

Professor Danuta Hübner

„It is high time to make the European elections truly European”

Public hearing on „The reform of the European electoral law”

Meeting of the Committee on Constitutional Affairs

European Parliament, Brussels (online), 13 April 2021

Since 1979, the European Union has changed massively, on all accounts. It is bigger. Treaties have been changed. The same is true for the world around. So yes, indeed, after 40 years of direct elections to the European Parliament, it is high time to make them truly European, responding better to citizens' ambitions and needs, better reflecting the role of the European Parliament as the only directly elected representation of the citizens of the Union. Especially now when transparency and democracy matter so strongly. We had already achieved a good agreement on the Electoral Law with the Council in the previous mandate that, if ratified by the only remaining three member states, Cyprus, Spain and Germany, would have improved the conditions for millions of European voters in 2019 elections.

In order to be amended, the Electoral Law requires a special legislative procedure: we need unanimity in the Council - and we all know what an endeavor this is - and an absolute majority in this House at the end of the process. But, first of all, it requires a proposal by the Parliament that would be acceptable to both governments and national parliaments.

In addition, there are states that have to introduce changes to the European electoral system at national level at the latest one year before the European elections. Taking into account the complexities of the whole process one might say that to have European elections of 2024 on the basis of a new Electoral Law procedure we should move indeed without any delay. A lot of political good will and commitment is needed. And right now, we should work fast and hard on the position of the European Parliament.

From my experience as co-rapporteur alongside Jo Leinen, I learnt that engaging with the different actors early in the process is paramount for a successful outcome. I would like to recall that the Council adopted its Decision 2018/994 with the abstention of two Member States (Belgium and the United Kingdom). Pending Council's adoption, seven parliamentary chambers submitted reasoned opinions on the draft legislative act, based on Protocol No 2 on subsidiarity and proportionality, contesting compliance with the principle of subsidiarity. This is why this time around I suggested to the rapporteur on several occasions to engage with the national parliaments early in the process to avoid the scenario where once an agreement is

reached with the Council, the European electoral law fails to be ratified by the Parliaments. In this sense, I welcome the exchange with the national parliaments in the upcoming AFCO interparliamentary meeting where this topic will be discussed. The procedure will also require the national approval in accordance with respective constitutional requirements.

I would like also to recall that between 2016 - 2018, on the side of the Council, the General Affairs Working Party discussed the European Parliament's legislative initiative during five successive Presidencies. Although delegations were able to reach agreement on a common approach to a number of provisions, several issues in the European Parliament's proposal appeared to be unacceptable to delegations as a matter of principle and/or on legal grounds. These include the provisions on a joint constituency and 'Spitzenkandidaten'.

I have also encouraged the rapporteur to reach out to political groups rather early and test their position on contentious issues where we continue to witness diverging views. There will be dividing lines in the European Parliament and we cannot afford to have proposals that will later be rejected by the House. For legislations like this one related to the fundamentals of European democracy and in order to engage in negotiations with the Council with a strong political position, we need a meaningful mandate, supported by the engagement of the majority of political groups.

The reform of the European electoral law is a necessary and much awaited step forward for European citizens and it touches upon topics that will be discussed in the Conference of the Europe, including the lead candidate system and transnational lists, based on a European constituency.

Like back in 2016 when we started to work on the first overhaul of the electoral system, we have the choice between a uniform, harmonized procedure across the EU membership and an approach establishing common shared principles and general framework while maintaining national specificities and political culture. All those political sensitivities require engagement with different actors and affected institutions early in the process. This is a precondition for a successful outcome. And citizens deserve a successful outcome. Democracy is complex but it starts with elections.

There are many issues that have impact on European dimension of these elections. I mentioned the crucial ones: European constituency and lead candidates. But citizens have the right as well to see and understand better the link between national parties and candidates running in the elections and their affiliation with a European political party. That implies that there should be the possibility to display European political parties' names or logos on the ballot papers. This is an important provision that would reinforce the awareness of the European nature of the election.

Back in 2019 elections, we witnessed the situation where on an unprecedented scale the same issues were raised during the campaigning across Europe. It was the climate crisis and threats to European values and rule of law. I think that European demos is emerging from below, I trust the Conference on the future of Europe will

make it stronger and the changed Electoral Law can be a positive accelerator of change.