

THE EUROPEAN PARLIAMENT BEFORE THE 2014-2019 PARLIAMENTARY TERM IN THE LIGHT OF INNOVATIONS AND CHANGES INTRODUCED BY THE LISBON TREATY

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Abstract

Viewed through the prism of its historical evolution, the European Parliament has seen an original evolutionary process during which underwent a series of successive modifications of its competences and composition, at the same time with increasing of democratic legitimacy. Legitimated by direct universal suffrage, the European Parliament has gradually strengthened its position within the Community institutional system through a series of treaties, evolving from a purely advisory body, in an institution that plays an active role in drafting legislation, having, also budgetary powers and exercising democratic control over all institutions. Given the international context marked by the consequences of the monetary, financial, economic and social crisis, many Europeans have become more interested in European affairs and want the European Parliament to play a more important role in the future life of the European Union. For this reason, the European elections of 22-25 May 2014 are very important, a vote in the European elections is every citizen's chance to influence the shape of the Parliament and the future political course of the European Union. Therefore, this study seeks to highlight the importance of the 2014 European elections, especially these elections will be different due to the major new developments introduced by the Lisbon Treaty which granted the European Parliament a number of important new powers.

Keywords: *European elections, European Parliament powers, Innovations introduced by the Lisbon Treaty, rights of European citizens, voters.*

1. Introduction

Over time the transfer of responsibilities from national level to European level has largely been to the Council, and the European Parliament has not acquired all the powers that would have enabled it to play a full parliamentary role in European affairs. For this reason, although the European Parliament is the only supranational institution whose members are democratically elected by direct universal suffrage, the rate of participation of European citizens in European Parliament elections has declined steadily in the period 1979-2009, the downward trend reflecting turnout slight erosion of 'trust capital' of the European Parliament and of the other European Union institutions. It is noted as a deficit of trust and participation by citizens which translates to a 'democratic deficit' of the European Union, the situation requiring a new source of legitimacy to renew connection between the European Union and the citizens of the Member State.

Taking into account that 2014 is an electoral year and the European elections give voters the chance to influence the future political course of the European Union, through this study we will try to highlight the importance of the 2014 European elections, especially these elections will be different due to the major new developments introduced by the Lisbon

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Treaty which granted the European Parliament a number of important new powers. This approach is necessary because in the specialized literature are only few studies on this issue, therefore it is necessary to continue efforts to inform and highlight voting rights of EU citizens and encourage people to vote.

Thus, starting from the idea that well-informed citizens understand that they have a stake in the European project and they therefore want to engage in the democratic life at all levels, our goal is to raising awareness and knowledge of the rights and responsibilities attached to Union citizenship, including their electoral rights. This is because European elections matter, they will not only provide an opportunity for EU citizens to express their opinions over the publicly important issues, but will also give them the chance to influence the shape of the European Parliament and the future political course of the European Union.

2. General considerations on the evolution of the European Parliament

The origins of the European Parliament can be found in the Common Assembly, a purely consultative assembly set up in 1951 by the Treaty establishing the European Coal and Steel Community (ECSC). The Common Assembly of the European Coal and Steel Community (ECSC) was made up of 78 deputies, who were representatives of the national Parliaments¹.

After the establishment of the European Economic Community (EEC) and the European Atomic Energy Community (EAEC) in 1957, it was agreed that a single assembly would have the powers and responsibilities that the EEC and the EAEC Treaties assigned to it. The single Assembly would also replace the Common Assembly of the ECSC and enjoy the same powers and responsibilities².

The newly-established institution was initially known as the European Parliamentary Assembly³ and was organized as a deliberative assembly with advisory function. Its powers extended to new areas, and its membership increased to 142. The Assembly was made up of 'delegates whom the Parliaments shall be called upon to appoint from among their members in accordance with the procedure laid down by each Member State'.⁴

After the accession of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the European Communities (1973), the European Parliament amounted to 198 members, this number increases substantially as a result of repeated enlargements of the European Union.

