

THE 2024 EUROPEAN PARLIAMENT ELECTIONS
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After the 2024 EP elections, the
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1. The democratic legitimacy of the new European Parliament (EP): the (slight) increase in the electoral turnout

At a historical moment when democracies are under attack at a global level, the tenth election of a supranational Parliament was obviously seen, more than ever, as a benchmark test for the European democracy. Russian spokespersons often criticize and mock the – indeed rather complex – functioning of the European democracy, highlighting its obscurity and many contradictions. The geopolitical significance of the 2024 EP election was appropriately expressed, by the leaders of the main EU institutions, in their pre-election positions, each encouraging participation at the polls and expressing the desire for an increased electoral turnout.

As in all the previous EP elections, this time the electoral turnout also varied significantly between Member States (from 21,3% in Croatia to 89,8% in Belgium), depending on their legal norms (in some countries, such as Belgium, Bulgaria, Cyprus, Greece, and Luxembourg, the vote is mandatory), political and cultural traditions and, of course, the overlap with other elections, held at the national or local level, or referendums. However, this time the overall average turnout was 51,1%.

This is not a great increase compared with the previous 50,7% of the 2019 election, but it consolidates the participation of more than half of the electorate and confirms the trend in the direction of a gradual rise in participation, accordingly abandoning the steady decline in turnout regularly registered in the first

* The text is an anticipation of the final - updated and revised - version that will be included in the volume “*The European Parliament elections of 2024*”, published by Giappichelli, Turin.



eight elections, from 1979 to 2014. This is somewhat paradoxical, given – in the meantime – the EP was being very significantly empowered through Treaties’ revisions and the reform of its rules of procedure¹. The general positive trend is possibly due to the fact that citizens seem to be progressively more aware of the EP’s crucial role². This reflects the focus of national political debates on European issues, which is also an effect of the growing relevance of Eurosceptic parties.

In this regard, however, Italy was (again) an exception: the turnout, traditionally higher than the European average, was, for the first time, well below it, and – again for the first time – also below 50%, at 48,3%. In comparison to the 2019 elections, when the turnout in Italy was 54,5%, there has been a further, relevant reduction, which has been affected by a low level of participation in the Southern regions.

The fact that the Italian polls were open not just for one day, as occurred in 2019, but for two days, did not generate any relevant improvements. The novel option of being able to vote not only on Sunday, but also – for the first time – on Saturday afternoon and evening, as was required in order to avoid delaying the process of implementation, communication and debate of the results on a European scale, was taken up by few voters (just 14,6% of the electorate). An even lower percentage, namely less than 4%, of potentially interested students opted to take up the opportunity offered to them, for the first time, to vote in their place of study instead of their place of residence³.

Both cases therefore present material for the ongoing reflection on how to better combat abstentionism in Italy (and elsewhere)⁴, in order to further strengthen our democratic systems, possibly through both specific remedies and – as it will be hinted in the final part of this contribution – more profound changes to the synchronization of the many electoral mechanisms coexisting in the EU.

2. Winners and losers in the new EP: a (Euro-national) parliamentary system

The effects of the 2024 elections on the EP’s composition were probably less remarkable than expected. Indeed, the long-anticipated far-right turn was only rather slight. Contrary to many predictions, the European People’s Party registered an increase in terms of votes and especially in terms of seats, of course facilitated by the overall increase in the number of MEPs from 705 to 720: it passed from 176 to 190 seats. The decrease in MEPs of the second political group, Socialists and Democrats, was rather limited

¹ See O. Rozenberg, *The Influence of the European Parliament and the Indifference of Its Voters: A Spurious Correlation?*, in *Politique européenne*, 2009, 2, pp. 7-36.

² See, for instance, C. Martinelli, *Il Parlamento europeo. Simbolo o motore dell’Unione?*, Il mulino, Bologna, 2024, espec. p. 232 ff.

