The Collapse of the Spitzenkandidaten Process and the EU's Democratic Deficit

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Abstract

This paper examines the structural democratic deficit embedded in the selection process for the European Commission President, with particular focus on the rise and collapse of the Spitzenkandidaten convention. The central argument is that the EU's institutional design actively encourages democratic participation while systematically preventing democratic control, as made visible by the 2019 Commission presidency selection.

The European Parliament had staked significant credibility on the Spitzenkandidaten process, and its preferred candidate, Manfred Weber, led the largest party group following the 2019 elections. The European Council nonetheless bypassed Weber entirely to nominate von der Leyen, a German Defense Minister who had not campaigned, debated, or been presented to voters in any capacity. The episode made plain that the convention carried no binding force and could be discarded the moment it became inconvenient for national leaders.

Article 17(7) of the Treaty on European Union lies at the root of this problem. Its requirement that the European Council merely "take into account" EP election results was no accident; it preserved executive discretion while offering just enough democratic language to deflect criticism. The analysis concludes that the deficit is structural rather than incidental, produced by three reinforcing factors: the European Council's effective retention of nomination authority, the systematic exclusion of parliamentary actors from executive career pathways, and the Lisbon Treaty's

deliberate institutionalization of ambiguity over electoral accountability. Together, these produce a governance model in which democratic participation is encouraged but democratic control remains elusive.

Introduction

Scholarly debate over the EU's democratic legitimacy has long centered on the concept of the democratic deficit. While defenders of the EU's institutional design argue that its constraints mirror those found in domestic democracies (Moravcsik, 2002), critics contend that the Union systematically underperforms on electoral accountability, particularly as EU competencies have expanded into areas traditionally reserved for national parliaments (Hix & Høyland, 2011). The German Federal Constitutional Court's Maastricht judgment in 1993 cemented these concerns, demanding that EU governance remain anchored in democratic principles even as sovereignty was pooled across member states (Weiler, 1995).

It was against this backdrop that the Spitzenkandidaten process emerged, using the German term meaning "lead candidate," as an attempt to strengthen input legitimacy by linking European Parliament (EP) elections directly to executive leadership. What began as an informal convention appeared to offer a workable solution: voters would choose not merely among parties but among prospective Commission Presidents, giving their ballots direct executive significance.

The collapse of this logic in 2019, when Ursula von der Leyen was appointed Commission President despite having never participated in the electoral process, exposed how fragile the reform was. The European Parliament's preferred candidate, Manfred Weber, was passed over entirely. Voters had been invited to participate in a contest framed around executive leadership only to see the outcome determined through intergovernmental bargaining.

This paper argues that the current process for selecting the President of the European Commission produces a structural democratic deficit by weakening the electoral significance of EP elections, reinforcing executive dominance by national leaders and marginalizing parliamentary actors in ways that contradict the spirit of the Lisbon Treaty. The failure of the Spitzenkandidaten process represents not just a political setback but a deeper institutional imbalance in which democratic signaling is permitted without democratic constraint.

Theoretical Framework: Democratic Deficit and Institutional Design

The concept of democratic deficit has become the central lens through which scholars evaluate the EU's legitimacy, though the term encompasses several distinct critiques worth separating.

Fritz Scharpf (1999) distinguishes between input legitimacy, derived from citizen participation through elections or referenda, and output legitimacy, which stems from effective policy delivery regardless of how those policies were shaped. His argument is that the EU systematically privileges output over input: it produces regulatory outcomes that benefit European citizens economically, but through institutions insulated from democratic control. Member states pool sovereignty in practice while retaining it in name, and that pooling runs through executive channels that bypass parliamentary accountability.

Andrew Moravcsik (2002) pushes back, arguing that the EU's institutional constraints are functionally similar to those found in domestic democracies. Citizens routinely delegate authority to executives and independent agencies; the EU's design reflects standard democratic trade-offs rather than a fundamental democratic failure.

This paper sides closer to Scharpf while acknowledging the force of Moravcsik's comparison. The relevant question is not whether the EU is democratic in some sense, but whether its most powerful institutional positions are subject to meaningful electoral accountability. The selection of the Commission President is where the EU's democratic aspirations meet their clearest structural limit: voters are mobilized through high-profile campaigns, while formal nomination authority rests with intergovernmental actors who answer to no European electorate. The Spitzenkandidaten process matters precisely because it was designed to close that gap, and its collapse showed that the gap is constitutional, not merely political.

The Spitzenkandidaten Experiment: Rise and Collapse

The Spitzenkandidaten process was first introduced ahead of the 2014 European Parliament elections as an informal mechanism to connect voters more directly to the Commission presidency. European party families nominated lead candidates who campaigned across member states, debated publicly, and presented themselves as prospective Commission Presidents. The EPP put forward Jean-Claude Juncker; the S&D nominated Martin Schulz. Both participated in televised debates and published explicit policy platforms, and the logic was straightforward: the lead candidate from the largest party after the election would become Commission President.