The accession of Greece in 1981, and of Spain and Portugal in 1986, increased the number of seats, bringing the total number of representatives to 434 and then to 518. The accession of Austria, Finland and Sweden in 1995 increased the total number of MEPs to 626. Thus, in 1999-2004 parliamentary term the European Parliament's mandate included the 626 MPs, and since 2004 (following the accession of ten new EU Member States) for the first three years of parliamentary term 2004-2009 the number increased to 732 MEPs. With the accession of Bulgaria and Romania to the European Union (January 1, 2007), in mid-legislature, the number was temporarily increased to 785, to include MEPs from these two countries (18 for Bulgaria and 35 for Romania).

¹ Article 21 of the ECSC Treaty explains that it was to be 'composed of delegates whom the parliaments of each of the member States shall be called upon to designate once a year from among their own membership, or who shall be elected by direct universal suffrage, according to the procedure determined by each respective High Contracting Party'.

² Articles 1 and 2 of the Convention of 25 March 1957 on Certain Institutions Common to the European Communities

³ A few years later, on 30 March 1962, it became known as the *European Parliament*. This name was officially laid down in the Single European Act in 1986.

⁴ Article 138 of the Treaty establishing the European Economic Community and Article 108 of the Treaty establishing the European Atomic Energy Community.

Given the dissatisfaction of some Member States concerning the distribution of the number of seats in European Parliament, at their June 2007 summit, EU heads of state and government asked the European Parliament to table a proposal for the redistribution of its seats. This redistribution is needed because the summit decided to raise the number of seats, as laid down in the amended Nice Treaty, from 736 to 750.

Following the request of the European Council, the European Parliament adopted a resolution⁵ in October 2007 which included a draft decision of the European Council establishing the composition of the European Parliament.

The draft decision provided numbers of representatives in the European Parliament in view of Article 14(2) of the Treaty on European Union (TEU) as amended by the Treaty of Lisbon. The European Council gave its political agreement to the draft decision at the time of the Intergovernmental Conference 2007, including one additional amendment to the numbers put forward (namely, one additional seat for a member from Italy)⁶.

Considering the fact that the ratification process of the Lisbon Treaty could not be completed (which has happened) to the 2009 European elections, at its meeting on 11 and 12 December 2008, the European Council declared that in the event of the Treaty of Lisbon only entering into force after the European elections in June 2009, transitional measures would be adopted as soon as possible in order to increase the number of Members of the European Parliament (MEPs) until the end of the 2009-2014 legislative period, in conformity with the numbers agreed at the time of the Intergovernmental Conference 2007 which adopted the Treaty of Lisbon, the number of MEPs of the twelve Member States for which the number of MEPs was set to increase⁷.

As a result, these countries were forced to make all the national legal provisions necessary to allow the pre-election in June of the 18 supplementary MEPs, so that they can sit in Parliament as observers from the date when the Lisbon Treaty eventually enters into force.

Since the Lisbon Treaty had not entered into force before the 2009 European elections, the latter were held in accordance with the provisions of the Nice Treaty, and the number of MEPs was reduced to 736.

Given that the Lisbon Treaty finally entered into force on 1 December 2009, the 18 additional MEPs from the 12 Member States bring the total number of MEPs to 754, although the Lisbon Treaty had established that their number “shall not exceed seven hundred and fifty in number, plus the President”. Moreover, the Treaty held that the “representation of citizens shall be degressively proportional, with a minimum threshold of six members per Member State and no Member State shall be allocated more than ninety-six seats”⁸.

With the accession of Croatia on 1 July 2013, the maximum number of seats has been temporarily raised to 766, in accordance with Article 19 of the Act concerning the conditions of accession of the Republic of Croatia⁹. Thus, until the end of the 2009-2014 term of the European Parliament MEPs mandates are distributed as follows: Germany - 99; France, Italy and the United Kingdom of Great Britain and Northern Ireland - 72 seats each; Spain, Poland - 50 seats each; Romania - 33; Netherlands - 25; Belgium, Greece, Hungary, Portugal and Czech Republic - 22 seats each; Sweden - 18; Austria, Bulgaria - 17 seats each; Denmark,

⁵ European Parliament resolution of 11 October 2007 on the composition of the European Parliament (2007/2169(INI))

⁶ Declarations No. 4 and No. 5 annexed to the Final Act of the Intergovernmental Conference which adopted the Treaty of Lisbon - Official Journal of the European Union C 115, 09/05/2008.

