



EDITORIAL

THE 2019 ELECTIONS AND THE FUTURE ROLE OF THE EUROPEAN PARLIAMENT: UPSETTING THE INSTITUTIONAL BALANCE?

The elections of May 26 have been welcomed with a sense of relief by the inhabitants of the European districts in Brussels and Strasbourg. If, on the eve of the elections' day, the dominant mood was fear of a euro-sceptic landslide, that would have deepened the cleavage between peoples and elites and shaken at its roots the process of integration, this mood has gradually changed as this looming perspective faded away. It turned out to be almost enthusiastic as certainty materialized to have the majority of the Members of the European Parliament's on the "right" side.

In a nutshell, the populist parties increased their shares of the ballots, but less than expected; the *Große Koalition* lost the absolute majority, but, with some adjustment, the Parliament will continue to be controlled by an integrationist majority. A final touch of optimism came from the turnout, which has significantly increased, thus bestowing more legitimacy on the resistance to the populist wave. One may presume that, with a haircut on austerity policies, some more emphasis on social policy, and a crackdown on immigration, business could continue as usual.

Things, however, may be more complex than that. The avoided danger of having the Parliament controlled by nationalist parties should not overshadow the profound implications of this elections day. In particular, two aspects ought to be seriously considered, despite the fact that they are somewhat incoherent.

On the one hand, the elections, unlike their preceding ones, have been dominated by European, not domestic, themes and, in particular, by the fate of the integration project. On the other hand, precisely because of that, the European Parliament is now deeply divided between a pro-integration majority and a euro-sceptic minority, sometimes labeled as sovereigntist. It is this divide that will probably have a major impact on the functioning of the European Parliament and, ultimately, on its role in the decision-making process of the Union.

As a matter of fact, traditionally the European Parliament elections have been dominated by national issues, to the point that they have been perceived not much more than a mid-term test of the respective national parliamentary majorities. A common complaint echoed in the comments on the past elections was precisely the absence of a clear

mandate entrusted by the European constituency as to a political line giving guidance to the Parliament.

However, in spite of this apparent failure, the Parliament has carved out a role – increasingly significant indeed – in the complex EU institutional system. It has presented itself as the only genuine representative of the European citizenry, as opposed to the representatives of the executives of the Member States, symbolized by the two Councils. To fulfil this noble vocation, the Parliament has relied on a vast majority, including Members of the European Parliament and political groups who fiercely oppose each other in the national political arena.

There are, of course, notable examples where this simple scheme did not apply. Noteworthy, this has frequently occurred in recent years, where the rise of euro-sceptic parties has become visible and prompted an unnatural alliance among Institutions that traditionally play different parts in the game. Many an observer was stunned by the unexpected failure of the Parliament to defend its prerogatives in some highly-sensitive political matters, in particular those concerning migration. However, apart from some misguided sense of deference to the Council, the Parliamentary role has been magnified precisely by its capacity to oppose the political direction of the Member States.

It is remarkable that a weak institution, elected by a number of different national constituencies generally uninterested in European affairs, on the basis of national agendas, has become a champion of the integration project. This is probably due to an extraordinary combination of factors: on the one hand, the high majority threshold required, under the founding treaties, for the Parliament to safeguard its prerogatives in the EU decision-making process; on the other hand, the tendency to represent collective or European interest as opposed to groups of interest organized on a national basis, represented within the Council.

Be that as it may, the tendency of the Parliament to act as a unitary actor, could be regarded as a hallmark of the European political system and as a distinctive trait of what is generally referred to as the EU institutional balance. One may wonder whether this can change after the 2019 elections day.

Something has certainly changed in the European political landscape. Although the electoral campaign still remained confined within the national constituencies, “Europe”, its role and its responsibilities, abruptly burst upon the political scene and will not leave it soon.

Not every single aspect of the integration, of course, was duly considered in that campaign. Whereas the EU activities mainly remained in the background, the most visible and symbolic themes dominated the campaign, probably well beyond their real impact of the daily life of citizens. This is part, alas, of the contemporary tendency of the political competitors to overstate symbolical issues, and there is no reason why Europe must remain immune from it.

Nevertheless, the May 26 elections represent a significant turn in the political life of Europe. They have mainstreamed within the European Parliament the classical internal dynamics of parliamentarism, namely the opposition between majority and minority, that had remained largely theoretical in the previous parliamentary terms.

The disappearance of a large majority in Parliament sharing a common vision of the process of integration, and its replacement with a tight majority opposed to a strong and fierce “sovereignist” minority, is an event capable to alter in depth the functioning of the EU political system. To secure this functioning, a more intense, if not organic, link between the majority in the Parliament and the majority in the Councils, may be necessary.

This chain of events may be welcomed by those who believe that consociational mechanisms are the symptoms of teething problems of the European political setting, which will disappear as soon as it matures in an evolved full-fledged political system.

In the view of this writer, such an evolution not only is not auspicious; it is also at odds with the constitutional setting of the EU and with its overarching principle of institutional balance.

This principle, constantly referred to in the case law of the CJEU, is based on the independence of each of the three main political institutions in the decision-making process of the Union. The European model of democracy is fed more from inter-institutional relations than from intra-institutional relations, such as the dialectic between majority and minority within the Parliament. Taking independence seriously entails that the component-parts of each institution share a common conception of the process of integration and of its vocation to fulfil it.

In the case of the European Parliament, independence for decades meant independence of its Members from their national political allegiance and, therefore, from the dynamics of political interests which guide the conduct of the representatives of their respective national state within the Councils. If this premise were to fail, the role of the Parliament would be seriously endangered and, with it, also the principle of institutional balance which constitutes one of the foundations of the EU political system.

To start with, will the new Parliament find the cohesion that proved decisive in its victorious confrontation with the European Council, at the beginning of the last term, concerning the designation of the President of the Commission?

The principle of institutional balance reflects one of the rare cases in history where law creates policy, and not vice versa. By assigning a distinct role to each political institution, and by conferring the powers necessary to discharge it, that principle has forced the political dynamics into the straitjacket of the EU Institutional design. As a result, the European Parliament finally has found its mission as the institution representing the interests of the European constituency, as opposed to those of the Member States, in the process of integration.

The 2019 elections may reverse the direction of the European political tide. Instead of injecting new blood in, and of bestowing additional authority upon, the European Parliament, the Europeanisation of the elections may prompt, paradoxically, the opposite effect: to establish a permanent link between the majorities in the European Parliament and the intergovernmental Institutions, and, by so doing, to undermine the authority of the former to the benefit of the latter. Even more paradoxically, it may expedite the transformation of the European Parliament, from one of the independent branches of the European political system to a verbose Parliamentary house, controlled by the executive and deprived of a real decisional autonomy. If this were the effect of the revolutionary elections of 2019, this would be the beginning of the end of the new model of democracy that has germinated in the European laboratories.

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