³ This helps to explain the very different outcome of these votes, compared to national results. For the limits of this new and experimental provision see F. Barbarossa (alias), *Voto degli studenti fuori sede. Poche luci e molte ombre nell’emendamento approvato in Commissione*, in *lacostituzione.info*, 24 February 2024.

⁴ See, very recently, G. Delledonne, L. Gori, G. Martinico, F. Pacini (a cura di), *Il peso dell’assente. Il fenomeno dell’astensionismo elettorale in Italia*, Rubbettino, Soveria Mannelli, 2024.



(from 139 to 136 seats), by comparison with the significant reduction in the numbers of Renew (especially following the defeat of Macron in France) and the Greens (whose seats almost halved in Germany).

Of course, these numbers regarding the allocation of seats are just those deriving from the affiliations declared before the elections. It remains to be seen, however, where several parties, which did not declare their affiliation in advance, will be placed among the new EP's political groups and, most of all, what will happen at the right-wing end of the spectrum, especially in the mutual relationships between conservatives (ECR) and nationalists (ID)⁵. It is not clear, namely, where the so-called “*cordon sanitaire*” – a kind of constitutional convention in the EU political system, even harsher than the Italian “*conventio ad excludendum*”⁶ – will be drawn and which political parties, as a result of this mechanism, will be excluded from the proportional distribution of EP committees' chairs and vice-presidents.

Overall, thus, the traditional three-party alliance that supported the von der Leyen Commission in the last legislative term was substantially confirmed as the only feasible one, although by a narrower margin. As we will see in a moment, this makes the re-appointment of von der Leyen possible, on the condition that most of its MEPs will vote consistently on a secret ballot in order to reach the required majority (361 votes)⁷. A result that was not easy to achieve in 2019, when the margin was wider. It is, consequently, risky, especially as the appointment of von der Leyen as *Spitzenkandidat* by the EPP Congress, held in March 2024, was far from unanimous (notwithstanding her being the only candidate)⁸.

More generally, from a constitutional law viewpoint, this kind of discussion as to how to achieve a parliamentary majority electing the President and then supporting (this time, by open ballot) the new Commission, which is very widespread in the days following the EP elections, seems to represent further confirmation of the parliamentary – or at least quasi-parliamentary – nature of the EU form of government: a parliamentary form of government functioning according to a consensual and non-majoritarian dynamic, in which alliances and majorities are formed soon after the election and need to be confirmed and possibly enlarged, almost at a daily basis, for the parliamentary approval of legislation.

⁵ For more details, see J. Jansen, T. Nguyen, *Between Continuity and a Perforated 'Cordon Sanitaire'*, in *Verfassungsblog.de*, 13 June 2024.

⁶ See N. Lupo, A. Manzella, *Il parlamento europeo*, LUP, Rome, 2024, espec. pp. 31 ff. See also A. Ripoll Servent, *The European Parliament after the 2019 elections: Testing the Boundaries of the 'cordon sanitaire'*, in *Journal of Contemporary European Research*, 4, 2019, pp. 331 ff., and J. Kantola, C. Miller, *Party Politics and Radical Right Populism in the European Parliament: Analysing Political Groups as Democratic Actors*, in *Journal of Common Market Studies*, 4, 2021, pp. 782 ff.

⁷ See J. Jansen, T. Nguyen, *Between Continuity and a Perforated 'Cordon Sanitaire'*, cit.

⁸ See M. Ceron, T. Christiansen, D.G. Dimitrakopoulos, S. Russack, *Is The Eu's Spitzenkandidaten Procedure Fit For The Future?*, CEPS, Brussels, 2024, who wish for Europarties “to involve their own members more directly in the nomination process, for example by having more open, public and competitive ‘primaries’”. On this dimension see also C. Fasone, *Il ruolo dei partiti politici europei: quale collegamento con la normativa per le elezioni del Parlamento europeo?*, in *Studi parlamentari e di politica costituzionale*, 2021, n. 210, pp. 59-83, and G. Grasso, *Partis politiques européens et politisation de la Commission européenne: quelques perspectives en vue des élections de 2024*, in *Revue de l'Union européenne*, 2024, 5, pp. 308-314.