⁷ The declaration explicitly states that the total number of MEPs will therefore rise from 736 to 754 until the end of the 2009-2014 legislative period. It also states that the modification should enter into force, if possible, in 2010 – Presidency Conclusions of the Brussels European Council (11 and 12 December 2008) - <http://www.european-council.europa.eu/council-meetings/conclusions>, accessed on December 23, 2013.

⁸ Article 14(2) of the Treaty on European Union (TEU)

⁹ Official Journal of the European Union L 112/26, 24.4.2012

Finland and Slovakia - 13 seats each; Ireland Lithuania and Croatia - 12 seats each; Latvia - 8; Slovenia - 7; Cyprus, Luxembourg and Estonia – 6 seats each; Malta - 5 seats¹⁰.

3. The importance of the European Parliament in the EU's institutional system after reform made by the Lisbon Treaty

Over the years, the European Parliament has gradually strengthened its position within the Community institutional system through a series of treaties, evolving from a purely advisory body, in an institution that plays an active role in drafting legislation, having, also budgetary powers and exercising democratic control over all institutions. Following the reform made by the Lisbon Treaty, the European Parliament shall, jointly with the Council, exercise legislative and budgetary functions, it shall exercise functions of political control and consultation as laid down in the Treaties¹¹.

With regard to legislative competence of the European Parliament, it is shared with the Council of the European Union for the adoption of general legal instruments of a binding nature (regulations and directives). The decision-making procedures comprise the consultation procedure, the cooperation procedure, the co-decision procedure (ordinary legislative procedure)¹² and the assent procedure.

The vast majority of European laws are adopted jointly by the European Parliament and the Council, the ordinary legislative procedure gives the same weight to the European Parliament and the Council of the European Union on a wide range of areas, for example: economic governance, immigration, energy, transport, and the environment and consumer protection.

In certain legislative areas, the European Parliament is requested to give its consent, as a special legislative procedure under Article 289(2) of the Treaty on the Functioning of the European Union (TFEU). The consent procedure gives Parliament the right of veto. Parliament's role is thus to approve or reject the legislative proposal without further amendments and the Council cannot overrule Parliament's opinion. Consent is also required as a non-legislative procedure when the Council is adopting certain international agreements.¹³

On the basis of its legislative powers, the European Parliament also provides the impetus for new legislation by examining the Commission's annual work programme, considering what new laws would be appropriate, and asking the Commission to put forward proposals¹⁴.

Following the entry into force of the Lisbon Treaty, the European Parliament has a fundamental role in adopting the EU budget and exercises democratic oversight to make sure that the Commission and the other institutions deal properly with European funds.

In addition, the Parliament, on a recommendation from the Council of the European Union, decides whether to grant the discharge, i.e. final approval of how the budget for a specific year has been implemented.

European Parliament's budgetary power is established in Article 314 of the Treaty on the Functioning of the European Union (TFEU), which states that the European Parliament

¹⁰ www.europarl.europa.eu – accessed on December 23, 2013.

¹¹ Article 14(1) of the Treaty on European Union (TEU)

¹² With the Treaty of Lisbon 'co-decision' it is officially called the 'ordinary legislative procedure'. According to Article 289 of the Treaty on the Functioning of the European Union (TFEU), the ordinary legislative procedure shall consist in the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission.

¹³ www.europarl.europa.eu – accessed on December 27, 2013.

¹⁴ Dan Vătămănuș, *Institutional law of the European Union*, 2nd Edition, Bucharest, 'Universul Juridic' Publishing House, 2011, p. 88.

and the Council, acting in accordance with a special legislative procedure, shall establish the Union's annual budget.

