Commission and European Council – a focus on security aspects, on application and implementation of the Charter and of legislative instruments, conclusion of ongoing open files (with the support of a grand pro-European coalition) and relatively limited new groundbreaking initiatives. The reaction to eventual crises (rule of law, Roma, citizenship, etc) at national level could also be less virulent in terms of requests for follow-up initiatives compared to the previous legislature (Roma crisis in France, during Sarkozy, rule of law/fundamental values crisis in Hungary, etc).

We will now look at the impact on specific key policy areas and legislative proposals

6. Impact on specific legislative files and policies

6.1 Privacy and Data protection

The hottest issue in the field of justice and fundamental rights is certainly privacy / data protection. The chair of the LIBE committee, Claude Moraes (Labour party, UK) has made it the priority of his mandate[29]. And for good reasons: personal data is economically very valuable. The Commission has estimated that the data of EU citizens was worth 315 billion EUR in 2011[30]. Many businesses, including some of the largest internet companies (Google, Facebook) base their business model on the use of personal data (sometimes in an anonymised form). Security concerns related to data breaches – identify theft, access to bank accounts, medical records, are also immense both in terms of personal but also economic cost. From a human rights perspective, the debates on state surveillance and privacy are very topical, following the Snowden revelations. The balance between the rights to freedom of expression and of the citizen to access information, on one hand – and the right of the subject of that information to have his/her privacy protected (right to be

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[29] https://twitter.com/ClaudeMoraesMEP/status/486141199599038464 (last accessed on 25.08.2014)

[30] http://europa.**eu**/rapid/press-release_SPEECH-13-788_en.htm (last accessed on 25.08.2014)

forgotten) on the other, has been debated intensely following the Google case[31]. From a personal perspective, everyone may have different approaches to his or her privacy and it is difficult to legislate on such intimate issues. Where to draw the line, how to allow crime investigation and prevention, but avoid abuse are a questions that we will continue to grapple in the years to come. From an EU legal-policy perspective, protection of personal data is strongly defended in the EU Charter of fundamental rights, a regulation and a directive on the issue are on the table of the EU co-legislators, there are ongoing negotiations with the US and other countries on transfers of data for law enforcement or for commercial purposes. The European Parliament has full co-decision powers on internal legislation as well as consent power on international agreements.

The proposed EU data protection Regulation is revising the 1995 EU data protection directive, in order to ensure consistency of application across the EU, to clarify the territorial scope so that it includes companies located abroad, but offering services within the EU, to have clearer and stricter conditions for international transfers and stronger enforcement, the right to be forgotten, the necessity of "explicit consent" of the data subject etc. These aspects have been supported by the 1st reading position of the European Parliament, which was adopted by a virtual unanimity (95% of votes) in March 2014 (a result which is very difficult to achieve on such an important piece of legislation).

On the other hand, on the draft "Police directive", which deals with protection of personal data in the context of law enforcement in a package with the regulation, the majority was very tight (only 54%, with EPP, ECR and many others voting against[32]). This is a sign that there are those (particularly on the right) that prefer a more a pro-security stance, which would allow more freedom of action for law enforcement bodies in fighting crime.

The next player in the legislative process is the Council, where negotiations have been more difficult than in the European Parliament. There is not yet a "general approach",

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[31] Elements of this debate can be found here: http://en.wikipedia.org/wiki/Right_to_be_forgotten (last accessed on 25.08.2014)
[32] http://term7.votewatch.eu/en/processing-of-personal-data-for-the-purposes-of-crime-prevention-draft-legislative-resolution-vote-l.html (last accessed on 25.08.2014)

which would allow for the start of trilogues. What was negotiated until now[33] already presents differences from the EP approach, for example by reverting to "unambiguous" consent of the 1995 Directive, rather than "explicit" consent used in the new proposal. Many Member States also seek more flexibility for the public sector and for law-enforcement authorities.

Throughout the adoption of the 1st reading position of Parliament, lobbying from US and European companies has been extremely intense[34]. The position of one of main EP committees - the Industry & Telecoms Committee was, as a result, closer to the positions expressed by companies[35]. Nevertheless, in the context of the approaching elections and the NSA surveillance scandal, it was more difficult for MEPs to go against the "rights of the citizens" and therefore they voted massively in favour of the report of the Civil Liberties Committee. For several reasons, this situation might reverse. Relieved of the pressure of elections, many MEPs (in particular from Central and Eastern Europe, but also from the UK and Ireland) will be more open to arguments of "administrative burden" from the industry, to security concerns or to damages to transatlantic trade and relations (including in the context of the crisis in Ukraine). More recently, scientists have joined the debate, by writing a letter complaining about the impact of the EP position on research[36]. The extremist/eurosceptic forces are likely to vote against almost any kind of deal, or will vote depending on the political mood of the moment, making them unpredictable. Absolute majority (required for an EP second reading position which diverges from the Council position) will therefore be more difficult to achieve. So, despite the strong majority in the vote, the EP may have a weaker hand in the negotiations, knowing how difficult it will be to adopt positions which are different than the ones of the Council. Then, there is also the time factor, which adds to the pressure on the European Parliament. On top of the European Council target for adoption of the package (2015), the EU has an interest to set

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[33] http://register.consilium.europa.eu/doc/srv?l=EN&f=ST%2010227%202013%20ADD%201, last accessed on 01.06.2014

[34] http://edri.org/files/eudatap-03.pdf ; http://lobbyplag.eu/map, last accessed on 01.06.2014

[35] http://edri.org/itre-eudatap/, last accessed on 01.06.2014

[36] http://euobserver.com/justice/125259 (last accessed on 25.08.2014)

in stone clearly and early a data protection legislative framework which will serve as a reference point to the rest of the world and give it a strong negotiating position.

We can therefore assume that in the field of data protection, the positions of the new European Parliament will give more priority to security and law-enforcement concerns, while the legislative procedure will also weaken its hand in negotiations with Council. Most political groups will however continue to push the Commission to suspend the Safe Harbour agreement with the US (allowing transfer of data for commercial purposes), but the majority might not be there anymore to call for a suspension of the cooperation on the TFTP (terrorist financing tracking programme)[37]. It is too early to judge the EP approach to the international framework agreement with the US on data protection, as the details of the final deal have not yet been worked out.

6.2. Criminal law cooperation

The key files in the context of criminal law cooperation are the European Public Prosecutor Office (where EP only has consent powers), the Directive for the protection of financial interests of the Union against fraud (which will basically form the material basis of the intervention of the European Prosecutor), the reform of Eurojust and a legislative package on new drugs. In addition, a revision of the European Arrest Warrant, to strengthen the procedural rights of the defendants and to improve a proportionality test, has been requested in a "legislative initiative" report by the Parliament (art. 225 of the Treaty).

The EPP faces an important dilemma in this field. While it aims at promoting the fight against crime, it is also very careful with subsidiarity concerns and impact on national criminal law and law-enforcement. This came out in the vote on the non-legislative report on the European Public Prosecutor. An EPP rapporteur (Salvatore Iacolino MEP) pushing for a strong EPPO (which, he hopes would extend its competences to serious cross-border crime, not only to the fight against fraud of EU budget, as currently proposed), faced

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[37] European Parliament resolution of 12 March 2014 on the US NSA surveillance programme, surveillance bodies in various Member States and their impact on EU citizens' fundamental rights and on transatlantic cooperation in Justice and Home Affairs, http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0230&language=EN&ring=A7-2014-0139 (last accessed on 25.08.2014)

strong opposition from his own group, including from many influential LIBE MEPs. More than 10% of EPP MEPs voted against his report or abstained[38]. In the plenary vote on whether to include the VAT revenues in the scope of the directive regarding EU financial interests, the EPP was also divided (171 for inclusion, 51 for exclusion). While the ECR is also in favour of security, it will not be willing to accept harmonisation at EU level.

On the centre-left, the focus will be on maintaining adequate procedural and fundamental rights safeguards for suspects and of course, on ensuring independence and accountability of the Prosecutor office[39].

An important part of criminal justice cooperation is the approximation of procedural law. Establishing minimum rules for procedural safeguards in criminal law are necessary in order to ensure mutual trust between legal systems, without which the instruments for mutual recognition of court acts, decision between Member States cannot work. Three major pieces of legislation strengthening procedural rights for suspects are on the table of the co-legislators – standards for legal aid, protection of vulnerable suspects (mainly children) and respecting the presumption of innocence. These are in addition to the directives on access to a lawyer and to translation and interpretation which have been adopted in the past years.

In this field, the European Parliament has aimed in the past at strengthening the minimum standards, while the Council focused on maintaining the status quo. Again, the EPP in the LIBE committee was at times divided on some of these issues, but overall, it is likely to maintain a more pro-rights approach than the Council.

In conclusion, it appears that in the field of criminal law cooperation, the internal debates in the EPP group will play an essential role in driving the position of the Parliament. The final result will have to be negotiated with SD and ALDE and it will be done in cooperation with the key pro-European groups. Overall, a major change of the stance of the European Parliament should not be expected. It will continue to be in favour

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[38] http://term7.votewatch.eu/en/european-public-prosecutor-s-office-motion-for-resolution-vote-resolution-as-a-whole.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)
[39] http://www.europarl.europa.eu/sides/getDoc.do?type=CRE&reference=20140311&secondRef=ITEM-015&language=EN&ring=A7-2014-0141 (last accessed on 25.08.2014)

of more European cooperation for combating crime, but also strengthening the procedural safeguards.

6.3. Civil justice cooperation

This is a less controversial field and Parliament is likely to continue to push for more and better mutual recognition instruments – whether this is related to official documents, judgements, international private law procedure. This is clear from the large support (over 80%) for paragraphs 36-45 of the Parliament resolution on the mid-term review of the Stockholm programme[40]. The divisions may appear where legislation might impact on national approaches to sensitive issues such as same-sex marriage/partnerships. The dominance of the EPP group in this field is likely to be maintained, so no major change is expected.

6.4. Rule of Law / fundamental values of the Union

The constitutional crises in Hungary and Romania in 2011-2012 showed that is very difficult to be put in application article 7 of the Treaty, which establishes a procedure to deal with cases where a "clear risk of a serious breach" by a Member State of the founding values of the European Union exists. Even the European Parliament, despite strong criticism of Hungary (and of Romania – but the crisis started and it was over during the EP recess), was not willing to ask for the procedure of article 7 to be launched, in spite of the fact that it had the right to do so.

In this context, and called upon by the Parliament and several Member States, the European Commission published a communication[41] in which it seeks to establish for itself a mechanism to deal with rule of law crises. It plans to use a mix of dialogue, political pressure and legal measures, in order "to address and resolve a situation where there is a systemic threat to the rule of law", and therefore avoid the need to use of article 7

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[40] See here for the results of the votes on some of these aspects: http://term7.votewatch.eu/en/mid-term-review-of-the-stockholm-programme-motion-for-resolution-paragraph-43.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)

[41] Commission Communication: "A new EU Framework to strengthen the Rule of Law" COM(2014) 158 final/2, http://ec.europa.eu/justice/effective-justice/files/com_2014_158_en.pdf (last accessed on 25.08.2014)

altogether. The Commission would not monitor the situation in all Member States, but would intervene where it observes a "systemic risk".

This is a very important area and the appointment of a Commissioner in charge of the rule of law was one of the conditions of the ALDE group for supporting Jean Claude Juncker[42]. However, it may be that the recent crises have taught politicians in Central and Eastern Europe to be more careful. The threat may still come from Viktor Orban, who has just won another national election by a wide margin and the press reported some worrying remarks he had made at a public event. But being in the EPP and with the ECR not willing to get involved in national disputes, it is less likely that the new European Parliament will be very active on this front.