However, as we will soon see, the appointment of the new Commission does not depend solely on the ability to get a majority of the MEP elected. Rather, it also depends upon the dynamics at play within the European Council, which are strongly influenced by the national political dynamics, which have, in turn, been strongly impacted by the EP elections. Of course, also considering the other leadership positions (the so-called “EU top jobs”) to be assigned at the same time (President of the European Council, High Representative for Foreign Affairs and Security Policy, and President of the European Parliament), as usual according to an appropriate balance between nationalities and political affiliations. In other words, the vote of the majority in the European Parliament is required, although not sufficient, to form a new Commission, as the appointee needs first to be proposed by the European Council. This latter feature seems consistent with the nature of the EU as a “Euro-national parliamentary system”, thus also encompassing the forms of government, and the internal political equilibrium, of each of the 27 Member States⁹.

3. The dissolution of the French Parliament: clearly no longer “second order elections”

The effects on Member States of the outcome of the EP elections have always been rather significant. Just to quote one Italian example, the passage in August 2019 from the 5-Star-League Conte 1 Government, to the Conte 2 Government, supported by 5-Star and the Democratic Party, was substantially determined by the EP election as well as by the formation of the von der Leyen Commission¹⁰.

In this case, however, these effects were quicker and more evident than ever before. While some Italian voters were still at the polls (which closed on Sunday 9th June at h. 23), Emmanuel Macron announced and signed his decree, dated the same 9th June and published in the *Official Journal* the following day, to dissolve the *Assemblée Nationale*. Macron called for new and unexpected parliamentary elections to be held, at very short notice, on the 30th June and the 7th July (before the national celebrations of the 14th July, and the start of the Paris Olympic Games).

Immediate effects were also experienced in Belgium, with the quick resignation of the Premier Alexander De Croo. In this case, however, the national and regional elections took place concurrently, according to an interesting choice that, since 1993, has made the overlap between elections at different levels of

⁹ On the Euro-national parliamentary system see N. Lupo, G. Piccirilli, *Introduction: The Italian Parliament and the New Role of National Parliament in the European Union*, in Idd. (eds.), *The Italian Parliament in the European Union*, Hart, Oxford 2017, pp. 1-16; A. Manzella, *The European Parliament and the National Parliaments as a System*, in S. Mangiameli (ed.), *The Consequences of the Crisis on European Integration and on the Member States*, Springer, Cham, 2017, pp. 47 ff.

¹⁰ See N. Lupo, *The 2019 European Parliament elections: politically crucial, but without clear institutional effects*, in *Perspectives on Federalism*, 2019, 1, pp. 103-110



government systematic within the Belgian legal order¹¹. Similarly, in Bulgaria, the national (early) parliamentary elections took place at the same time as the EP election¹².

Other effects at the Member States' level will probably follow in the coming weeks, also taking into consideration the alliances that will develop within the EP in order to form the political groups and, even more so, the new equilibrium determined by the election of the President of the new Commission and by its composition.

What has been clear, however, after this outcome, is that continuing to label the EP elections as “second order elections” is no longer consistent with the current reality¹³.

As is well-known, this interpretation has been advanced by political scientists since 1980, that is, soon after the first direct election of the EP, purporting to reflect that the results were determined more by national political cleavages than by EU issues¹⁴. The label in question evidently had the merit of overcoming an excess of expectations that had surrounded the first direct elections to the EP, to which thaumaturgical qualities had often been attributed: as if they alone were enough to establish, overnight, a supranational democratic political system capable of taking over from the national ones.