In the exercise of this function, according to Article 322 of the Treaty on the Functioning of the European Union (TFEU), the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Court of Auditors, shall adopt by means of regulations the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts, and rules providing for checks on the responsibility of financial actors, in particular authorising officers and accounting officers.¹⁵

Regarding European Parliament's control over implementation of the budget, according to Rules of Procedure of the European Parliament, this task is entrusted to the committees responsible for the budget and budgetary control and to the other committees concerned. Each year it shall consider, before the first reading of the draft budget for the following financial year, the problems involved in the implementation of the current budget, where appropriate on the basis of a motion for a resolution tabled by its committee responsible¹⁶.

In the case of granting a discharge to the European Commission for the implementation of the EU budget, according to Article 318 of the Treaty on the Functioning of the European Union (TFEU), the Commission shall submit annually to the European Parliament and to the Council the accounts of the preceding financial year relating to the implementation of the budget. The Commission shall also submit to the European Parliament and to the Council an evaluation report on the Union's finances based on the results achieved. The European Parliament, acting on a recommendation from the Council, shall give a discharge to the Commission in respect of the implementation of the budget¹⁷.

The European Parliament has a range of supervisory and control powers, these powers allow it to exercise a democratic supervision over the other European Union institutions and to ensure the correct implementation of European Union law.¹⁸

In this regard, the European Parliament has an important role in election of the President of the European Commission, the candidate shall be elected by the European Parliament by a majority of its component members. Moreover, the President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission shall be subject as a body to a vote of consent by the European Parliament. The Commission, as a body, shall be responsible to the European Parliament, which in accordance with Article 234 of the Treaty on the Functioning of the European Union, may vote on a motion of censure of the Commission. If such a motion is carried, the members of the Commission shall resign as a body and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from the duties that he carries out in the Commission.¹⁹

In the course of its duties, the European Parliament may set up a temporary Committee of Inquiry to investigate alleged contraventions or maladministration in the implementation of Union law by the Member States. Also, the European Parliament can ask the Court of Justice to take action against the other institutions of Union if they have acted in a way that is contrary to the spirit of European Union law²⁰.

¹⁵ Dan Vătăman, *Law of the European Union*, Bucharest, 'Universul Juridic' Publishing House, 2010, p. 75.

¹⁶ Article 78 of the Rules of Procedure of the European Parliament

¹⁷ Article 319 of the Treaty on the Functioning of the European Union (TFEU)

¹⁸ www.europarl.europa.eu – accessed on December 28, 2013.

¹⁹ Article 17(8) of the Treaty on European Union (TEU)

²⁰ According to Article 263 of the Treaty on the Functioning of the European Union (TFEU), the Court of Justice of the European Union shall have jurisdiction in actions brought by a Member State, the European Parliament, the Council or the

4. European elections – a growth factor of legitimacy and the authority of the European Parliament

Before direct election MEPs were appointed by each of the Member States' national parliaments, all Members thus had a dual mandate. At the Paris summit of December 1974, the Heads of Government of the nine Member States of the European Communities agreed that the election of the European Assembly by universal suffrage, one of the objectives laid down in the Treaty, should be achieved 'as soon as possible' and, therefore, invited the European Assembly to submit proposals in this regard.²¹

In January 1975, the European Parliament adopts the Patijn Report²² and approved a Resolution on the adoption of a draft convention introducing elections to the European Parliament by direct universal suffrage.

On the basis of this draft, the European Council met in Rome in December 1975 agreed that elections to the European Parliament shall take place on a single date in May or June 1978 and also instructed the Council of Ministers to continue examination of the problems encountered and to submit a report which will enable the text of the Convention on elections to the European Parliament to be finalized as soon as possible²³.

After a series of negotiations and settling a number of differences about number and distribution of seats in the future European Parliament, the European Council met on 12-13 July 1976 asked the Council to take an overall decision on the election of the members of the European Parliament by direct universal suffrage before the end of July 1976.

The Decision and Act on European elections by direct universal suffrage were signed in Brussels on 20 September 1976²⁴. After ratification by all the Member States, the text came into force on 1 July 1978 and in the summer of 1979 the citizens of the then nine Member States of the European Community elected for the first time in direct elections their representatives in the European Parliament.