The previous Parliament has called several times not only for a crisis reaction mechanism, but for a permanent monitoring mechanism on fundamental rights and the rule of law, which would be meant to deal with the so-called "Copenhagen dilemma". While there is a strong mechanism for verifying compliance with the Copenhagen criteria before accession, nothing can be done by the EU after accession (with the exception of the cooperation and verification mechanisms in the case of Bulgaria and Romania). Several ideas have been proposed in Parliament resolutions, such as the creation of a high level, independent "Copenhagen Commission" to monitor the situation, or for the Commission to monitor and issue recommendations to Member States, as it does in the field of macroeconomics and the European Semester. These ideas have been expressed in particular in the resolution on the situation in Hungary[43] and the one on the human rights situation in the EU[44] and reconfirmed in other resolutions. In both cases, the proposals were issued from the left, and the EPP and ECR sought to eliminate them in the plenary vote, but were unable to do so. The specific paragraphs passed with small majorities (52%

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[42]   http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20140715+ITEM-005+DOC+XML+V0//EN&language=en&query=INTERV&detail=2-024-000 (last accessed on 25.08.2014)

[43] European Parliament resolution of 3 July 2013 on the situation of fundamental rights: standards and practices in Hungary, Par 73-81 http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0315&language=EN&ring=A7-2013-0229 (last accessed on 25.08.2014)

[44] European Parliament resolution of 27 February 2014 on the situation of fundamental rights in the European Union (2012), par 8-11 http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0173&language=EN&ring=A7-2014-0051 (last accessed on 25.08.2014)

in the Hungary vote[45] and 54% in the Human rights in the EU report[46]). This means that, with the makeup of the new LIBE committee (which first adopts the report before it goes to plenary) and the EP as a whole, such proposal is not likely to pass.

In conclusion, in what concerns the rule of law / fundamental values situation in the EU, we expect the new Parliament, to be more cautious and restrained. It will depend also on the seriousness of any violation of these values and on the political affiliation of the governing party in that country (which will trigger a stronger response from the opposition European political party).

6.5. Non-discrimination, citizenship, freedom of movement

The European Parliament has been a strong supporter of non-discrimination policies, certainly from all pro-European parties, including the EPP. Some divisions will continue to exist on issues linked to homosexuality and same-sex marriage. However, as was evident on the LGBT roadmap resolution[47], where the EPP was split[48], the result of the elections are not sufficient to change the majorities. The same split in the EPP[49] means that there will be continued majority support for the horizontal anti-discrimination directive[50], which is blocked in Council. In addition, there will be continued support for a European Accessibility Act, which should improve the rights of persons with disabilities.

On Roma issues, the EU has taken some action for the first time, by adopting an EU framework for national strategies and a recommendation to Member States. The issue

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[45] http://term7.votewatch.eu/en/situation-of-fundamental-rights-standards-and-practices-in-hungary-motion-for-resolution-paragraph-7-5.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)

[46] http://term7.votewatch.eu/en/fundamental-rights-in-the-european-union-2012-motion-for-resolution-vote-libe-committee-resolution.html (last accessed on 25.08.2014)

[47] European Parliament resolution of 4 February 2014 on the EU Roadmap against homophobia and discrimination on grounds of sexual orientation and gender identity, http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0062&language=EN&ring=A7-2014-0009 (last accessed on 25.08.2014)

[48] http://term7.votewatch.eu/en/homophobia-and-discrimination-on-grounds-of-sexual-orientation-and-gender-identity-motion-for-resolu-2.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)

[49] http://term6.votewatch.eu/cx_vote_details.php?id_act=5750&lang=en and http://term7.votewatch.eu/en/mobility-and-inclusion-of-people-with-disabilities-motion-for-a-resolution-paragraph-53.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)

is not going to go away, but this is ultimately a responsibility of Member States, therefore the European Parliament will have little impact. The issue will continue to play an adjacent part to other debates, such as free movement, but no major change is expected in the EP position.

On citizenship and freedom of movement, there will be a solid majority to strengthen these rights. Major advances are not likely to take place in view of the positions of some Member States in Council, in particular on free movement, expressed even in the Strategic Guidelines (stressing the need to combat abuse). In Parliament, the strong presence of Central and Eastern European members in the EPP is likely to maintain a strong support for free movement, as expressed in a Parliament resolution in January 2014[51].

6.6. Gender equality

On the other hand, on gender equality, the change in the composition of Parliament is likely to have an impact on issues dividing the left and the right and on issues linked to subsidiarity, as there were some tight votes in the past mandate. The recent Commission intention to withdraw the maternity leave directive is supported by the EPP and ECR (mainly on grounds of subsidiarity[52]) and there is likely to be a majority to support the withdrawal, despite the opposition of the left. On the other hand, the proposal for a directive promoting the presence of women on non-executive boards of listed companies was largely supported by pro-European groups, despite divisions in the EPP and ALDE in particular[53]. A "legislative initiative report" calling for European legislative action on

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[50] Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation

[51] http://www.europarl.europa.eu/news/en/news-room/content/20140110IPR32337/html/EU-countries-must-respect-the-right-to-free-movement-say-MEPs (last accessed on 25.08.2014)

[52] See EPP speakers during the plenary debate on 15th of July 2014: http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bCRE%2b20140715%2bITEM-011%2bDOC%2bXML%2bV0%2f%2fEN&language=EN (last accessed on 25.08.2014)

[53] http://term7.votewatch.eu/en/gender-balance-among-non-executive-directors-of-companies-listed-on-stock-exchanges-draft-legislativ-32.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)

combating violence against women was supported by an even larger number of MEPs, despite some opposition within the EPP[54].

We can therefore expect that Parliament positions on gender equality issues are going to have to be careful compromises between pro-European parties, on the left and the right. The dominance of centre-left groups in the old Parliament will no longer be there, which is likely to be reflected mostly on non-legislative matters.

6.7. Other fundamental rights issues

The sphere of fundamental rights is very broad and it will be up to the next Commissioner to shape the priorities. It has to be remembered that the Charter only applies to the EU institutions and in the implementation of EU law and that it does not increase the EU competences as provided for in the Treaties. Therefore, there is no general EU competence to enforce or strengthen human rights in Member States, except where this results from a Treaty legal basis and EU instruments. Overall, the European Parliament will continue to be a strong supporter of fundamental rights, despite the change in political majorities. It is going to continue to push for a quick accession of the EU to the European Convention on Human Rights, which is currently awaiting the opinion of the Court of Justice. It is going to push for extension of the competencies and the work of the Vienna based Fundamental Rights Agency. It is going to support a better system of fundamental rights check of EU legislation being adopted (for example to avoid such cases as the annulment by the Court of Justice of the Data retention directive[55]).

With some reserves on issues linked to subsidiarity or sensitive issues such as international adoptions, same-sex marriages and its consequences, the new Parliament is going to be supportive of actions to support a new strategy on the rights of the child, for example. It will continue to highlight the need to combat hate speech and hate crime, inter alia with regard to the resurgence of neo-Nazi parties, on-line hate speech, racism in sports

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[54]   http://term7.votewatch.eu/en/combating-violence-against-women-motion-for-resolution-paragraph-1.html#/##vote-tabs-list-2 (last accessed on 25.08.2014)

[55] Court of Justice of the EU judgment of 8.04.2014, Joined Cases C-293/12 and C-594/12, Digital Rights Ireland and Seitlinger and Others, accessible at http://curia.europa.eu/juris/celex.jsf?celex=62012CJ0293 , accessed on 01.06.2014

events, the glorification of totalitarian regimes and to ask for better collection of data and enforcement by Member States and the Commission of relevant legislation

7. Conclusions

The results of the 2014 European elections lead to a change in the overall political majorities on justice and fundamental rights issues in the European Parliament. The centre-right (EPP, ECR) is going to be stronger in particular in the LIBE committee, which has the competence on most of these aspects and certainly on the divisive ones. Pro-European forces are still likely to have a comfortable majority. However, they will have to be more open to compromise between the left and the right, in particular in view of the reduction in the number of EPP members and the resurgence of the ECR and the more extreme euro-sceptics. In this context, the new Parliament is likely to be more focused on implementation of existing laws, on passing through existing proposals, on security matters and combating crime, than the old one. However, this focus will have to be balanced against subsidiarity concerns, in particular in the EPP group. This approach is not far from the European Council Strategic Guidelines. On data protection, the Parliament will continue to push for strong privacy rules, in particular in relation to the US on commercial matters (Safe Harbour), but it will have to weaken its stance and be closer to the Council positions on the legislative reform package, in particular on the Police Directive. On gender equality, there are also likely to be changes in majorities with some impact on EP positions, while the elections will have little impact on civil justice cooperation. Fundamental rights and rule of law will continue to be strongly supported overall by the new Parliament.

Nevertheless, five years is a long time and crises or other major events can certainly change the priorities and the political majorities.

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LES ELECTIONS EUROPENNES DE 2014

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Elles ont traduit l'euroscepticisme de nombreux citoyens européens avec une forte abstention, la montée des populismes, mais aussi la prise en compte du scrutin par le Conseil européen en désignant comme Président de la Commission le leader du parti européen arrivé en tête.

1) LE PARLEMENT EUROPEEN

Il est élu au suffrage universel tous les cinq ans depuis juin 1979. La décision a été prise par le Conseil en 1976. Il est élu au suffrage universel direct et à la proportionnelle.

Son origine est l'Assemblée commune de la CECA (1). Le terme Assemblée figure dans le texte du Traité de Rome (1957). En 1958 l'Assemblée décide de s'appeler «Assemblée parlementaire européenne» et en 1962 elle se fait dénommer Parlement. La déclaration solennelle de Stuttgart (1983) utilise pour la première fois l'expression «Parlement européen». L'Acte unique (1986) officialise définitivement le terme Parlement.

Avant 1979 il était composé de députés nationaux choisis dans les Parlements des États membres proportionnellement à leur composition.

Il n'existe pas de vie politique proprement européenne avec des partis transnationaux se présentant aux élections. Il y a, par contre, au sein du Parlement

européen des partis transnationaux qui regroupent des familles politiques comme les socialistes dans le Parti Socialiste européen. Ils ont un statut et un financement depuis 2004. Un parti doit être composé de 25 membres et être présent dans un quart des États membres. Il est interdit aux députés d'appartenir à plusieurs groupes politiques; les députés non membres d'un parti européen sont des non-inscrits.

Le Traité de Lisbonne (2007) a fixé un seuil minimum de six parlementaires par pays et un maximum de 96 (2). Le nombre de députés est de 751 (dont le Président). Le Parlement élit le Président de la Commission. Les États membres ont adopté le principe de la «proportionnelle dégressive» «qui favorise les États les moins peuplés (Luxembourg, Malte) et pénalise les plus peuplés (Allemagne, France).

Le Traité de Lisbonne précise clairement que le Conseil européen doit tenir compte du résultat des élections pour désigner le candidat à la Présidence de la Commission qu'il propose au Parlement. (3).

2) PRESENTATION GENERALE DES ELECT1ONS EUROPEENNES.

Les députés européens sont élus selon des règles nationales pour l'organisation du scrutin, le cumul des mandats, le vote ou l'éligibilité et la parité homme/femme, cependant un accord a été trouvé sur quatre points:

1) Le scrutin est presque partout un scrutin proportionnel de liste;

2) Les listes sont nationales ou régionales. Les grands pays (Allemagne, Espagne, France, Italie, Royaume-Uni) choisissent le cadre régional et les petits pays (Luxembourg, Malte) une circonscription nationale;

3) Un parti doit obtenir au moins 5% des suffrages exprimés pour être représenté;

4) Le vote peut être préférentiel comme en Finlande, l'électeur peut placer en tête de liste le candidat de son choix.

La participation n'a cessé de décroître depuis 1979. Elle est passée de 61,99 % pour l'Europe des Neuf à 43 % pour l'Europe des vingt-sept (4).

Les partis les plus importants ont désigné en 2014 leurs candidats à la Présidence de la Commission (5).

Les élections ont eu lieu du 22 au 25 mai:

Jeudi 22 mai: Pays-Bas et Royaume-Uni

Vendredi 23 mai: Irlande, République tchèque (1er jour).

Samedi 24 mai: Chypre, France d'outre-mer, Lettonie, Malte, République tchèque (2e jour), Slovaquie, Italie (1er jour).

Dimanche 25 mai: Allemagne, Autriche, Belgique, Bulgarie, Croatie, Danemark, Espagne, Estonie, Finlande, France métropolitaine, Grèce, Hongrie, Italie (2e jour), Lituanie, Luxembourg, Pologne, Portugal, Roumanie, Slovénie et Suède

3) LES ELECTIONS EUROPEENNES DE 2014.

A) Le Contexte;

Il est peu favorable à l'idée européenne. La crise financière, économique et sociale mondiale a frappé l'Europe et plus particulièrement la zone Euro qui est en panne de croissance. Les politiques d'austérité imposées par l'Union européen surtout en Espagne, en Italie, en Grèce, au Portugal, à Chypre et en Irlande ont accru la défiance envers la construction européenne.