The 2014 result appeared to validate the experiment. Despite initial resistance from British Prime Minister David Cameron, the European Council ultimately nominated Juncker, and the Parliament approved his Commission. This was widely interpreted as the first real test of the convention, and, by most accounts, as proof that it worked (Hobolt, 2014).

But the 2014 outcome obscured several structural vulnerabilities. The Council had nominated Juncker only after intense pressure and implicit parliamentary threats to block any other

candidate, meaning the 2014 result reflected political calculation rather than genuine acceptance of the convention's logic. More fundamentally, Article 17(7) of the Treaty on European Union provided no enforcement mechanism, requiring only that the European Council "take into account" EP election results, language deliberately crafted to preserve executive discretion (Christiansen, 2016). The convention rested on political will, not constitutional obligation.

By 2019, expectations had hardened considerably. Party families again presented lead candidates, and Manfred Weber, as the EPP's Spitzenkandidat and leader of the largest parliamentary group, embodied the process's logic most visibly. His candidacy implicitly argued that the European Parliament could serve as a genuine pathway to the EU's highest executive office. The S&D's Frans Timmermans represented the same aspiration from the center-left.

The European Council's rejection of Weber and nomination of von der Leyen marked a decisive rupture. Von der Leyen had not campaigned, had not been presented to voters, and had not been endorsed by any party family as a lead candidate (JCMS, 2025). Her background was in national executive politics — she had served as German Defense Minister in Angela Merkel's cabinet — rather than in the European Parliament or any transnational electoral campaign. Several heads of government, including French President Emmanuel Macron, had expressed reservations about Weber during the campaign period and preferred a candidate more aligned with their own reform agendas. The resulting intergovernmental bargain produced von der Leyen as a compromise candidate acceptable both to the EPP and to the member states that had opposed Weber, retroactively reducing the 2019 elections from an executive contest to a consultative exercise.

Without nomination authority, the Parliament's insistence on the convention was aspirational rather than binding (EPP, 2018). When those claims were overridden, the Parliament had no formal recourse. Without nomination authority, its insistence on the convention remained aspirational rather than binding (Hobolt, 2014), and the episode transformed what was meant to be a democratizing reform into a symbolic exercise that backfired precisely when it was tested (Hix & Høyland, 2011).

The governance consequences were immediate and lasting. Von der Leyen's confirmation by the Parliament passed by a margin of just nine votes (the narrowest in the Commission's history), reflecting widespread unease with both her candidacy and the procedure that produced it. That thin mandate persisted throughout her first term, surfacing in repeated parliamentary criticism, friction over policy priorities, and disputes over the Rule of Law Conditionality Regulation and the Commission's handling of the Pegasus surveillance scandal. A President whose legitimacy rests on intergovernmental compromise rather than parliamentary confidence is structurally inclined to prioritize consensus among national leaders over responsiveness to parliamentary concerns (Curtin, 2020), which in turn weakens the Parliament's oversight capacity and reinforces the perception that real power lies elsewhere.

The 2024 elections complicated this picture without resolving it. Von der Leyen ran as the EPP's lead candidate and secured a second term, which superficially aligned with the process's original logic. But her path again ran substantially through intergovernmental negotiation among heads of government, leaving open whether the convention had genuinely recovered or simply produced a convenient convergence of parliamentary and intergovernmental preferences (SIEPS, 2025). As Christiansen (2016) observed, the convention remains legally optional and therefore vulnerable to Council intervention whenever political circumstances change.

Executive Dominance and the Commission Presidency

The von der Leyen selection underscored a longstanding pattern in the EU's institutional development: the Commission presidency has consistently been drawn from the ranks of former Prime Ministers, Finance Ministers, or senior national officials (Oxford Academic, 2025). Walter Hallstein, the first Commission President, had served as a senior diplomat in West Germany's Foreign Office. Later Presidents included former Prime Ministers Romano Prodi and José Manuel Barroso, and former Finance Minister Jacques Delors. No individual whose career was primarily rooted in the European Parliament has ever held the office (Dinan, 2020).

This pattern reflects an unwritten expectation that the Commission's top position belongs to people who have held real power at the national level. The reasoning is partly functional: Commission Presidents are expected to manage complex intergovernmental negotiations and command the respect of national leaders, and a background in national executive office provides a form of socialization that parliamentary experience does not replicate in the same way.

The treatment of Manfred Weber makes this dynamic explicit. Despite leading the largest parliamentary group and running a continent-wide electoral campaign, Weber was widely regarded by national leaders as insufficiently qualified because he lacked executive experience at the national level (Meissner et al., 2021). This reasoning implicitly devalues parliamentary careers, treating legislative authority as an inferior form of political capital. The Commission presidency thereby becomes a domain in which executives select one of their own, reinforcing an intergovernmental logic even within nominally supranational institutions.

The Franco-German dynamic in 2019 is instructive. Von der Leyen's candidacy emerged from negotiations between Angela Merkel and Emmanuel Macron, reflecting the informal bilateral

coordination that has long driven EU decision-making. Merkel, having worked closely with von der Leyen in the German cabinet, was well positioned to advocate for her candidacy, while Macron sought someone more receptive to his vision of EU reform. This bilateral negotiation effectively bypassed both the Parliament's preferences and the broader intergovernmental process, concentrating the decisive authority in two national capitals.