Although the possibility of standardisation of electoral procedures for electing the European Parliament is set in Article 138 ECC Treaty, European elections are still largely governed by national legislation. For this reason, during the time the European Parliament tried to create a uniform electoral system and promoted resolutions, public reports, inquiries and proposals in this regard.

Thus, on 10 March 1982, the European Parliament adopted the Seitlinger Report²⁵ and approved a Resolution on a draft uniform electoral procedure for the election of members of the European Parliament.²⁶ These proposals of the European Parliament met with obstruction of the Council of Ministers which failed to reach agreement in time for the 1984 European election.

Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers.

²¹ Final communiqué of the Meeting of the Heads of Government of the Community, Paris 9-10 December 1974 - Bulletin of the European Communities, No. 12/1974

²² On 24 May 1973, the Bureau of the European Parliament instructs the Political Affairs Committee to draw up a report on the election of the Members of the Assembly by direct universal suffrage. On 13 January 1975, the Dutch rapporteur, Schelto Patijn, submits the report (Doc 368/74) which will be adopted by the Assembly the following day.

²³ Conclusions of the meeting of the European Council held in Rome on 1 and 2 December 1975 - <http://www.european-council.europa.eu>, accessed on December 28, 2013.

²⁴ Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to the Council decision of 20 September 1976 - Council Decision 76/787/ECSC, EEC, Euratom (OJ L 278, 8.10.1976, p. 1)

²⁵ The drafting of the Seitlinger Report focussed on the issue of extending proportional representation. It proposed multi-member constituencies of between three and fifteen MEPs, with seats allocated by the D'Hondt system, and allowed for the possibility of preferential voting for individual candidates within lists. It noted that there could be deviation from the norm on the grounds of 'special geographical or ethnic factors'. Seitlinger also sought to insist that nationals of one Member State resident in another for more than five years should be given the right to vote in their country of residence - www.europarl.europa.eu, accessed on December 29, 2013.

²⁶ OJ C 87, 5.4.1982, p. 64

The European Parliament has resumed the problem in 1985 when the German MEP Reinhold Bocklet in his report of 22 March 1985 has made new recommendations about a uniform electoral procedure in all member states for the election of the members of the European Parliament by universal suffrage. The Bocklet Report have met opposition from British, so that the proposals did not induce a consensus within Council of Ministers.

Despite strenuous efforts to develop a uniform electoral procedure, European leaders were unable to find a procedure that all the member states could agree on.

Following the adoption and entry into force of the Treaty on European Union (Maastricht Treaty) was established a citizenship of the Union which applies to every person holding the nationality of a Member State. 'Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements to be adopted before 31 December 1993 by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State'²⁷. The treaty provided also that 'the European Parliament shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States'. The Council shall, acting unanimously after obtaining the assent of the European Parliament which shall act by a majority of its component members, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.'²⁸

However, since the Council was unable to agree on any of the proposals, the Treaty of Amsterdam introduced the possibility of adopting 'common principles' instead. Council Decision 2002/772/EC, EURATOM modified the 1976 Act accordingly, introducing the principles of proportional representation and incompatibility between national and European mandates²⁹.

With the Treaty of Lisbon, the right to vote and to stand as a candidate acquired the status of a fundamental right³⁰. In addition, according to Treaty on the Functioning of the European Union (TFEU), 'every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State'³¹. Also the treaty provide that 'The European Parliament shall draw up a proposal to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States'³².

The implications of these provisions are clear: following the reform implemented by the Treaty of Lisbon the Parliament is today the only European institution whose members are elected by direct universal suffrage and one of the largest democratic assemblies in the world. For the first time, the concept of European citizenship has become a practical reality in that the citizens of the Union have acquired the opportunity to determining the course of European policy.

²⁷ Article 8b of the EC Treaty

²⁸ Article 138(3) of the EC Treaty.

²⁹ Council Decision (2002/772/EC, Euratom) of 25 June and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision 76/787/ECSC, EEC, Euratom - Official Journal L 283, 21/10/2002, pp. 1-4.

³⁰ Article 39 of the Charter of Fundamental Rights of the European Union.

³¹ Article 22(2) of the TFEU.

³² Article 223(1) of the TFEU.