	Espagne	Grèce	
2010	59%	32 %	d'opinions favorables
2013	27 %	19 %	« « « « « « « « « « «

Même l'opinion publique de la prospère Allemagne suit la même évolution, les allemands ne veulent plus payer pour les autres.

B) La Participation.

Elle a légèrement baissé par rapport à 2009 avec 42, 54 % contre 43 %.

La participation a été la plus forte en Belgique (90 %) et au Luxembourg (85%) parce que le vote y est obligatoire. La Slovaquie a la plus faible participation avec 13 %. Elle a progressé en Allemagne, en France, en Grèce, en Roumanie et en Suède. La plus forte progression est lituanienne (+ 26,5 %).

La Finlande, l'Autriche, les Pays-Bas et le Royaume-Uni sont stables. L'abstention a le plus progresse en République tchèque (+10%), en Italie (+8%), en Estonie (+7.5%), en Hongrie (+7.5%) et en Irlande (+6%). Elle a moins augmente en Slovénie (+4%), au Danemark (+3%) et en Bulgarie (+3%)

C) Les Résultats

Le Parti populaire européen demeure la première formation avec 221 députés, mais il en perd 44. A l'origine il regroupait les chrétiens démocrates, il rassemble maintenant le centre droit comme la CDU ou l'UMP.

Le S et D (Groupe de l'Alliance progressiste des Socialistes et Démocrates du Parlement européen) vient en seconde position avec 191 élus. Il gagne 7 sièges et rassemble les partis socialistes.

Le groupe ECR (Conservateurs et Réformistes européens) compte 70 députés. Il progresse avec 15 élus en plus. Il rassemble les conservateurs britanniques et partis nationalistes comme le NVA flamand, le Parti danois du peuple ou le Parti démocratique civique (République tchèque).

ADLE (Alliance des démocrates et libéraux pour l'Europe) a 67 députés. Il en perd 17. Il est composé de partis comme D 66 (Pays-Bas), l'UDI (France) ou le FDP allemand.

GUE/NGL (Gauche unitaire européenne—Gauche verte nordique) a 52 parlementaires. Il progresse de 50 % avec 17 députés de plus. Le groupe est composé du Front de gauche - Parti communiste français, de Die Linke ou du Parti communiste de Bohême - Moravie.

Verts – ALE (Les Verts - Alliance libre européenne) a 50 députés, soit 5 de moins qu'en 2009. Outre les partis écologistes il a comme alliés des partis nationalistes comme Solidarité basque et le Bloc nationaliste valencien.

ELDD (groupe Europe de la liberté et de la démocratie directe) a 48 élus. Il progresse de 50% avec 16 députés en plus. Les partis affiliés sont UKIP (Parti pour l'indépendance du Royaume-Uni ou le Mouvement cinq étoiles italien.

Les Non-Inscrits sont au nombre de 52. Ils ont été incapables de se regrouper, bien qu'étant tous europhobes. Les groupes nationaux sont le Front national français,

Aube dorée grecque, Jobbik hongrois; la Ligue du Nord italienne et le FPÖ (Freilische Partei Östereich). Marine Le Pen a échoué dans sa tentative de constituer un groupe.

Le PPE l'emporte dans 14 pays comme l'Allemagne, la Belgique ou la République tchèque. Les Socialistes sont en tête en Italie, au Portugal et en Roumanie, ADLE en Estonie, en Lituanie, en Finlande et aux Pays-Bas, ELDD au Royaume-Uni, GUE/NGI en Grèce et ECR au Danemark. L'extrême droite arrive en tête en France.

CONCLUSION

La poussée europhobe est indéniable, mais les partis européens restent largement majoritaires et se sont entendus pour porter Jean-Claude Juncker (PPE) à la tête de la Commission; Durant la mandature les députés européens auront trois objectifs:

1)   Dans le domaine économique, social et environnemental.

Ils pourront agir sur l'affectation des dépenses sectorielles du budget européen et en proposant de nouvelles ressources. Ils devront définir comment sera poursuivi l'approfondissement du Marché unique (Ex: le marché intérieur numérique) ou veiller à la mise en place de l'Union bancaire.

2) La construction européenne.

Ils devront l'orienter dans l'approfondissement de la zone Euro et de l'Union économique et monétaire. Ils devront être vigilants à l'application du Pacte de stabilité et de croissance, à la mutualisation des dettes au niveau européen, à l'amélioration de la Politique sociale et à la gestion de l'Espace Schengen (6).

3)   La Mondialisation.

Les principaux sujets sont le «paquet énergie-climat», la négociation du Traité de libre-échange Transatlantique (7), la gestion des migrations, la Politique de voisinage et la Politique étrangère et de défense.

Notes:

1) CECA; Communauté européenne du Charbon et de l'Acier (1951).

2) Article 14 alinéa 2 du TUE;

3) Article 17 alinéa du TUE;

4) 1984: 58,98 % ; 1989: 58,41 % ; 1994 :56,67%; 1999: 49,51; 2004 : 45,47%

5) PPE: Jean-Claude Juncker; PSE: Martin Schutz; ADLE: Guy Verhofstast; PVE: Ska Kelleret José; GUE: Alexis Tsipras.

6) Espace Schengen. Il concerne 26 pays européens qui appliquent l'accord de Schengen (1985) et la convention de Schengen (1986) C'est un espace unique qui élimine les contrôles frontaliers entre les 26 pays membres et renforce ceux entre l'espace Schengen et les pays qui n'en font pas partie.

7) Le TTIP (Transantlatic Trade and Investement Partenership) vise à créer un marché commun de 820 millions de consommateurs en allégeant les tarifs douaniers et la règlementation de part et d'autre de l'Atlantique

THE SCOTTISH REFERENDUM SEEN THROUGH THE LENS OF THE EUROPEAN PARLIAMENT

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Abstract: *The Scottish Referendum was a complex political endeavour, whose implications spread across a broad range of EU-related political and institutional aspects. In this study, it is our goal to identify the liaison between this landmark democratic exercise and the stance of the single democratically-elected institution of the European Union. In so doing, it becomes essential to pinpoint the role of the Scottish National Party within the European Parliament, as well as the major topics debated during the campaign for the referendum held on 18 September 2014 by the two major poles involved, namely the Better Together group and the Yes Scotland initiative. Albeit many of these points were connected to the role of an independent Scotland in the European Union, as well as on the international stage, the EU's institutions refrained from emitting a clear-cut opinion pertaining to the referendum, deeming it an internal matter of the United Kingdom. Nevertheless, our research indicates that there have been voices within the European Parliament that either demanded or uttered opinions in this respect, whilst weighing the benefits of both scenarios envisaged by the democratic act. Despite the "no" result of the referendum, it has revealed a series of flaws in the EU's legislative framework, which will have to be addressed without delay, amid an ever more intricate European geopolitical context.*

Keywords: Scotland, referendum, European Parliament, independence, Scottish National Party

1. Argument

The thorny matter of the Scottish referendum has been on the lips of politicians and scholars alike for the past few months, throughout the European Union, for various reasons, pertaining to the impact of this democratic exercise from a plethora of viewpoints.

What would have been Scotland's position within the EU in the event of a positive vote, how would the country have referred to the British Monarchy and how would it have dealt with the intricate currency issue? Here are some of the most pertinent questions that would have required a mature and thoroughly argued answer had the voters of Scotland opted for independence on the 18th of September 2014 (McLean, Gallagher, Lodge, 2014). Following a particularly heated campaign on both sides, it was the Better Together movement that emerged victorious, at a difference of roughly 10%, thus rendering the aforementioned questions purely speculative, albeit intellectually stimulating.

In spite of this clear result, settling the situation of Scotland on the European stage for at least one generation, in the words of First Minister Alex Salmond, there remain a series of questions germane to this prominent European event which need to be addressed through the lens of the European Union, taken as a whole, as well as those of its only democratically-elected institution, namely the European Parliament. Following the latest elections for Parliament, the political configuration of this ever more significant institution of the decision making mechanism has been altered, albeit not dramatically, by the impetus given to Eurosceptical, even anti-systemic parties, amid the difficult context shaped by the long-lasting effects of the economic crisis. Such political entities have repeatedly expressed tendencies to call for less Europe and more domestic prerogatives, going all the way to the dismantlement of the European Union and its single currency area, even from the floors of the European Parliament. (Brack, Costa, 2014)

This being said, it becomes our intent to investigate whether the Scottish referendum had its echoes in the debates of the European Parliament, either at the level of political groups, or in sessions, and to identify potential voices from within this institution that uttered pertinent opinions on this topic, perhaps indicative of dominant approaches and perspectives. This analytical endeavour is all the more significant at this time because several member states of the EU have been confronting with rising movements calling either for more autonomy of certain territorial entities, or for similar processes as the one conducted in Scotland, aiming for complete independence. Two cases in point emerge from Spain, where both the Basque Country and Catalonia, though the voices of their elected leaders, have invoked the precedent set by Scotland as a decisive argument for the

organisation of referenda on independence, much to the opposition of Spanish PM Mariano Rajoy. (Crameri, 2014)

The European Parliament is an independent institution of the EU, not bound to other national procedures than the voting systems, whilst the MPs are under no obligation to represent their countries within this decision making structure. On the contrary, practice has shown an increase in prominence in the case of the major political groups, revolving around a series of topics which concern the Community taken as a whole, rather than one or a limited number of its member states. (Schmitt, 2014) Hence, it becomes interesting to see whether any of the political groups have expressed an official opinion on the issue of the Scottish referendum, or whether any prominent political figures in Parliament have advocated either in favour or against this endeavour. Has the leadership of this institution expressed an official point of view in this regard, in light of the complex challenges a yes vote would have engendered, with regard to Scotland's place within the Union? What about Scottish MEPs? Have they attempted to take the debate on independence to the supranational level, so as to seek opinions, support or guidance? All of these matters are worthy of additional exploration, which we shall attempt to perform by analysing official statements, documents and media releases, so as to ultimately draw a conclusion on the echoes the Scottish referendum has had within the European Parliament.

2. Background

From the very beginning of the political debate leading to the Scottish referendum, it became clear that it would bear a special significance from the standpoint of Scotland's place in the European Union, as well as in the system of international affairs. The approach stems from the highly controversial issue of devolution, which represented the core of the doctrine of the Scottish National Party throughout the 20th century. The matter of creating a Scottish parliamentary body, independent from the country's representatives in the British Parliament, once again became paramount in the 1990s, when new impetus was given to national movements throughout the continent. Whist the conservatives were generally reluctant to allow the people of Scotland to express their view on this issue, the same does

not hold true for the Labour Party, albeit it was not until 1997 that the British government finally consented to the organisation of a referendum dedicated to the topic of devolution. While in the European Parliament, there have been no notable debates on this subject, the national ones were particularly interesting, leading to a clear-cut majority of those advocating for more domestic prerogatives. (Dardanelli, 2006)

The Scotland Act of 1998 and the establishment of a Scottish Parliament did not have any significant result on the country's representation in the European Parliament, since the institution had been elected by universal suffrage since 1979. Moreover, there had been Scottish constituencies especially established for the European elections, which in 2014 enabled six candidates to obtain mandates (two of whom belong to the Scottish National Party), albeit the 5.3 million inhabitants of the country should provide better representation, since Slovakia, a country with roughly the same population, currently benefits from 13 MPs. It comes as no surprise that the Scottish National Party won the latest EP suffrage, with 28.99% of the votes, amid a row of popularity fostered by the upcoming referendum.[56]

From a political point of view, the Scottish National Party, the main carrier of the referendum idea, became the most prominent political entity in Scotland, following the 2007 elections, under the leadership of Alex Salmond, who then became First Minister. For the following seven years, Salmond's administration undertook several major steps so as to seek the approval of a referendum, including consultations and legal proceedings, but it needed to secure majority in the Scottish Parliament before the endeavour would be successful. The 2011 elections were the breakthrough the SNP had been waiting for, when the popular support it benefitted from enabled it to gain a majority in the legislative body of Scotland. The efforts made by Salmond were most commendable, in terms of honouring his electoral plea, amounting to the approval by the United Kingdom Government to hold a referendum on Scottish independence, in the latter half of 2014, in accordance with the provisions of the Edinburgh Agreement, signed on 15 October 2012. The promotion of the referendum relied on an ample descriptive and analytical document, entitled *Scotland's*

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[56] "EU Parliament elections results", BBC, http://www.bbc.com/news/politics/eu-regions/S15000001. Last access: 28 September 2014.

