



## LX. COSAC

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Session IV: A transparent European Union closer to its citizens in light of the upcoming elections to the European Parliament

Background Paper

## **Session IV: A transparent European Union closer to its citizens in light of the upcoming elections to the European Parliament**

In recent years, the EU has been confronted with several crises that have shaken citizens' confidence in the European Union and in its ability to guarantee security and peace. For this reason, the EU and the Austrian Presidency must undertake to restore citizens' confidence in the EU and to bring the EU closer to the people through greater transparency.

One approach to achieving this objective is to strengthen the principle of subsidiarity. The European Union must focus its efforts on the major issues that need a common solution and take a back seat on small issues where it is more fitting that the decision-making process take place at the Member State or even the regional level. In the face of major challenges, the EU can provide indispensable value-added for citizens and Member States alike.

### **Task Force on Subsidiarity and Proportionality**

The Lisbon Treaty further strengthened the principle of subsidiarity by involving national parliaments more closely in the legislative process at EU level, in particular through an obligation to inform parliaments and the early-warning mechanism.

On 14 November 2017, the President of the European Commission set up the “Task Force on Subsidiarity, Proportionality and ‘Doing Less More Efficiently’”, consisting of three members of national parliaments and three members of the Committee of the Regions. It was chaired by Frans Timmermans, First Vice-President of the European Commission.

The Task Force was given the remit to develop recommendations for better applying the principles of subsidiarity and proportionality, for improving the involvement of the regional and local levels and for identifying policy areas that could be delegated or permanently reallocated to the Member States.

On 15 July 2018, the Task Force’s final report was presented to the President of the European Commission. It recommends, among other things, a new way of working to give local, regional and national authorities more say in EU policy-making. In addition, the Task Force proposed the new concept of “active subsidiarity” to ensure the value-added of EU legislation and benefits for citizens, as well as to increase ownership of EU decisions by Member States.

The Task Force also recommended that the window for national parliaments to communicate their positions be extended from eight weeks to twelve weeks at the next opportunity for a revision of the EU Treaty. The Task Force also recommended that the EU’s three institutions reorient the EU’s work in some policy areas, which would lead to a more effective implementation of existing legislation without the need to enact new laws. This builds on the Commission’s work programmes introduced under the Juncker Commission and on the annual Joint Declarations agreed by the three institutions on the priority dossiers to be adopted each year.

Against the backdrop of the upcoming European elections, the European Commission presented measures at the end of October 2018 aimed at focusing its resources on a smaller number of activities and implementing policy priorities more efficiently. The Commission has also outlined how the principles of subsidiarity and proportionality can strengthen the EU’s work in the future. The Commission will incorporate an assessment grid, as proposed by the

Task Force, into all its impact evaluations and clarifications. It will also make it easier for national parliaments to meet the deadline for reasoned opinions. Local and regional levels must also be more closely involved in the consultations.

Work on this issue will be continued at a subsidiarity conference under the Austrian EU Presidency to be held in Bregenz in November.

### **European elections 2019**

The European elections will take place from 23 to 26 May 2019 in a very different political and legal environment from those of 2014. All those involved in the elections, in particular the authorities of the Member States and the political parties, must assume a particular responsibility to protect the democratic process from interference and manipulation. In this context, the Commission has proposed several measures to ensure free and fair elections. These include recommending electoral cooperation networks, promoting cyber-security, combating disinformation campaigns, ensuring greater transparency in online political advertisements and tightening the rules for funding European political parties.

### **European electoral reform**

After three years of difficult negotiations spanning several Council Presidencies, the reform of EU electoral law ahead of the 2019 elections was adopted in July.

The aim of the electoral reform is to achieve greater convergence among the Member States' rules for European elections, to improve the visibility of citizens' representation by the EP and therefore promote higher voter turnout.

In its proposal, the European Parliament called for the establishment of transnational lists and the legalisation of the "Spitzenkandidat" model. However, the vast majority of Member States have not agreed to this.

Finally, the most important points of the agreement were the mandatory introduction of a 2% to 5% threshold for Member States with more than 35 seats in the EP and an obligation for EU countries to introduce and enforce effective deterrent sanctions to prevent double voting. The new rules also recognise the right of Member States to allow different forms of voting, including voting via the Internet, provided that certain framework conditions – the secrecy of the ballot and the protection of personal data – are met.

Under their national laws, EU countries are also free to allow their citizens living in non-EU countries to vote in the European elections and to set a deadline for political candidates to be submitted.

The new electoral reform must now be allowed to enter into force as soon as possible so that the European elections next May 2019 can be held in compliance with the new rules. This will require the approval of the electoral reform by all Member States in accordance with their constitutional requirements.

### **Funding for political parties and foundations**

An amendment to the Regulation on the statute and funding of European political parties and European political foundations from 2014 entered into force in May of this year.

The amendment is intended to provide better and more transparent organisational and financial rules for European political parties, thereby promoting the public image of the EP and the parties represented in it.

The new rules stipulate that only national parties, not individuals, can form a European party. The aim is to prevent individual members of a national party from establishing more than one European party in order to increase access to public funds without giving their parties an appropriate European dimension. It will also enable the European Parliament to recover unduly disbursed funds more easily. Individuals responsible for infringements would be obliged to repay unduly spent funds. Parliament also requires national parties to publish the political programme and logo of the European political party in question on their websites as a condition for access to funding. Under the new rules, in future only 10% will be distributed evenly among all parties instead of the previous 15%. A total of 90% is to be distributed proportionally according to the results of the European elections.

### **Transparency register**

The decision-making process in the EU is to be made even more transparent in order to strengthen public confidence and the EU's democratic legitimacy and to better inform citizens about EU procedures.

The European Parliament, the Council and the Commission are currently negotiating a revision of the EU Transparency Register to make it easier to see who is lobbying the EU. Negotiations between the three institutions started in April 2018. The aim is to establish a binding register covering both the Council and the Commission and Parliament.

The Parliament and the Commission have jointly operated a public register since 2011, while the Council has participated in the current system as an observer since 2014.

### **Issues for discussion:**

- How can the principles of subsidiarity and proportionality be better applied?
- How can national parliaments contribute to strengthening citizens' confidence in the EU and bringing the EU closer to its citizens?