5. The importance of the 2014 European elections for the future of the European Union

Overview of the European Parliament before the 2014 European elections

According to the statistics we see that the European Parliament remains the institution in which the citizens of Member States of the European Union have the greatest confidence.

Thus, in 2012 the majority of European citizens believe that the European Parliament is the institution that ‘best represents the European Union’ and also ‘plays an important role in the functioning of the European Union’. Although they considered that Parliament’s role has been strengthened during the last ten years and it plays an important role today, an absolute majority of them would like to see Parliament play a larger role in the future. As appears from a Eurobarometer published in December 2013, the European Parliament’s overall image have improved in a large majority of Member States, even in most of the countries worst hit by the crisis, the role currently played by the European Parliament is seen as ‘important’ by three-quarters of respondents, and almost half of Europeans want the European Parliament to play a more important role in the future³³.

As noted, in the European context marked by the consequences of the monetary, financial, economic and social crisis, many Europeans have become more interested in European affairs and want the European Parliament to have a more important role in the future. This development highlights a change in priorities of Europeans, who are aware of the importance of the European elections as a means to participate in the democratic life of the Union, a vote in the European elections is the best way to make their voices heard by actors involved in EU decision-making process.

Preparing for the 2014 European elections

The 2014 European elections will be the first since the Lisbon Treaty entered into force, a document that established a legal basis for the adoption of a uniform procedure for elections of the European Parliament³⁴.

In order to facilitate citizens’ participation in the 2014 European elections, The European Commission is committed to fully exploiting existing Lisbon provisions to further enhance transparency and the European dimension of the European elections, thereby reinforcing the democratic legitimacy of the EU decision-making process and bringing the system closer to Union citizens. In this regard, on 12 March 2013, the European Commission presented a Communication³⁵ in which outlines the Commission’s initiatives to facilitate citizens’ participation in the 2014 European elections and to safeguard the respect of the democratic principles of these elections. This Communication is accompanied by a Recommendation³⁶ intended to enhance the democratic and efficient conduct of the European elections. In opinion of the Commission, its recommendations, evolutionary but not revolutionary, can contribute to sparking a European debate and to forging a European public space, and also will help to put Europe at the heart of national debates across the EU. This will provide a platform for the next steps of European integration.

In the same context, on 4 July 2013, the European Parliament adopted a resolution³⁷ regarding practical arrangements for the holding of the European elections in 2014. In this document the European Parliament recommended that the Member States take all necessary steps to give effective implementation to the measures agreed on to assist citizens who wish

³³ European Parliament Eurobarometers EB/EP 77.4, EB/EP 78.2 and EB/EP 79.5 - www.europarl.europa.eu, accessed on December 30, 2013.

³⁴ Article 223 TFEU.

³⁵ COM(2013) 126 final.

³⁶ C (2013)1303 final.

³⁷ European Parliament resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014 (2013/2102(INI)).

to vote or stand as candidates in states other than their own, and to organize a public campaign to encourage citizens to turn out to vote, with the aim of halting falling participation rates. Also urged the European political parties to nominate their candidates for the Commission presidency sufficiently well in advance of the election for them to be able to mount a significant, European-wide campaign that concentrates on European issues that are based on the party platform and on the programme of their candidate for the Commission presidency. In addition, the Parliament insisted that political parties at all levels adopt democratic and transparent procedures for the selection of candidates for election to the European Parliament and for the Presidency of the Commission.

Regarding fixing the period for the 2014 European elections, following discussion by the Working Party on General Affairs, the Council decided on 15 March 2013 to consult the European Parliament on a draft Council decision fixing the period for the eighth election of representatives to the European Parliament by direct universal suffrage from 22 to 25 May 2014.³⁸

After the European Parliament has given its opinion³⁹ on 21 May 2013, having regard to the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage⁴⁰, the Council adopted a decision⁴¹ which determined that the upcoming European elections shall be from 22 to 25 May 2014.

Why the 2014 European Parliament elections will be different from all elections?

The 2014 European elections will be different than other elections organized before, especially since the Treaty of Lisbon has introduced a number of novelty elements regarding to composition and powers of the European Parliament.