Future, which largely reflected the political doctrine of the SNP and explained the steps that Scotland would follow so as to secure its independence in the system of international relations. (Mitchell, Bennie, Johns, 2012)

The right to vote in the referendum was also given to EU nationals residing in Scotland, whilst the voting age was decreased from 18 to 16, in keeping with the promise made in this regard by Alex Salmond during the latest electoral campaign. Without a doubt, this measure was based on extensive surveys, whose findings exhibited additional support for the referendum on the part of the younger population. Two sides faced each other during the sinuous electoral campaign, namely the Yes Scotland group, formed around the SNP, the Scottish Green Party and the Socialists, and Better Together, an entity lead by former Chancellor Alistair Darling and benefitting from the support of the major UK parliamentary parties. (Pittock, 2014)

Numerous controversial issues emerged during the campaign, which questioned the future of Scotland from an international perspective, as well as various financial, political and military interrogations which were raised, to mention just some key areas of interest. What concerns us, for the purpose of this study, are chiefly those aspects pertaining to Scotland's place within the European Union, so as to tailor an appropriate background leading us to the reactions stemming from within the European Parliament, in this respect. The very membership of the country was righteously questioned, as the current EU treaties do not explicitly stipulate what should happen to a country which declares its independence, i.e. if it secedes from an existing member state. In fact, the European Commission stated its availability to sort out the legal controversy, should the British Government seek its counsel, but the latter refrained from doing so, in order not to influence the outcome of the referendum. While Alex Salmond argued that Scotland would not only remain in the Union, but also continue to benefit from the opt-outs negotiated by Britain throughout its 40 years of membership, independence opponents claimed that an independent Scotland would automatically have to reapply for membership, like any other European nation, following all the steps required by the treaties. We tend to agree with this opinion, in the light of the provisions of the Lisbon Treaty and some statements made at the highest level of EU decision-making and it should also be pointed out that such an

endeavour would, at one point, require the assent of the British Government. To give two conclusive examples, EU Commission President Jose Manuel Barroso, along with Viviane Reding, the European Commissioner for Justice, Fundamental Rights and Citizenship, explained that an independent Scotland would not be considered a member state of the Union and would have to apply for membership, an endeavour qualified by Barroso as *extremely difficult, if not impossible.* (Kerevan, Cochrane, 2014)

Albeit the legal situation is far more complicated than such political statements would admit, in the absence of clear-cut treaty provisions, it appears that a potential decision on the future of Scotland as an EU member state would have been largely political. If the referendum had yielded a positive result, the European Union would have confronted with the risk of setting a dangerous legal precedent, upon ensuring the continuity of Scotland as a member state. It is beyond doubt that countries such as Spain, Belgium or even Romania, having opposed independence claims from outside the Union, like Kosovo, would have become significant hurdles in the way of Scottish membership. In fact, Spain PM Mariano Rajoy clearly stated: *I respect all the decisions taken by the British, but I know for sure that a region that would separate from a member state of the European Union would remain outside the European Union and that should be known by the Scots and the rest of the European citizens.*[57] This is understandable since the Scottish referendum, despite its failure and the resignation of its main artisan, First Minister Alex Salmond, has already boosted the confidence of regional governments in the Basque Country and Catalonia. The President of the Generalitat of Catalonia, Artur Mas, has declared, amid the announcement of the Scottish referendum results, that a popular consultation on independence would be held on 9 November 2014, much to the dismay of the Spanish government.[58]

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[57] "Spain's Rajoy sends warning to Scots on EU membership", Euractiv, 29 November 2013, http://www.euractiv.com/uk-europe/spains-rajoy-sends-warning-scots-news-532015. Last access: 29 September 2014.

[58] "Catalonia Unveils Independence Referendum Plans", The Wall Street Journal, 28 September 2014, http://online.wsj.com/articles/catalonia-unveils-plans-for-independence-referendum-1411925796. Last access: 29 September 2014.

The aforementioned controversies are only a part of the complicated debate engendered by the unconfirmed hypothesis that Scotland may become an independent state. Other pertinent issues affecting the country's stance on the stage of international affairs will be presented briefly, so as to paint a comprehensive picture prior to turning our attention to the role of the European Parliament in this matter. Hence, the question of NATO membership has proven to be nearly as contentious as that of EU belonging, especially given the SNP's determination not to have any nuclear weapons on Scottish territory. Moreover, the future currency of an independent Scotland was unclear, as the SNP itself was inconsistent in this respect, oscillating between a pro-euro stance, in the initial stages of the independence debate, and a currency union with the UK, but the latter was firmly rejected by the Chancellor of the Exchequer, along with the main political forces in Britain. Other economic challenges germane to EU membership include the significant payments made under the auspices of the Common Agricultural Policy, the benefits of the Single Market (the freedoms of movement stemming from the quality of EU citizen, for example) and the projects funded through the instruments of the Union. If one adds to this the controversy over the future head of state of Scotland, who would have the power of representation of the country at an international level, a matter which remained unclear in the internal debate of the pro-yes parties, oscillating between the British Monarchy and a republican system, then the European dimension of the file becomes even more challenging. (McCrone, 2013)

3. Connections with the European Parliament

The Scottish National Party, in spite of its long-lasting political tradition (it was founded in 1934), has never had a powerful stance within the European Parliament, or in Westminster, for that matter. In fact, only in 2007 did the Party finally manage to make a stand on the political stage, narrowly winning the Scottish elections and, therefore, securing Alex Salmond's seat as First Minister. It is basically the only majority stance gained by the SNP throughout its history, as even at present, it has a minority of elected representatives in the European Parliament, the House of Commons and the local

government of Scotland, compared at each point to other Scottish political parties. (Quinn, 2012) The European affiliation of the SNP has switched no fewer than four times to date, from the Progressive Democrats, to the Rainbow Group, to the Radical Alliance and, finally, to the Greens-European Free Alliance, at present. The relatively modest role played by the latter in the current configuration of Parliament, with 50 out of the total 751 members, has not enabled the SNP to seek powerful allies there in its quest for independence.[59] In fact, only the representative of the Plaid Cymru – the Party of Wales may count as an indisputable ally of the Scottish National Party, in Strasbourg. (Schreurs, Papadakis, 2007) The liaison in this case is provided by the pro-independence or pro-regional approach cultivated by the European Free Alliance, a member of the aforementioned political group, which includes the SNP. A heterogeneous group, encompassing roughly all angles of the political spectrum, with a mostly left-oriented approach, relying on the enforcement of the subsidiarity principle and the prominence of regions and devolution, the EFA has not yet been able to earmark any notable political project, also because of the reduced size of its members. With regard to the Scottish referendum, the neutrality of Parliament in such complicated matters affecting member states, combined with the feeble voice of SNP members, accounts for the lack of a clear-cut debate either in Strasbourg, or in Brussels.

On the other hand, on 15 September 2014, i.e. three days prior to the referendum, Euractiv presented an interesting article entitled *MEPs could block Scotland's EU membership if it pushes for euro opt-out*, in which it exhibited opinions originating from the two major political groups in the European Parliament, the EPP and the Social-democrats. According to the sources cited, both formations favoured the idea that an independent Scotland would be forced to reapply for membership and that Parliament took a dim view of the country's intention to maintain the UK opt-out in terms of economic and monetary union, the VAT rebate, as well as the Schengen agreement. The unnamed MPs equally emphasised the legislative gap that prevented the European Union from acting

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[59] "Results of the 2014 European elections, Seats by Member State, Distribution of the national political parties and groups", European Parliament, 2014, http://www.results-elections2014.eu/en/seats-member-state-absolut.html. Last access: 30 September 2014.

coherently on the Scottish case, should independence be declared, but it was clear that Parliament would stand by its role as lead promoter of additional integration and, thus, any attempts by Scotland to opt out of key areas of the acquis would be significant hurdles on the way to EU membership.

Socialist MEP Jo Leinen, a member of Parliament's Constitutional Affairs Committee, pointed out that the steps to be followed in the event of Scottish independence included tripartite talks with Britain and the EU, prior to submitting the motion to the EP and the approval of all the 28 member states. He further emphasised that the British opt-outs posed a threat in such negotiations, but that the two-year delay until Scotland would declare its independence would enable it to secure membership. Another interesting opinion revealed by Euractiv is that of Scottish MEP Ian Duncan, of the European Conservative and Reformist Group, who supported the Better Together approach. According to him, Alex Salmond's claims that Scotland would be able to resort to opt-outs in relation to the European Union were unfounded, as there was no precedent of such a measure within the Community. Furthermore, according to Duncan, the institutions involved in the decision making triangle unanimously upheld the idea that Scottish independence would automatically mean the country's exit from the EU, and subsequent accession negotiations would find Scotland in a weakened state on the European stage. Meanwhile, in the absence of an official response from the aforementioned institutions, Euractiv pinpoints indicative remarks in this respect made by Commission President Barroso, explaining that Scotland would have to renegotiate its membership status – as we have shown above -, whilst European Council President Herman van Rompuy's stance on Catalonian independence indicated a similar view. In addition to this, future Commission President Jean-Claude Juncker is known to favour the consolidation of the Union prior to admitting new members, which is once again at odds with the claims made by Alex Salmond.[60]

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[60] "MEPs could block Scotland's EU membership if it pushes for euro opt-out", Euractiv, 15 September 2014, http://www.euractiv.com/sections/uk-europe/meps-could-block-scotlands-eu-membership-if-it-pushes-euro-opt-out-308434. Last access: 30 September 2014.

To add insult to injury, Scottish MEP David Coburn, representing the United Kingdom Independence Party, severely contested the association made by the SNP between independence and continuity within the EU, which should come as no surprise, considering the UKIP's notorious criticism of the Union. Addressing the thorny issue of currency in an independent Scotland, Coburn stated: *Salmond is not offering independence. He is offering rule from Brussels and financial rule from Frankfurt. That is not independence. They are better off being in a sound currency shared with England for 300 years. What could be better than that relationship*?[61] In fact, the support given to the anti-independence campaign by the UKIP and its controversial leader, Nigel Farage, was not well regarded by the Better Together group, whose statements in this regard clearly showed the lack of an agreement with the anti-EU party. On the other hand, seizing this opportunity, Scottish MP Aileen McLeod, from the SNP, declared: *Nigel Farage campaigning against an independent Scotland is a huge embarrassment and blow to the No campaign. Westminster is dancing to a UKIP agenda, threatening to drag us out of Europe which jeopardises jobs and investment. Scotland needs to reject the politics of Nigel Farage and UKIP, which is another reason why a Yes vote next month is so important.*[62]

From a legal standpoint, members of the Labour Party and those of the UKIP tried to obtain an official position issued by the European Parliament with regard to the matter of EU membership of an independent Scotland. Nevertheless, EU President Martin Schultz personally intervened to halt the publication of this document, so as to maintain the neutrality of the institution in this matter.[63] Therefore, it became quite obvious that no EU body or institution would dare to formally address the issue of Scottish independence, albeit internally, the European Parliament's Committee on Constitutional Affairs did seek

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[61] "European Parliament Member: Scottish Referendum Not to Offer Independence", Ria Novosti, 12 September 2014, http://en.ria.ru/analysis/20140912/192893069/European-Parliament-Member-Scottish-Referendum-Not-to-Offer.html. Last access: 30 September 2014.
[62] "Scottish independence: Nigel Farage to appear at UKIP pro-Union rally", BBC News, 31 August 2014, http://www.bbc.com/news/uk-scotland-scotland-politics-29003017. Last access: 30 September 2014.
[63] "Schulz blocks advice on EU membership", Herald Scotland, 8 March 2014, http://www.heraldscotland.com/politics/referendum-news/schulz-blocks-advice-on-eu-membership.23625038. Last access: 30 September 2014.

the opinion of its juridical compartment on a potential application by Scotland to re-join the Union. Schultz's intervention to block the publication of this report was, in our view, welcome, given the need of Parliament to maintain its stance as a supranational institution, whose legitimacy stems from the universal elections held throughout the European Union. Thus, any intrusion in the affairs of a member state or a part of it would not be in keeping with the reputation the European Parliament has been striving to enforce, since its first general elections, back in 1979. It is true, however, that Martin Schultz's decision not to provide an answer to the Labour and UKIP members of Parliament only attracted additional criticism from an already hostile British political class, since it had been widely predicted that the legal advice delivered by Parliament would favour the approach of the Better Together group.