It is also for this reason that this label has met with considerable success, and has already been the subject of further important refinements and reconsiderations in the following decades¹⁵, especially in the light of the greater importance assumed by the Euro-sceptic formations. The prevalence of such political movements has meant that the intensity and direction of the European integration process have become increasingly important elements in the electoral campaigns for the European Parliament.

In a Euro-national parliamentary system, it is indeed absolutely natural that, in the course of voting in the European elections, voters also, and primarily, express a judgment on the actions of their national governments, which, as is well known, represent the protagonists of the European dynamic, and of national political actors in general. In the same way, national elections in each of the 27 EU Member

¹¹ On Belgian elections see L. Di Domenico, *The Belgian triple vote: constant research for a compromise*, in *Federalismi.it*, 5 June 2024, espec. p. 6 ff.

¹² See V. Carlino, *Bulgaria: European elections of 2024*, *ivi*, p. 2 ff.

¹³ For a criticism, advanced before the 2024 EP election, see N. Lupo, *Le elezioni per il Parlamento europeo e i loro fisiologici effetti sui sistemi politici nazionali*, in press in *Scritti in memoria di Beniamino Caravita*, Editoriale Scientifica, Napoli, 2024.

¹⁴ See K. Reif, H. Schmitt, *Nine Second-Order National Elections. A Conceptual Framework for the Analysis of European Election Results*, in *European Journal of Political Research*, 8, 1980, p. 3 ff. and C.E. De Vries, S.B. Hobolt, S.O. Proksch, J.B. Slapin, *Foundation of European Politics. A Comparative Approach*, OUP, Oxford, 2021, espec. p. 84 ff.

¹⁵ See, among others, M. Marsh, *Testing the Second-Order Election Model after Four European Elections*, in *British Journal of Political Science*, 1998, 28(4), pp. 591-607; S.B. Hobolt, J. Wittrock, *The second-order election model revisited. An experimental test of vote choices in European Parliament elections*, in *Electoral Studies*, 2011, 30 (1), p. 29 ff.; C. Plescia, J. Wilhem, S. Kritzinger, *First-order breakthrough or still second-order? An assessment of the 2019 EP elections*, in S. Kritzinger, C. Plescia, K. Raube, J. Wilhelm, J. Wouters (eds.), *Assessing the 2019 European Parliament Elections*, London, Palgrave, 2020, pp. 76 ff.; J. Wilhelm, S. Kritzinger, C. Plescia, K. Raube, J. Wouters, *Conclusions. From second-order towards first-order elections*, *ivi*, pp. 235 ff.; K. Gattermann, C.H de Vreese, W. van der Brug, *Introduction to the special issue: No longer second-order? Explaining the European Parliament elections of 2019*, in *Politics*, 2021, 41(4), p. 423 ff.



States also tend to become, in many ways, "European elections". Not only do they allow voters to assess how political parties have performed at the European level, which has now become a crucial dimension of the politics of each Member State, but these elections, even if they are national, have very significant and often decisive effects on determining the political direction of the European Union.

It is hardly surprising that the European Union's political direction is not only the result of the dynamics between its institutions, or between the European parties, in the aftermath of the EP elections, but also reflects the political-institutional game that takes place within each of the Member States¹⁶: of course, in light of the national elections, which occur according to very different schedules.

The decision quickly made by Macron, even before the results were made official, should now confirm this unavoidable connection, once and for all.

The occurrence of such a snap and completely unforeseen national election in one of the leading Member States is adding more unknowns – something that financial markets never like – and might even potentially alter the ordinary schedule of the institutional steps following the EP elections. An argument may even be made, at the political if not at the institutional level (as Macron's presence in the European Council is not in question), that the process of appointing the new President of the European Council should be delayed, awaiting the outcome of the French elections too. It would not be a wise move, anyway, as the EU soon needs new leadership, in order to face several crucial challenges, without postponing them and risking future deadlocks depending on the prevalent mood of the French voters.