Former European Council President Donald Tusk reinforced this pattern through explicit statement, repeatedly asserting that the Spitzenkandidaten process would not be permitted to constrain the Council's discretion (Curtin, 2020). Such remarks make clear that, despite formal institutional independence, the Commission presidency is expected to remain politically aligned with the preferences of national leaders. The Council's control over the nomination process functions as a structural guarantee that the Commission does not drift too far from intergovernmental consensus, at the cost of parliamentary legitimacy.

If the EU's most powerful executive office is functionally inaccessible to parliamentary actors, European Parliament elections lose much of their capacity to shape leadership outcomes. Parliamentary democracy becomes procedurally active but substantively constrained, reinforcing the perception that real decision-making authority resides elsewhere (Scharpf, 1999).

The Lisbon Treaty and the Limits of Democratic Intent

The Lisbon Treaty sought to address the EU's democratic deficit by enhancing the Parliament's role and acknowledging the importance of electoral outcomes. Article 17(7) of the Treaty on European Union establishes the current framework:

> Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council shall propose to the European Parliament a candidate for President of the European Commission. This candidate shall be elected by the European Parliament by a majority of its component members.

The phrase "taking into account" was the product of extended negotiation between member states seeking to preserve Council discretion and those advocating for stronger parliamentary involvement. It deliberately permits democratic signaling without mandating democratic constraint, where the European Council may acknowledge electoral results while retaining the authority to nominate whoever it chooses (Christiansen, 2016). The Treaty therefore creates space for informal conventions like Spitzenkandidaten to emerge without constitutionalizing them.

The ambiguity was deliberate. Lisbon negotiators were caught between those pushing for stronger parliamentary involvement, and member states unwilling to grant the Parliament formal control over the Commission President. The result was language precise enough to satisfy both camps while flexible enough to be interpreted differently depending on the political moment.

The Treaty therefore enables what might be called managed democracy, with institutions designed to facilitate elite coordination while providing democratic cover through periodic elections and consultative mechanisms (Scharpf, 1999). The Spitzenkandidaten process exploited this ambiguity, establishing a convention the European Council could accept in 2014 and reject in 2019 without violating any formal obligation. Each cycle in which electoral promises are raised and then discarded erodes the public trust that EU institutions depend on for legitimacy. The democratic deficit visible in 2019 is not the product of individual political opportunism; it is the

predictable output of a treaty architecture that deliberately left the relationship between elections and executive appointments undefined (Hix & Høyland, 2011).

Conclusion

The selection of the European Commission President offers a revealing lens through which to examine the EU's persistent democratic deficit. The collapse of the Spitzenkandidaten process in 2019 demonstrated how electoral participation can be actively encouraged without guaranteeing electoral influence, when voters were mobilized around a promise the institutions could not keep. By prioritizing executive discretion over parliamentary preference, the European Council reaffirmed its institutional dominance while weakening the democratic meaning of EP elections.

This outcome reflects a structural hierarchy within the EU's institutional architecture. While voters elect the Parliament, national executives continue to control the Union's most powerful offices. The Commission presidency remains an elite domain accessible primarily to former national leaders, insulated from parliamentary career pathways. Executive experience is valued above parliamentary legitimacy, and the Lisbon Treaty's deliberate ambiguity preserves this arrangement while clothing it in the language of democratic reform.

Critics of this analysis will argue that intergovernmental coordination is not a flaw but a necessary feature of EU governance. The European Council's dominance ensures that the Commission remains responsive to member state preferences, which themselves reflect domestic democratic mandates. From this perspective, the Spitzenkandidaten process represents parliamentary overreach as an attempt to wrest executive authority from the national leaders best positioned to manage the cross-national negotiations that EU governance demands (Moravcsik, 2002).

Yet this defense overlooks the real costs of the current arrangement. When voters are told that their ballots will shape executive leadership, and when that promise is then set aside through intergovernmental bargaining, the resulting cynicism damages trust in EU institutions more durably than a system that is simply transparent about its intergovernmental character. The EU cannot simultaneously claim to be democratizing through Spitzenkandidaten and preserve executive dominance through the European Council without generating significant legitimacy costs.

The 2024 Commission selection complicated the picture without resolving it. Von der Leyen's dual role as EPP Spitzenkandidat and reappointed President offered a surface-level alignment with the convention's logic, but that her path to a second term again ran substantially through intergovernmental negotiation suggests 2024 may represent a convergence of convenience rather than a genuine institutional recovery. The underlying structural dynamics identified in this paper remain intact.

Ultimately, the democratic deficit embedded in the Commission presidency selection is structural rather than incidental. Addressing it would require either granting the European Parliament genuine authority over executive selection (most directly through treaty reform that makes the Spitzenkandidaten process binding) or honestly acknowledging that the EU operates through intergovernmental coordination rather than parliamentary democracy. Member states have consistently resisted the former, and no serious effort has been made toward the latter. Until that choice is confronted explicitly, the EU will continue sustaining a system in which democratic participation is encouraged, but democratic control remains elusive.

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