In fact, the foreseeable support of Martin Schultz and the European Parliament, per se, directed towards maintaining the UK's integrity, became obvious after the official results of the referendum were made available to the public, marking a fairly comfortable victory of the No camp, by 55.3% to 44.7%.[64] In a concise but meaningful statement, the President of the European Parliament said: *The Scottish people have voted to remain part of the United Kingdom. First of all I welcome that this vote took place within a democratically agreed process inside of the country. I believe that, in a time when sticking together has proven its worth in meeting the challenges we are facing in all walks of life, this is a sound decision.*[65] An analysis performed on this statement reveals several interesting aspects, such as the personal imprint of the message, which does not appear to engage the institution of the EP, but is conceived as a political statement made on an individual note. On the other hand, the values the European legislative relies on are univocally included in the declaration, such as the respect for the choice made by the

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[64] "Results: Scottish Independence Referendum 2014", The Scottish Parliament, http://www.scottish.parliament.uk/researchbriefingsandfactsheets/scottish_independence_referendum_2014_results.pdf. Last access: 30 September 2014.

[65] "Schulz on the result of the referendum on independence for Scotland", Press Release, European Parliament/The President, Brussels, 19 September 2014, http://www.europarl.europa.eu/the-president/en/press/press_release_speeches/press_release/press_release-2014/press_release-2014-september/html/schulz-on-the-result-of-the-referendum-on-independence-for-scotland. Last access: 30 September 2014.

people, the correct democratic process that was successfully accomplished and, last but not least, the idea of unity, which lies at the core of what Parliament has stood for in the last four decades.

4. Analysis and prospects

The result of the Scottish referendum was ultimately a close call, and the debate it triggered has left a positive democratic imprint on Scotland, something which numerous opinions confirm, such as that of US President Barack Obama or NATO Secretary General Anders Fogh Rasmussen.[66] Although it resulted in failure, this ambitious political endeavour fuelled independence movements in the European Union and will be quoted as a precedent, much to the opposition of national governments. Due to the complexity of the dossier, it is accurate to state that the Scottish referendum has had a European magnitude and that it has raised many unanswered questions on the part of the European Union. It becomes clearer now than ever before that the institutional framework drawn by the Treaty of Lisbon under the auspices of the multi-level governance principle does leave much room for interpretation and that additional clarifications are needed in the event that nationalist movements succeed in gaining the independence of a territory within an EU member state. The situation of such an entity within the Union needs to be clearly stated, so that the issue of membership would not be one more bone of contention amid the pros and cons debates fostered by such an endeavour.

The case of Scotland was, indeed, more complicated, given the sinuous nature of the UK's membership and the numerous opt-outs it has been granted to date. (Adler-Nissen, 2014) The debate on Scottish independence was not so much institutionally-driven, as it was economic, financial and social, and it is undeniable that the attitude of major actors on the market, such as the Royal Bank of Scotland, clearly supporting unity, left a deep imprint on the opinion of the voters. International matters did appear, however, on the agenda, notably in the case of the UN Security Council seat, NATO membership and, of

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[66] "Obama weighs in on Scottish independence vote", CNN, 18 September 2014, http://edition.cnn.com/2014/09/16/politics/us-scotland-vote. Last access: 30 September 2014.

course, EU integration. (Maxwell, 2012) Paradoxically, while the latter card was often played by all parties involved in the debate, the fact of the matter remains that the UK itself is preparing to hold a referendum on EU membership, as vowed by PM David Cameron. (Richards, Smith, Hay, 2014)

During the heated internal debates on Scottish independence, the European Parliament and Commission upheld their supranational essence and refrained from interfering, even when asked to do so. This has undoubtedly been a welcome move from the latter, one which avoided criticism from either sides, albeit at the end of the process, the opinion uttered by Parliament head Martin Schultz was predictable. The fact that the decision lay with the people of Scotland rendered any official debate in the European Parliament irrelevant, even though politically speaking, the extent to which the major political families would have supported an independent Scotland in search of EU integration would have been a relevant issue to uncover and did transpire through voices stemming from the leading parties. Scotland's position in the EP, however, is weak and its representatives did not share a common view on the matter of independence, due to their belonging to different groups. The fact that neither of the dominant alliances in Parliament took any interest in supporting the pro-yes campaign, let alone securing the sympathy of the President of Parliament, dramatically decreased the odds of there being any involvement on the part of this institution.

Finally, the fact that any major decision pertaining to enlargement has to be taken unanimously by the 28 member states would have rendered the Scottish integration efforts extremely difficult, if not worthless. (Biondi, Eeckhout, 2012) As it became evident from the Kosovo case and, even more, from the current situation in Spain, setting a dangerous precedent in terms of territorial fragmentation is unacceptable in the eyes of several EU member states, which would have spelled isolation, along with economic and financial hurdles for Scotland. Nevertheless, the fact that 44.7% of the registered voters opted for independence remains particularly significant, not only internally, but also as a landmark for independence movements across Europe. For the European Union, it is undoubtedly a sign that its functioning framework needs to be better prepared for dealing with such

intricate situations, both legally and politically, all the more if one considers the complicated geopolitical context at its borders nowadays.

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THE COSAC PROCEDURE AND NATIONAL PARLIAMENTS IN THE FRAMEWORK OF THE EUROPEAN PARLIAMENT PROCEDURES

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Abstract: The legitimacy of the European construction can be found and confirmed by the institutional procedures themselves. The COSAC procedure represents an instrument through which the opinions of national parliaments reach the attention of European institutions.
Keywords: COSAC, national parliaments, EU institutions

The references to European decisional mechanism often contain the characteristic of excessive bureaucratization. This is certainly the perspective that European institutions unfortunately offer to the European citizens, but in any rational construction that aims to be effective, bureaucracy is the result of a well-established procedures and specific objectives. If we were to refer strictly to the physical and demographical dimensions of the EU, we would already have an explanation for the so-called "excessive bureaucratization". If we also add the multitude and complexity of the interests that converge towards the institutional and decisional process, we must also attach an objective explanation to the reality of the above-mentioned perception.

COSAC represents one of the mechanisms by which the European Union tries to ensure legitimacy. Ensuring an institutional framework in which European Affairs

Committees in national parliaments may express their priorities, concerns and often their worries is an integral part of the "European decisional process".

1. <u>COSAC overview</u>

The conference of the European Affairs Committees of national parliaments, COSAC, established in Paris in 16-17 November 1989 is regulated by the Protocol regarding the role of national Parliaments of the EU in the Amsterdam Treaty[67], part II. COSAC could have brought any contributions considered to be necessary to the attention of European Union institutions, mainly based on suggesting legislative texts on which member state representatives could jointly decide to put forward for a debate, according to their topic. At that time, COSAC had the possibility to examine any legislative proposal or initiative with a direct impact upon citizens' rights and liberties. The European Parliament, Council and Commission were informed regarding the COSAC contributions about this aspect. COSAC had the possibility to address the European Parliament, Council and Commission about any contribution considered adequate with the Union's activities, especially regarding the subsidiarity principle, in the domain of freedom, security and justice, and the fundamental rights. The contribution of the conference was not mandatory for national parliaments and it did not harm their position.

The consultations within COSAC were nonetheless expanded to all regulated domains, "outgrowing the limit of judicial and constabulary cooperation[68]". However, while COSAC remains a consultative forum, for the strategic vision regarding the democratic legitimacy of national Parliaments, national legislative bodies have gained a large influence through the provisions of Protocol 1 regarding the role of national

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[67] http://europa.eu/eu-law/decision-making/treaties/pdf/treaty_of_amsterdam/treaty_of_amsterdam_en.pdf, accessed 20 September 2014

[68] Georgiana Manole, „Dimensiunea Regională a Strategiilor de Competitivizare a Uniunii Europene", University Press, Bucharest, 2013, ISBN 9786065917842

parliaments and Protocol 2 regarding the application of subsidiarity and proportionality of the Lisbon Treaty[69].

More precisely, through the analyses of the COSAC report concerning current mechanisms of parliamentary examination, the aim is to identify the possibility of increasing the role of national parliaments in the European decision-making process. At the same time, national responses referring to European policies obtained via COSAC questionnaires refer to the in-depth knowledge of national parliaments' viewpoints and the means in which these options can be further developed in forthcoming provisions. But the cornerstone of these inter-parliamentary consultations is the strategic vision of emphasizing strategic thinking about the "future of Europe", the way in which representatives of the European citizens feel and live the European project. The "United states of Europe" is not just a concept, but a vision entirely supported by national parliaments.

2. COSAC questionnaires

COSAC questionnaires are work documents that scrutinize the opinions of the members in the European affairs committees in national parliaments. The exact procedure means elaborating a questionnaire by the COSAC secretariat during the period prior to the extended COSAC reunion in the last trimester of the year.

Certainly, the questionnaires have in view the identification of opinions that will later shape the framework of the general debate at COSAC conference, as well as the elaboration of the bi-annual report that is presented in that conference to both national parliaments and European institutions.

In the questionnaire elaboration an important role is played by the European concourse in which they are drafted. In a comparative analysis, the COSAC questionnaire

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[69]http://europa.eu/eulaw/decisionmaking/treaties/pdf/consolidated_versions_of_the_treaty_on_european_union_2012/consolidated_versions_of_the_treaty_on_european_union_2012_ro.pd

for June 2014[70], in its 4 chapters, seeks to identify opinions referring to the forthcoming functioning of COSAC, in Chapter 1, Chapter 2 - Cooperation between national parliaments and the European Parliament, and in Chapters 3 and 4 "Particular aspects referring to the economic and monetary union and the decision-making process regarding the budget in the context of the European semester. It is worth mentioning, from an institutional perspective, the essential role of director lines referring to the Lisbon Strategy, from the point of view of inter-parliamentary cooperation, as well as the concern for the legitimacy and supervision decisions about the budgetary process by national parliaments. The COSAC questionnaire for June 2014 aims in fact the improvement of cooperation and supervision procedures of national parliaments together with the European Parliament.

By comparison, the COSAC questionnaire in November 2014[71] is centered on the general European perspective issues, considering the new redefinition of the European Commission and the European Parliament. Obviously, the COSAC questionnaire is a result of the new European evaluations that occurred along with the electoral processes in spring and an instrument to investigate the concerns of national parliaments in the context of strategic redefinitions.

In accordance to these determinations, the COSAC questionnaire for November 2014 consists in its four chapters of questions referring to the Europe 2020 Strategy and its revaluation in Chapter 1, to the future of the European Union from an institutional point of view and the collaboration with national parliaments, the concourse regarding the Mediterranean area and the role of national parliaments in the shaping of specific strategies, and in the last chapter it focuses on the opinions regarding the contribution of European agencies to the European construction.

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[70] http://www.cosac.eu/51-greece-2014/plenary-meeting-of-the-li-cosac-15-17-june-2014/, accessed 20 September 2014

3. COSAC priorities in June 2014 and the report

COSAC reports are not documents that lack pragmatism, on the contrary, they even have a well-defined purpose, and through the collected answers the intention is to adapt to institutional evolutions and those of the European agenda. The relation system between the parliaments of the member states is an instrument that has proven its efficiency.

Regarding the "**Future of COSAC"**, the opinions of national parliaments have emphasized the fact that biannual reports give the possibility if good practice exchange, due to the fact that the collected data from national capitals may serve as models. Moreover, biannual reports become useful, as the subsidiarity examination at the level of national parliaments has been imposed through the Lisbon Treaty, as a real means of reducing the democratic deficit. Informal reunions are shaped as a new instrument in the interrelation gear imposed in the formal COSAC reunions. Having a thorough utilization that does not allow any segregation of thinking or a Europe on two speeds, informal consultations may reunite common interests or may reunite countries that later propose initiatives that are adapted to the common issues of the states at a given time.