4. The institutional game (around the *Spitzenkandidaten* constitutional convention) and its interaction with national politics

In light of these EP election outcomes, both at the EU and national levels, the coming weeks will be decisive in verifying the success or the failure of what can be defined as an attempt to establish a proper constitutional convention, regarding the EU form of government, normally referred to as *Spitzenkandidaten*¹⁷.

¹⁶ See, among others, relying on the concept of "demoicracy" (taken from K. Nicolaïdis, *European democracy and its crisis*, in *Journal of Common Market Studies*, 2013, 2, pp. 351-369), B. Crum, *Why the European Parliament lost the Spitzenkandidaten process*, in *Journal of European Public Policy*, 2023, 2, pp. 193-213.

¹⁷ Regarding its characterization as a constitutional convention, see Y.M. Citino, N. Lupo, *The Spitzenkandidaten process: establishing an ambiguous constitutional convention*, in M. Ceron, T. Christiansen, D.G. Dimitrakopoulos (eds.), *The Politicization of the European Commission's Presidency. Spitzenkandidaten and Beyond*, Palgrave, London, 2024, pp. 83-107, and Idd., *Règles pratiques, conventionnelles et coutumières dans la procédure d'investiture de la Commission européenne*, in *Revue de l'Union européenne*, no. 678, May 2024, pp. 283-291.



Contrary to what many had predicted¹⁸, the failure of this constitutional convention after the 2019 EP elections did not result in its disappearance from the EU political and institutional systems. Despite this setback, the attempt to establish the constitutional convention in question still appears to be ongoing, albeit increasingly controversial in more respects, having resurfaced in the months leading up to the June 2024 EP election.

Partly because of the work of the Conference on the Future of Europe, in which, as an alternative to the direct election of the President of the Commission, it was envisaged that this mechanism should be combined with transnational lists, of which the *Spitzenkandidaten* should be the effective leaders¹⁹. And perhaps also in order to strengthen the democratic credentials of the Union with respect to the accusations made by illiberal regimes²⁰.

The choices made by the two main European parties – this time without alternative candidates – have been in substantial continuity with the outgoing Commission. In particular, as already mentioned, the European People's Party appointed as its *Spitzenkandidat* Ursula von der Leyen, who is evidently seeking some popular legitimacy that she has not been able to enjoy thus far. The European Socialists, (correctly) convinced that they could come second, not first, in the polls, preferred to bet on a figure who is not of the highest rank, such as Luxembourg's Nicolas Schmit, Commissioner for Labour and Social Rights. Paradoxically, neither von der Leyen nor Schmit have been candidates for the European Parliament, thereby avoiding a direct count – and comparison – of personal votes and also bypassing most of the complex rules of conduct designed to avoid excessive involvement of the Commission and its Members in the election campaign.

The Party of the European Left nominated the Austrian Walter Baier. The Greens, as on previous occasions, put forward two names, Germany's Terry Reintke and the Netherlands' Bas Eickhout. The liberal forces indicated three candidates (corresponding to the different acronyms into which they are divided): the German Marie-Agnes Strack-Zimmermann, for the Alliance of Liberals and Democrats for Europe (ALDE); Sandro Gozi of Italy, for the European Democratic Party (EDP); and the French Valérie Hayer, for Renew Europe. This choice must also be viewed in light of the traditional opposition to the constitutional convention in question expressed on several occasions by Emmanuel Macron, who unsurprisingly interprets the enhanced role of the European Council in selecting the President of the

¹⁸ For instance, although cautiously, see P. de Wilde, *The fall of the Spitzenkandidaten. Political parties and conflict in the 2019 European elections*, in S. Kritzinger, C. Plescia, K. Raube, J. Wilhelm, J. Wouters (eds.), *Assessing the 2019 European Parliament Elections*, cit., pp. 37-53, espec. 50.