Treaty on European Union (TEU) provides, *inter alia*, that the functioning of the Union shall be founded on representative democracy, citizens being directly represented at Union level in the European Parliament and Member States being represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens⁴².

With regard to the future composition of the European Parliament, the Treaty on European Union (TEU) provides that the number of representatives of the Union's citizens in European Parliament are not to exceed seven hundred and fifty in number, plus the President, that representation of citizens is to be degressively proportional, with a minimum threshold of six members per Member State, and that no Member State is to be allocated more than ninety-six seats⁴³.

Having regard these provisions, in March 2013, the European Parliament, which has the power of initiative on the matter, approved a resolution⁴⁴ that was annexed a proposal for a decision of the European Council establishing the composition of the European Parliament. Under the solution adopted by Parliament, to comply with the 751-seat limit set by the Lisbon Treaty, Germany would lose 3 seats (as already planned), and Belgium, Bulgaria, the Czech

³⁸ Doc. 7279/13.

³⁹ European Parliament legislative resolution of 21 May 2013 on the draft Council decision fixing the period for the eighth election of representatives to the European Parliament by direct universal suffrage (2013/0802(CNS)) - www.europarl.europa.eu, accessed on January 3, 2014.

⁴⁰ Annexed to Council Decision 76/787/ECSC, EEC, Euratom of 20 September 1976 (OJ L 278, 8.10.1976, p. 1), as amended by Council Decision 93/81/Euratom, ECSC, EEC (OJ L 33, 9.2.1993, p. 15), and Council Decision 2002/772/EC, Euratom (OJ L 283, 21.10.2002, p. 1).

⁴¹ Council Decision (2013/299/EU, Euratom) of 14 June 2013 fixing the period for the eighth election of representatives to the European Parliament by direct universal suffrage - OJ L 169, 21.6.2013, p. 69–69.

⁴² Article 10 TEU.

⁴³ Article 14(2) TEU.

⁴⁴ European Parliament resolution of 13 March 2013 on the composition of the European Parliament with a view to the 2014 elections (2012/2309(INI)) - www.europarl.europa.eu, accessed on January 5, 2014.

Republic, Ireland, Greece, Croatia, Latvia, Lithuania, Hungary, Austria, Portugal and Romania would all lose one seat each. Resolution of the European Parliament also stated that in the application of the principle of degressive proportionality provided in the Treaty, the allocation of seats in the European Parliament shall fully utilise the minimum and maximum numbers set by the Treaty on European Union in order to reflect as closely as possible the sizes of the respective populations of Member States. The ratio between the population and the number of seats of each Member State before rounding to whole numbers shall vary in relation to their respective populations in such a way that each Member of the European Parliament from a more populous Member State represents more citizens than each Member from a less populous Member State and, conversely, that the larger the population of a Member State, the greater its entitlement to a large number of seats.

Considering the provisions of Treaty on European Union (TEU), having regard the Protocol (No 36) on transitional provisions (annexed to the Treaty⁴⁵) and taking into account the initiative of 13 March 2013 and the consent of 12 June 2013 of the European Parliament⁴⁶, the European Council adopted a decision⁴⁷ for establishing the composition of the European Parliament in order to enable Member States to enact in good time the necessary domestic measures for organising the elections to the European Parliament for the 2014-2019 parliamentary term.

Thus, by the decision of the European Council the number of representatives in the European Parliament elected in each Member State is hereby set as follows for the 2014-2019 parliamentary term: Belgium – 21, Bulgaria – 17, Czech Republic – 21, Denmark – 13, Germany – 96, Estonia – 6, Ireland – 11, Greece – 21, Spain – 54, France – 74, Croatia – 11, Italy – 73, Cyprus – 6, Latvia – 8, Lithuania – 11, Luxembourg – 6, Hungary – 21, Malta – 6, Netherlands – 26, Austria – 18, Poland – 51, Portugal – 21, Romania – 32, Slovenia – 8, Slovakia – 13, Finland – 13, Sweden – 20, United Kingdom – 73.⁴⁸

One other major new development introduced by the Lisbon Treaty is that, for the first time, the President of the Commission is elected by the European Parliament, in accordance with the procedure laid down in Article 17(7) of the Treaty on European Union (TEU), and taking into account the arrangements foreseen in Declaration No. 11 annexed to the Final Act of the Intergovernmental Conference which adopted the Lisbon Treaty. These procedures require that the elections to the European Parliament must be taken into account and that appropriate consultations between the European Council and the European Parliament must be carried out in electing the President of the Commission. These provisions thus reflect the increased role of the European Parliament in the designation of the President of the Commission and the relevance in this process of the outcome of the elections to the European Parliament.