The COSAC report in June 2014[72] revealed that ad-hoc initiatives of the European Parliament are useful for the promotion of inter-parliamentary cooperation, in the section "**Cooperation between national parliaments and the European Parliament".** Most of the opinions showed that the preferred options are the invitation of rapporteurs or the members of the specialty committees at national level to EP reunions. At the same time, the participation of national MPs at hearings or the answers given within specialized sessions in the European Parliament seems to be an instrument that could be used. This way, the audit of the Director Lines for Inter-parliamentary Cooperation in 2008 is necessary in order to adapt to the new realities, even more as Europe is under the enthusiasm of a new college of commissioners and a European Parliament with new members.

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[71]http://www.cosac.eu/52-italy-2014/plenary-meeting-of-the-lii-cosac-30-november-2-december-2014/, accessed 24 September 2014

As certain evidence of the COSAC pragmatism, the chapter "**Development of the social dimension of the Economic and Monetary Union: the role of parliaments**" took into consideration the positions of the parliaments in the context of examining the "Communication of the Commission with the European Parliament and the Council-Consolidation of the Social Dimension of the Economic and Monetary Union.[73]". Not by chance and perhaps more today than ever before, the effects of the crisis have influences the option that the social dimension is better integrated in the EU policies. Measuring indicators of the social dimension must be adapted to the specific of the member states, as demonstrated by the answers given by ten national parliaments. Even in the given conditions, the majority of national parliaments have expressed their intention that specific measures are necessary to counteract the negative trend of social indicators at this moment, as a consequence of the economic-financial crisis that Europe has faced.

And since complicated issues require specific solutions, national parliaments have tried to adapt and keep track of the European Social Fund allocations. As representatives of citizens, the members of parliament had close control over the activity of government and institutions responsible for budget administration. National parliaments support social dialogue and social systems that support the welfare of citizens. Moreover, members of parliament took part in the elaboration of National Youth Guarantee Implementation Plans to support those who may be an active part in the future of Europe. But given that any measure must be found in the budgetary projections, a new cooperation framework was shaped between the European Parliament and national parliaments in the context of the European semester. New procedures appeared in the national lawgiver forums, from the analysis of the Annual Growth Strategy of the European Commission to the keeping track of pledges in the national budgetary measures and the National Reform Programs. This represents a certain progress and steps have been taken in the right direction, but today, more than ever before, the coordination between the responsibilities of the European

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[72]http://www.cosac.eu/51-greece-2014/plenary-meeting-of-the-li-cosac-15-17-june-2014, accessed 20 September 2014

[73] COM (2013) 690 – Communication of the Commission to the European Parliament and Council – Consolidation of the Social Dimension of the Economic and Monetary Union

Parliament and national parliaments becomes necessary, in order to find the socio-economic balance that is so necessary to European citizens.

4. Responses of the EU institutions to COSAC reunion positioning

Using specific terms, an overview of the COSAC debates will emphasize what we intended to demonstrate in this paper, particularly, the contribution of national parliaments to the strategic vision of the EU future and the decision-making process. The interventions of national parliaments' representatives and those of European institutions are more and more different, establishing ideas for the future of Europe or promoting aspects related to national interests of the member states and the perspective of developing the institutional construction regarding the contribution of national parliaments that the Amsterdam Treaty initiated.

In **October 2013,** within the **COSAC reunion[74], Miguel Angel Martínez**, vice-president of the European Parliament observed there is a lack of solid inter-parliamentary cooperation between the European Parliament and the national parliaments. The PE leader considers that the role of national parliaments is that of controlling and making their governments responsible in their activity as members of the Council. At this moment, the European Parliament does not have any mechanism of asking national parliaments to examine the activity of national governments in the Council. What is more, the role of national parliaments in the control and examination process is extremely limited and insufficient. As the European leader observed, the European Parliament failed to establish a mechanism that informs about the governmental actions at EU level. Indeed, the institutional construction may be consolidated, but one must observe that the democratization process has evolved. The intervention of **Eva Kjer Hansen, president of the European Affairs Commission** Folketing (Denmark) is notable, as she observed that the mechanism of the yellow card promoted by the Lisbon Treaty was successful within

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[74] www.senat.ro, accessed 25 September 2014

the Proposal[75] to Regulate the Establishment Council of the European Prosecutor Office. Surely, the financial interests of the European Union must be protected, but the member states reacted to the lack of clarity in separating the EU and national competencies.

The doubt does not refer to the concern related to the competencies transfer, but to the way in which the imposed legal framework is respected in view of the existence of the Lisbon Treaty, ratified by all the members of the European family.

Discussing the strategic vision, the conflicts in Ukraine at the beginning of this year have generated reactions both from the EU institutions and the national parliaments. Consequently, the reunion of the presidents of European Affairs Commissions in **January 2014**[76], in Athens, analyzed the Ukraine crisis, by which a joint Declaration[77] condemned the use of violence and force in the area, deeply affecting the fundamental rights of citizens.

Later on, in **July 2014**, in Rome, a periodic reunion took place, gathering the presidents of the parliamentary bodies 'conference, trained in the aspects of the Union and the state members' parliaments of the EU.

In this context, even if pessimist shades referring to a consolidated future of the EU are justified, there were also other types of interpretations, visible in the speech of **Michele BORDO**, **president of the European Affairs Commission in the Italian Chamber of Deputies,** who emphasized the fact that EU citizens never asked for a reduction of the EU role, but rather the revitalization of the process, because more than 70% of the seats in the new European Parliament were granted to the political parties that intend to consolidate the European integration process. **Sandro GOZI, undersecretary of state in charge of the European Affairs in Italy,** claimed that it was time for Europe to return to a joint idea of the European project, leaving behind stages in which Europe was divided between North and South, creditor and debtor countries and member states that have lost reciprocal trust. He also mentioned that the role of the new European Parliament and the national

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[75] COM (2013) 534 final – Regulation proposal of the Council for Establishing the European Prosecutor Office

[76] www.senat.ro, accessed 25 September 2014

[77] http://www.cosac.eu/51-greece-2014/meeting-of-the-chairpersons-of-cosac-26-27-january-2014/, accessed 25 September 2014

parliaments are vital to establish mutual trust. During the recent elections, European citizens strongly called for this need of change: the EU needed to respond more promptly to the citizens 'needs and to face the current economic crisis. The European Council held its promise to nominate the candidate of the European political families that had a relative majority in the Parliament.

The commitment of president Juncker is salutary in front of the European Parliament in order to develop a public-private partnership plan of making an extra 300 billion € investment to the European budget. Gozi made reference to a study of the European Parliament which indicated there was a need of 700 billion €, in view of reaching the objectives established by Europe and declared that a better use of resources and new instruments, such as project responsibilities, could help the EU in the stimulation of economic growth. He also emphasized the essential role of parliaments and the need to rethink and develop the European parliamentary dimension, in view of responding to the citizens' request for change, transparency and democratic legitimacy.

Maroš Šefčovič, vice-president of the European Commission, observed the situation after the European Parliament elections and indicated that things were different, with 50% new members, a strong presence of women, euro skeptical voices and also a very solid majority that wishes to support change. The proof that "this time it's different" is represented by the fact that, for the first time in Europe, voters expressed their word in the election of the European Commission president, given that candidates were known before.

The first document that the heads of state and government adopted after the elections was regarding the manner of responding to European citizens' concerns. For the first time, The European Council took the responsibility of issuing orientations regarding the means of approaching this request. This productive process reflected in President Junker's list of 10 political priorities for the future European Commission, which he saw as a political entity, focused on the main agenda. Vice-president Šefčovič made reference to the main priorities established in the program of president Juncker, stemming from the call for a new impulse for workplaces, economic growth and investments.

Since the **majority of representatives in national parliaments supported, within COSAC, the initiatives related to economic and work occupation growth,** the national

voice was heard and the initiatives of European institutions were adapted as such.

Johannes HAHN, European Commissioner for regional politics, mentioned that, before the crisis, European structural funds represented 7% of the total of public investment in Europe, while nowadays these represented 20% and, in half of the member states, even 50%. Hence, there was a responsibility to protect the interests of European contributors and to ensure the necessary supervision without placing an enormous burden, as was the case in several countries, because this was an obstacle in funds; usage, considering the implied bureaucracy. This aspect should have been approached by national parliaments and the European Parliament. The regional European policy was realigned to the concentration of investments in infrastructure and currently economic activities were promoted with financial support that doubled from 70 to 140 billion euro.

In the case in which each of the 23 million European SMEs was to hire one of the 27 million of unemployed, unemployment would be solved. It was equally important to support start-ups and be more innovative, improving this way the use of structural funds for capital risk investments, considering there hasn't been any private financing that was unlimited.

COSAC debates consist of important subjects, from fiscal harmonization to streamlining the activities of European agencies, in which FRONTEX[78] has determining attributions, from economic and monetary union to ensuring balance at the Eastern border or even workforce migration in the states in Eastern Europe towards the West. Moreover, there are aspects such as the revitalization of initiatives such as the Eastern Partnership, adhesion of new EU member states, energetic security. COSAC conferences present the most intense subjects from the national initiatives to be brought in the decision-making process of European institutions.

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78 FRONTEX - Agentia Europeana pentru Gestionarea Cooperarii Operationale la Frontierele Externe ale Statelor Membre ale Uniunii Europene

5. <u>The proposal for the 2014 report-concourse</u>

Stemming from the concerns announced in the August 2014 Questionnaire, the report in October will have to take into account several premises that modified the European concourse in the last months. Among these, we mention the geopolitical and geostrategic signals that will shape the general framework for the following period. The first one would be the results for the European Parliament, in the sense of orienting votes towards atypical, sometimes extremist or xenophobic parties.

The signal itself may represent a warning over the fact that we are witnessing a certain "weariness of the European integration process. The second signal is the one sent by what we generically call the Ukraine experience", a reflection over the firmness of the EU reaction and advice concerning the geographical expansion of the European construction, in the sense of touching its physical barriers. Eventually, the third signal is the one given by the reconfiguration of the balance in the EU-Russia relation. The apparent current opposition requires prompt answers and firm and unitary orientations to configure more precisely an external policy and a joint security.

By filtering in this light the concerns of the COSAC conference in October 2014, it becomes obvious that the efforts of the European Union regarding the debate over its future and more precisely the integration processes, as well as geopolitical positioning, are actually legitimate concerns of Europe in 2014.

In essence, the COSAC procedures are meant to promote these in-depth reverberations produced by the concerns of national parliaments in accordance to the general continental concourse. The answers to the above-mentioned questionnaires, as well as the reports preceding the debates in the COSAC conferences are transformed into instruments that make a general framework that supports the common decision-making process.

Let us not forget that the Schumann Declaration came after the World War II and was the forwarder of a "Europe solidly unified and build around a solid frame." let us not forget that such an important project appeared at the initiative and courage of people who believed in the welfare of European citizens. If it was possible then, in such step

conditions, surely the national parliaments and the European Parliament will join their efforts in the benefit of the people, in the benefit of a united Europe.

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THE EUROPEAN PARLIAMENT IN SOCIAL MEDIA

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Abstract: Web sites and social media tools have become extremely efficient mechanisms for promoting various organization types and for communicating organizational goals and activities. The paper focuses on a systematic analysis of the European Parliament presence in the electronic environment, mainly on the web and social networks; we perform a thorough evaluation of the web site's and Facebook account electronic promotion efficiency. We reveal the advantages of using electronic promotion and communication means, the strong and weak points of the studied tools and we propose specific principles for increasing e-media proficiency in the studied case.

Keywords: European Parliament, electronic image, social media, web site analysis, web traffic analysis

2. INTRODUCTION AND WORKING FRAMEWORK

Web and Web 2.0 have provided, for the knowledge based and media society, efficient electronic promotion and communication tools, since the global accessibility of the electronic environment increases message impact and highlights the relevance of the communicated message. Electronic information and communication means have, in our knowledge based society, important advantages regarding global impact and accessibility, which bring increased information relevance and promotion importance.

From Web 1.0 tools, comprising sites within the WWW system (Tanenbaum, 1997), web sites have evolved, by means of information systems, towards increased

interactivity and cooperation facilities, with social media facilities, like Facebook, Twitter, My space, etc., this framework being called Web 2.0 (Solomon and Shrumm, 2007).

Web site analysis, comprising both IT management perspectives (Andreica, 2009) and technical ones (Kaushik, 2007), are important tools to be applied in order to evaluate web sites efficiency, the way in which they achieve their goals and to design development strategies.