¹⁹ On the Conference on the Future of Europe's results regarding the EU institutions see O. Costa, C. Fasone, *The Law and the Process of Electoral Reform*, in M. Ceron, T. Christiansen, D.G. Dimitrakopoulos (eds.), *The Politicization of the European Commission's Presidency. Spitzenkandidaten and Beyond*, cit., pp. 109-130, espec. 121 ff.

²⁰ A. Jakab, *Wie die EU durch das Spitzenkandidaten system ihre illiberalen Regime in Ungarn und Polen bekämpfen könnte*, in *Verfassungsblog.de*, 12 April 2023.

Commission as the equivalent, in the form of government of the Union, of the presidential-driven semi-presidentialism that dominates the French system.

The Eurosceptic parties, instead, after some hesitation, decided not to appoint any *Spitzenkandidat* in order to present a sovereigntist and oppositional front during the election campaign, and also due to their internal division²¹.

The success in the 2024 election of the European's People Party, which, as just discussed, clearly confirmed its position as the first EP political group, and even enlarged its quota of MEP, alongside Macron's defeat in France, seem to strengthen von der Leyen's chances of being appointed as President of the Commission. This is somewhat similar to what happened after the 2014 EP elections, when the appointment of the then *Spitzenkandidat* of the same party, Jean Claude Juncker, was significantly eased by a good electoral outcome for the EPP and also by the very disappointing result of one of the leaders who opposed the (then new) constitutional convention, David Cameron. The success of Farage's UKIP in the 2014 EP election and the defeat of the conservative party significantly weakened the position, in Europe, of the UK Prime Minister. His negative vote, together with that of Viktor Orbán, was consequently insufficient to block Juncker's appointment²².

5. The need to better synchronize the political electoral cycles

Even independently from what will happen in the next few weeks, both in the EU institutions and in the French political system, at least one lesson may already be drawn. In particular, the last EP election has shown how difficult it is to rule the EU democracy, with its multiple cycles and timeframes, generating excessive “democratic arrhythmias”²³.

In other terms, a multi-level political system in which the political electoral cycles are not ordinarily coordinated or synchronized among them risks being extremely difficult to rule, as the traditional mechanisms of representative democracy, such as political accountability and responsibility, are deeply altered at the national as well as the EU levels.

Far from suffering an alleged “democratic deficit”²⁴, EU representative democracy – interpreted, consistently with the terms of Article 10 TEU, as encompassing both its EU as well as its national

²¹ See Y. Citino, *The Spitzenkandidaten Practice in the Spotlight*, in *Verfassungsblog.de*, 3th April 2024.

²² See T. Christiansen, *After the Spitzenkandidaten: fundamental change in the EU's political system?*, in *West European Politics*, 2016, 5, pp. 992-1010 and, also in view of the promise of the Brexit referendum, M. Russell, L. James, *The Parliamentary Battle over Brexit*, OUP, Oxford, 2023, espec. p. 33 ff.

²³ See N. Lupo, *Elezioni e aritmie nella democrazia rappresentativa dell'Unione europea*, in E. Bertolini, et aa. (eds.), *Itinerari della comparazione. Scritti in onore di Giuseppe Franco Ferrari*, EGEA, Milano, 2023, pp. 833-850. On the importance of time in politics see K. Goetz (ed.), *Time, Politics, and Political Science*, in Id. (ed.), *The Oxford Handbook of Time and Politics*, OUP, Oxford, 2024, pp. 1-18.

²⁴ Very recently see D. Blanc, *Le Parlement européen, assemblée des citoyens de l'Union européenne. Aspects institutionnels, juridiques et politiques*, Bruylant, Bruxelles, 2024, espec. p. 10 ff.



dynamics – seems to need better synchronization of its many political-electoral cycles. In a better synchronized democracy, it should also become relatively easier to channel and convey the dissensus that inevitably arises in democratic elections, both at the national and EU levels. A dissensus which should of course be internalized and taken into consideration, although without blocking the functioning or resulting in a deadlock or an asymmetrical shock for the institutional system and for its (complex) decision-making process.