Given the new system of electing the President of the European Commission and then of the whole Commission as collegial body, the 2014 European elections have a very important stake, the voters having now a clear say in who will lead the European Commission and, through it, the chance to influence the future political course of the European Union.

⁴⁵ Article 2(3) of the Protocol (No 36) on transitional provisions states that: 'In accordance with the second subparagraph of Article 14(2) of the Treaty on European Union, the European Council shall adopt a decision determining the composition of the European Parliament in good time before the 2014 European Parliament elections' – Official Journal of the European Union C 326/323, 26.10.2012.

⁴⁶ European Parliament legislative resolution of 12 June 2013 on the draft European Council decision establishing the composition of the European Parliament (2013/0900(NLE)) - www.europarl.europa.eu, accessed on January 10, 2014.

⁴⁷ European Council Decision (2013/312/EU) of 28 June 2013 establishing the composition of the European Parliament - Official Journal of the European Union L 181/57, 29.6.2013.

⁴⁸ Article 3 of the European Council Decision 2013/312/EU.

6. Conclusions

Since the establishment of European Coal and Steel Community (ECSC) a questions have arisen about an element of democratic legitimacy within the Community and therefore, the founding members have created a parliamentary assembly that have invested it with an advisory role.

With the advent of the other European Communities and the establishment of a single Parliamentary Assembly, the new entity has progressively consolidated its position in the Community institutional system, evolving from a purely advisory body, to an institution that plays an active role in drafting legislation, having also budgetary powers and exercising democratic control over all European institutions.

Despite the fact that in the last three decades the European Parliament's powers have grown consistently thereby increasing the role of this forum in the European Union institutional system, the rate of participation of European citizens in the European elections has declined steadily over the period 1979-2009, the downward trend of the presence at elections showing a slight erosion of 'trust capital' of both the European Parliament and the other European Union institutions.

According to Eurobarometer (EB71.3) related to the 2009 European elections, European citizens who said they did not trust the European Parliament cited reasons related to its legitimacy and the European Union and politics in general, many of those surveyed believing that Parliament is too distant from citizens.

The Lisbon Treaty has strengthened the democratic foundations of the Union and enhances the role of the European citizens as actors in political life of the European Union by establishing a solid link between citizens, the exercise of their political rights and the democratic life of the European Union. According to these rights conferred to European citizens, policy-makers in the European Union have stepped up their efforts to inform citizens about the importance of their involvement and active participation in civic fora on policies and issues related to the European Union.

Starting from the idea that well-informed citizens understand that they play an active role in the European Union and thus will want to engage in the democratic life of the Union at all levels, the year 2013 has been designated as the 'European Year of Citizens'⁴⁹, the general objective shall be to enhance awareness and knowledge of the rights and responsibilities attached to Union citizenship, in order to enable citizens to make full use of their rights, including the right to vote and to stand as a candidate in elections to the European Parliament and in municipal elections in his or her Member State of residence under the same conditions as nationals of that Member State;

Thus, the 'European Year of Citizens' provides a timely opportunity for citizens of the Union to make their voices heard representing an opportunity for a major debate on the future of Europe, thus contributing to the preparations for the European elections in 2014.

Given the data submitted earlier, we can consider that the 2014 European elections as an opportunity to restore confidence in the European Union also offered Europeans a real chance to influence the future political direction of the European Union.

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⁴⁹ Decision No 1093/2012/EU of the European Parliament and of the Council of 21 November 2012 on the European Year of Citizens (2013) - Official Journal of the European Union L 325/1, 23.11.2012.

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