European Union – EU – institutions and in particular the European Parliament, play a major role within the EU, and use electronic available means, besides other tools, in order to communicate their policies and strategies, to promote their activity and achieve their goals. These electronic promotion and communication tools are very important since they are highly efficient, have a global reach and efficient costs compared to their benefits.

We propose, within the present paper, an interdisciplinary study on the electronic image of the *European Parliament* web site and social media presence. We address both functional and technical perspectives, and draw conclusions regarding the efficiency of the analyzed facilities.

3. ANALYZING THE WEB SITE OF THE EUROPEAN PARLIAMENT

The *European Parliament* – EP, one of the most important European institution (Paun, 2004), represents EU citizens, being directly elected by them.

We present, within this section, the analysis of the European Parliament web site, according to the guidelines that we define in (Andreica 2009, p. 76), regarding both functional and technical analysis.

2.1. Functional and Content Analysis of the EP Web Site

We address below the content and facilities provided within the studied web site, which are very important to the way in which they contribute to reaching the institutional goals.

The web site of the European Parliament - EP http://www.europarl.europa.eu/ (accessed October 2014) has recently been upgraded, for the EP elections in 2014, and opens with a language access page, with dedicated links to its sections in all EU languages

– see fig. 1, according to its institutional mission regarding the representation of all EU member states.
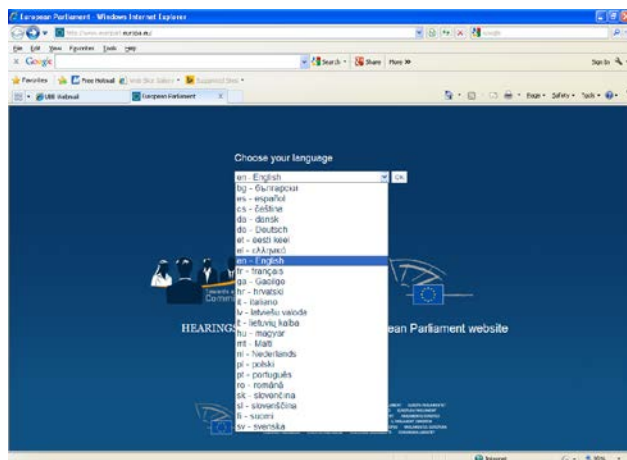
Figure 1: Home page of EP web site

We further describe the English section of the EP portal http://www.europarl.europa.eu/portal/en , sections in all languages being similar. The web site displays a three column layout with relevant news and redirecting facilities into the institution's social media accounts: Facebook, twitter and RSS, as well as access to the EU Parliament TV – see fig. 2
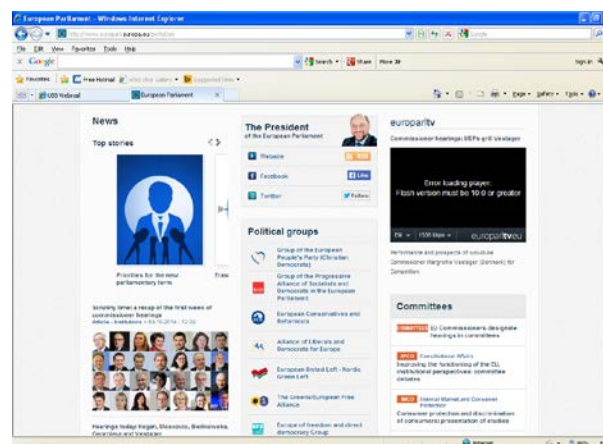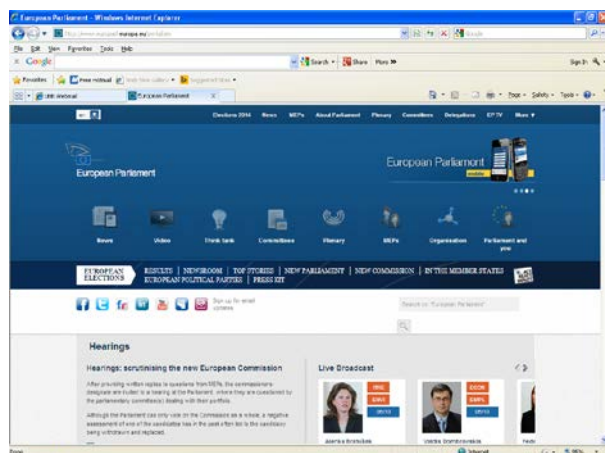
Figure 2: EP web site layout – accessed October 2014

The website has gained a stronger visual identity compared to the previous version and a few structural and menu improvements – see for comparison (Andreica, 2013).

The main menu and sections are structured on: Elections 2014, News, MEPs, About Parliament, Plenary, Committees, Delegations, EP TV, and additional sections: Institutions, Consultative Bodies, Inter-institutional, Complete website list – see fig. 2.

A supplemental menu appears also horizontally, with dedicated visual icons (more expressive than in the previous version – see (Andreica, 2013)), containing the following

options: News, Video, Think Tank, Committees, Plenary, MEPs, Organisation, Parliament and you; we note that some of these links are redundant with ones from the top menu. A supplemental menu related to European Elections is also included.

Section pages have a two two-column layout, with a larger content column and another one dedicated to social media access, news and interactive facilities – see fig. 3. Each page displays supplemental detailed menus, which appear horizontally – see also fig. 3.

Since the site content is quite large, an alphabetical content list is provided, facility which is very useful for searching specific information or browsing the site content – see fig. 4.

Visual identity: The EP site displays a white, accessible background and navy blue banner with the EP's logo. Text is very readable in black and dark blue for highlighted titles or sections.
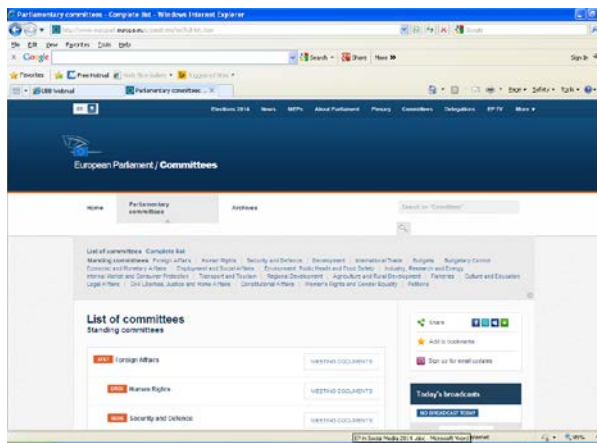
Figure 3: EP web site – Committees section
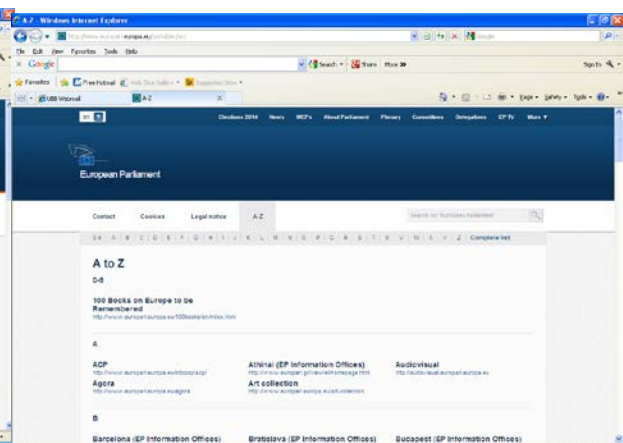
Figure 4: EP web site – Complete web site list

Accessibility: Content is accessible and there is no need to download special software for accessing the content. A dedicated Accessibility section displays the technologies that are used within the site.

The contact facility is provided by means of Citizens' enquiry service - http://www.europarl.europa.eu/portal/en/contact/ and a special section is dedicated to terms

of use and protection of personal data http://www.europarl.europa.eu/portal/en/legal-notice/

Information density: Information is appropriately displayed on the main page and secondary pages. Some overlaps may be noticed, as described above. A search engine, which functions correctly, may be used to find information within the site. All links function correctly and the visual design is adequate in order to emphasize the information that is displayed. Texts and multimedia information are appropriately balanced, news being "sustained" with appropriate multimedia information – usually images.

Information accuracy: Information displayed on the site is accurate, relevant and up-to-date.

Interactivity: The site contains multimedia objects, adequate to the site content.

As a reflection of its public EU institution, the site keeps a rigorous and "classical" image; obviously, no commercial ads are included.

2.2 Technical Analysis of the EP Web Site

The technical analysis of a web site provides valuable e-marketing results regarding site proficiency, information about clients and client target groups, most popular products / services or products / services that should be improved. Therefore, web sites should be systematically monitored by feed-back analysis using *traffic* and *log information analysis* as an e-marketing tool in order to trace proficient / perfectible sections and facilities, visitor / client preferences, means of improving the web site (Andreica, 2009, p. 78).

We perform, within this section, a technical analysis of the studied European Parliament web site and of the domain it belongs to – europa.eu . Results are compared to a similar analysis performed in October 2013 (Andreica, 2013).

2.2.1. Web Traffic Analysis

We have analyzed the europa.eu domain using Alexa web traffic analyzer – www.alexa.com . According to alexa.com, in October 2014 europa.eu domain ranked 735 in the world – in a positive trend, compared to 784 in October 2013, among web domains, and 284 in Germany (the country which has generated the highest site traffic) also in a

positive trend, compared to 321 in October 2013 – see fig. 5 . We note that these rankings display very good positions for europa.eu domain .
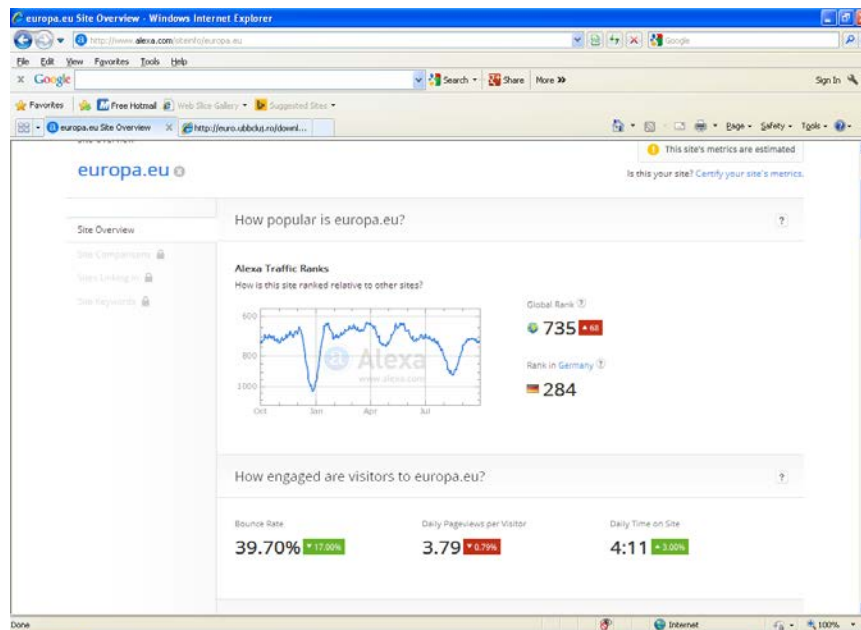
Figure 5: Web traffic graph for europa.eu ; Source: www.alexa.com

Most visitors accessing europa.eu domain come from google.com, facebook.com, google.es, google.de, google.co.uk according to alexa.com – see fig. 6; actually, Germany, Italy, Spain, France and UK are the countries which generate, in October 2014, the highest traffic for europa.eu domain, with 10.3% (10.4% in October 2013), respectively 9.4% (entering the top 3 since last year), 7.2 %, 6.6% and 5.8% (slightly rising from 5.5% in October 2013) percentages – see fig.7;. Besides EU countries, where the audience of europa.eu domain depends both on the interest in EU policies and on the number of inhabitants and "internauts", we note the interest of US and India, both with high number of inhabitants (the latter revealing remarkable economic and cooperation interest with the EU) for EU policies and development strategies.
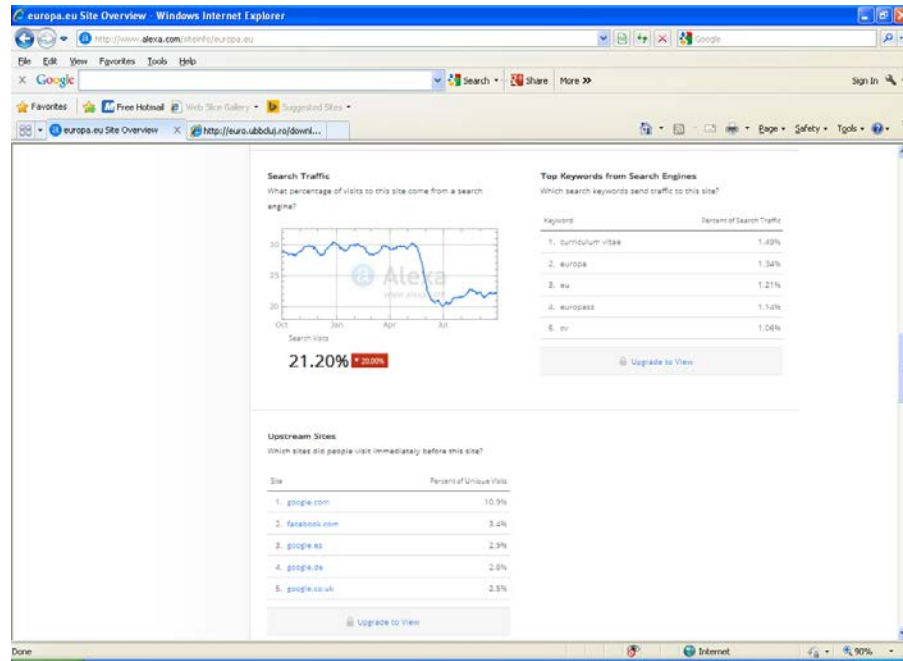
Figure 6: Sites where europa.eu visitors come from and keywords
that lead to site access; Source: www.alexa.com

Fig. 7 shows the geographical audience of europa.eu domain, according to alexa.com, as described above (data collected in October 2013).
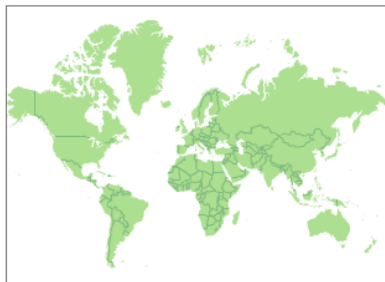
Figure7: Geographical audience of europa.eu ; Source: www.alexa.com

Among the studied web sites, according to data collected in October 2014, using www.alexa.com, the most accessed is the site of the *European Commission* ec.europa.eu – with an impressive ***54.57% visitors*** (rising from ***53.13%*** in October 2013) of the whole europa.eu domain (more than half of the total number of visitors!), further followed by europa.eu – 18.39%, eur-lex.europa.eu – 6.89% and the site of the *European Parliament* europarl.europa.eu – with 5.77% visitors (decreasing from 7.47% visitors in October 2013) – see fig. 8 .

Where do visitors go on europa.eu?	?
Subdomain	**Percent of Visitors**
ec.europa.eu	54.57%
europa.eu	18.39%
eur-lex.europa.eu	6.89%
europarl.europa.eu	5.77%
ecb.europa.eu	4.97%

Figure 8: Most visited subdomains of europa.eu ; Source: www.alexa.com

2.2.2. *Web Optimization Site Analysis of the EP Web Site*

The web site optimization tool www.weboptimization.com provides useful results regarding site access speed and download times for various types of connections, characteristics of page objects and web optimization recommendations.

According to www.weboptimization.com (accessed October 2014), the site of the EU Parliament http://www.europarl.europa.eu , with a total size of ~450KB – see fig. 9, is downloaded, on a GB connection, in 8.39 seconds (compared to 7.69 seconds in October 2013, for a smaller site size) – see fig. 9; supplemental details (type, dimension) are also given for page objects – see fig. 10.
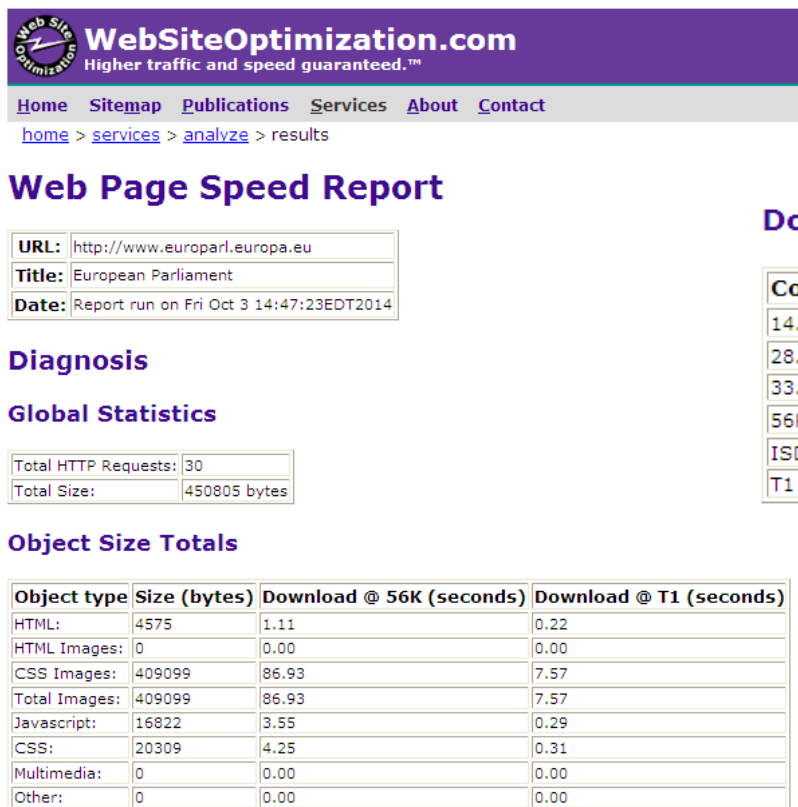
Figure 9: Web optimization EP site analysis – speed and download times

Figure10: EP site Web optimization – page objects details Source: websiteoptimization.com

Among web site optimization conclusions and recommendations for http://www.europarl.europa.eu, according to websiteoptimization.com (accessed October 2014), we note: good HTML site compliance; some problems regarding the high number of objects and images per page, and script size, which delay page download, and aspects

which could be taken into consideration for improving, regarding: the number and size of css files, the total page dimension, the number of external script files. As warnings, the following remarks are generated: a big page size - ~450KB (compared to ~130 in October 2013 – (Andreica, 2013)), a big total number of page objects – 30 and images – 27, a big total images size - ~409KB, elements which induce a certain delay in page loading (we notice about a second delay between the analysis performed in October 2013 and the present one). External scripts, with a fairly big dimension, but still within general recommendations, are also recommended to be optimized.

2.2.3. *Color Contrast Analysis of the EP Web Site*

The color contrast analyzer www.accesskeys.org verifies site readability, based on the color contrast between foreground and background colors, according to W3C – World Wide Web Consortium (W3C web, 2013) recommendations.

According to www.accesskeys.org color contrast analyzer (accessed October 2014 and compared to October 2013), the site of the EU Parliament http://www.europarl.europa.eu has no problems regarding either color difference and color brightness – see fig. 11b . Results are better than the ones obtained in October 2013 – see figure 11a . While in October 2013, *69.33% of the total text* displayed within the site did not meet W3C site readability requirements for *either color difference or color brightness* – see fig. 11a, in October 2014 *both* color difference and color brightness meet the recommended standard for *66.7%* of the total text – see fig 11b . We conclude that the site has improved some of its readability problems but others still remained and color contrast can be further improved. A complete list of warnings or "non-visible" messages is provided by the Access keys analyzer for all sections with readability problems or warnings.

Figure 11a: Color contrast analysis for EP site – October 2013

Figure 11b: Color contrast analysis for EP site – October 2014

4. THE FACEBOOK ACCOUNT OF THE EUROPEAN PARLIAMENT

The European Parliament Facebook page https://www.facebook.com/#!/europeanparliament promotes the EP's mission and activities within the social media environment. We further analyze the English version of the above mentioned page.

3.1. EP Facebook Page Image

The EP Facebook page displays a profile image with the logo and a banner with a picture promoting the EP vote (page accessed in October 2014), and a well-chosen action logo "Act, React, Impact", expressing the e-marketing directions adopted by the organization – see fig 12.
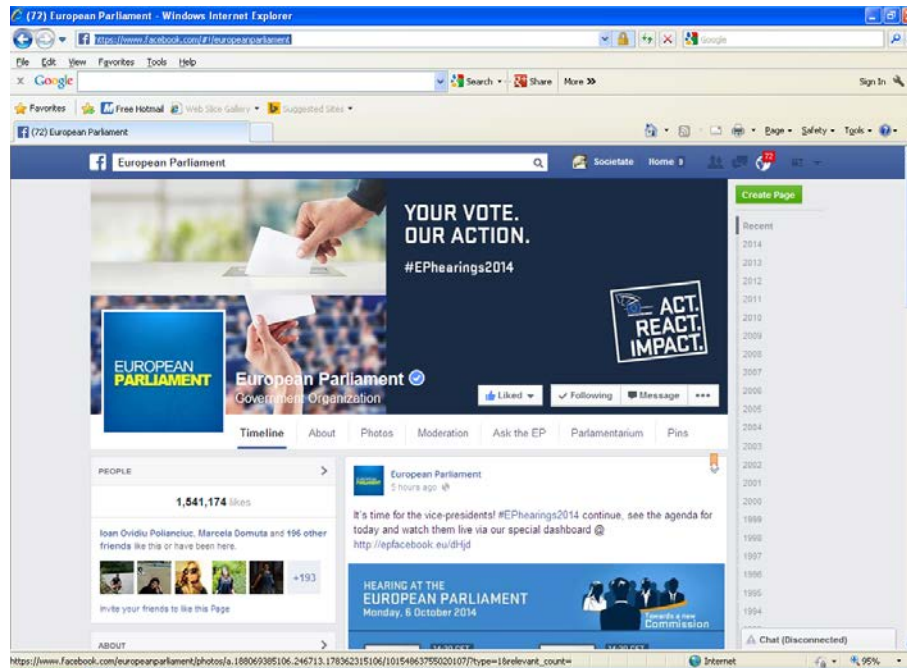

Figure 12: The EP Facebook page – October 2014

The photo album contains a wide range of well-chosen photos that sustain the EP posts – see 3.2 – on various topics: EU regions, EP vote, EP activities, including commissioners' elections, etc.

3.2. EP Facebook Page Characteristics and Content

In 5 October 2014, the EP Facebook page has had 1,541,174 likes. Information is regularly posted, one or more posts daily; posts are well balanced between text information, which expresses adequately and concisely EP activities and events, using appropriate images and photos.

The page has a good post dynamic and user interaction: only in 1-6 October, characterized by EP and commissioner hearings, we can find 14 posts (with a mean of at least 2 per day), with a total of 643 likes and 583 comments, which sustains a very high user interaction. We note that a few negative comments are also present (for example, for some commissioners), which shows the liberty of expression.

We can state that the EP Facebook page is an efficient and very friendly electronic communication tool, that takes into account the social media advantages in order to interact with users and citizens.

5. CONCLUSIONS

In the framework of knowledge based society, electronic communication and promotion tools are very important for reaching organizational goals. These tools have successfully been applied by EU institutions, including the European Parliament.

Within the present paper, we analyze the web site and the Facebook account of the *European Parliament*. We address both functional and technical perspectives, and draw conclusions regarding their efficiency and we underline the importance of "electronic communication" and promotion.

The analyzed web site appropriately comply their target and goals, to present and promote the European Parliament and its activities. The visual identity of the web site reflects the characteristics of the European Parliament and emphasize the information they provide.

The *European Parliament site ranks the fourth in the EU domain, with 5.77% visitors,* the EC site being the first, with 54.57% visitors! We notice that the number of visitors is not comparable with the EC site but the EP site is a relevant one within EU

domain. Its download speed is 8.39 seconds, the site dimension increasing since October 2014. From the analyzed perspectives, including traffic point of view; it also has a complex structure and a large volume of information; download speed is good, fairly close to the EC site speed, just a bit slower: 7.69s on a Giga bit speed connection, while compliance check with W3C color contrast requirements generates some minor readability observations.

The European Parliament sites include links to social media accounts. The EP Facebook page is proficiently used in order to communicate EP activities and proves to be an efficient and very friendly electronic communication tool, taking into account all social media advantages in interacting with users and citizens.

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