

Noah Damski

State Building in Europe

Fall 2025

Democratic Deficit And The Selection Of The European Commission President

Introduction

Scholarly debate over the European Union's democratic legitimacy has long centered on the concept of democratic deficit. Scharpf (1999) distinguishes between input legitimacy, derived from citizen participation, and output legitimacy, grounded in policy effectiveness, arguing that the EU systematically privileges the latter. In contrast, Moravcsik (2002) contends that the Union's institutional constraints mirror those of domestic democracies and therefore do not constitute a democratic anomaly. While this defense highlights the EU's regulatory success, critics note that it underestimates the symbolic and practical importance of electoral accountability, particularly as EU competencies expand (Hix and Høyland 2011). The Spitzenkandidaten process emerged against this backdrop as an attempt to strengthen input legitimacy by linking parliamentary elections to executive leadership.

However, the collapse of this logic in the selection of Ursula von der Leyen as Commission President in 2019 exposed the fragility of this reform. Despite the European Parliament's insistence that the presidency should be drawn from among the Spitzenkandidaten (Hobolt, 2014), the European Council exercised its treaty-based discretion to nominate a candidate who had not participated in the electoral process at all. This decision not only sidelined the Parliament's preferred candidates, most notably Manfred Weber, but also called into question the democratic meaning of the election itself. Voters were 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 European Parliament 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 did not merely represent a political setback for the Parliament; it revealed a deeper institutional imbalance in which democratic signaling is permitted without democratic constraint. By examining the collapse of the Spitzenkandidaten experiment, the role of the European Council, and the resulting legitimacy challenges faced by the Commission presidency, this paper seeks to demonstrate how executive control over supranational governance continues to undermine the EU's democratic aspirations.

The Spitzenkandidaten Experiment and Its Collapse

The Spitzenkandidaten process was first introduced in the run-up to the 2014 European Parliament elections as an informal mechanism to strengthen the link between voters and the European Commission presidency. European party families nominated lead candidates who campaigned across member states, debated one another publicly, and presented themselves as prospective Commission presidents. The appointment of Juncker was widely interpreted as establishing a parliamentary convention linking EP elections to executive leadership (Hobolt, 2014). Although the European Council retained formal nomination authority, it ultimately acquiesced to the Parliament's demand that Juncker be appointed, establishing a precedent that many interpreted as the emergence of a parliamentary convention.

By 2019, expectations surrounding the Spitzenkandidaten process had hardened.

European political parties once again presented lead candidates, and voters were encouraged to view their ballots as meaningful choices not only among parties but among potential executive leaders (Hix and Høyland 2011). Manfred Weber, as the EPP's Spitzenkandidat, embodied this logic. As an experienced MEP and party leader, Weber represented a vision of parliamentary elevation to executive authority, signaling that the European Parliament could serve as a genuine pathway to the highest office in the EU's institutional hierarchy.

The European Council's rejection of Weber and subsequent nomination of Ursula von der Leyen marked a decisive rupture with this expectation. 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 selection revealed that the Spitzenkandidaten process lacked binding force and could be discarded when it conflicted with the preferences of national leaders. This outcome reframed the 2019 elections retroactively: what had been presented as a choice over executive leadership was reduced to a consultative exercise with no guaranteed institutional consequences.

The collapse of the Spitzenkandidaten experiment thus represented more than procedural disagreement. It exposed a structural contradiction between electoral mobilization and institutional authority. By allowing parties to campaign on promises they could not enforce, the EU inadvertently undermined the credibility of its own democratic innovations. As Christiansen (2016) notes, this ambiguity meant the system remained legally optional and vulnerable to Council intervention. Rather than strengthening legitimacy, the process highlighted the limits of parliamentary power within the Union's executive architecture.

Executive Dominance and the Commission Presidency

The selection of Ursula von der Leyen also underscored a longstanding pattern in the EU's institutional development: the dominance of national executives in shaping supranational leadership. Since the creation of the European Commission, its presidents have consistently been drawn from the ranks of former prime ministers, ministers, or senior national officials (Oxford Academic, 2025). No individual whose career was primarily rooted in the European Parliament has ever assumed the presidency (Dinan, 2020). This pattern suggests the existence of an informal norm that reserves the Commission's top office for figures socialized within national executive governance.

The marginalization of Manfred Weber is illustrative. Despite leading the largest parliamentary group and heading a transnational electoral campaign, Weber was widely regarded by national leaders as insufficiently qualified due to his lack of executive experience (Meissner et al., 2021). This reasoning implicitly devalues parliamentary careers, treating legislative authority as an inferior form of political capital. The Commission presidency thus becomes an exclusive space in which executives select one of their own, reinforcing an intergovernmental logic even within ostensibly supranational institutions.

Statements by European Council figures, including Donald Tusk's assertion that the Commission remains under the influence of the Council, further reinforce this interpretation. Such remarks suggest that, despite formal independence, the Commission presidency is expected to remain politically aligned with the preferences of national leaders (Curtin, 2020). The Council's control over the nomination process ensures that the Commission does not drift too far from intergovernmental consensus, even at the expense of parliamentary legitimacy.

This executive capture has important normative implications. If the EU's most powerful executive office is functionally inaccessible to parliamentary actors, then European Parliament elections lose their potential to shape leadership trajectories. Parliamentary democracy becomes procedurally active but substantively constrained, reinforcing the perception that real power resides elsewhere (Scharpf, 1999). The Commission presidency thus serves as a focal point through which broader tensions between supranational democracy and intergovernmental control are revealed.

Parliamentary Weakness and Electoral Meaning

The Spitzenkandidaten process placed the European Parliament in a precarious position. By embracing the logic of executive-linked elections without securing enforceable authority, the Parliament exposed the limits of its institutional power. Party leaders campaigned as prospective Commission presidents, participated in debates, and presented themselves as legitimate claimants to executive office (EPP, 2018). Yet when these claims were ignored, the Parliament appeared unable to defend the political meaning of its own elections.

This outcome damaged the Parliament's credibility in two ways. First, it weakened the perceived connection between voting and governance. Voters who supported the EPP with the expectation that Weber would become Commission President were confronted with an outcome that bore little relation to their electoral choice. Second, it revealed the Parliament's dependence on the goodwill of the European Council (Hobolt, 2014). Without formal nomination authority, parliamentary insistence on Spitzenkandidaten remained aspirational rather than binding.

Rather than empowering the Parliament, the Spitzenkandidaten experiment ultimately highlighted its structural subordination. The Parliament could campaign, deliberate, and object,

but it could not compel compliance (Hix and Høyland, 2011). This asymmetry transformed what was meant to be a democratizing reform into a symbolic exercise that backfired once challenged. The episode demonstrated that democratic rituals without enforcement mechanisms risk undermining institutional legitimacy rather than enhancing it.

In this sense, the Parliament's weakness is not merely political but systemic. The EU's institutional design allows parliamentary participation in executive selection without guaranteeing parliamentary influence (Rittberger, 2005). As a result, elections acquire a performative quality, mobilizing voters while leaving decisive power elsewhere. This disconnect lies at the heart of the democratic deficit exposed by the Commission presidency selection process.

Legitimacy, Accountability, and Governance Consequences

Ursula von der Leyen's presidency has been characterized by a notably fragile legitimacy. Her confirmation by the European Parliament was secured by a narrow margin, reflecting widespread unease with both her candidacy and the process that produced it. This thin mandate has persisted throughout her tenure, manifesting in repeated motions of no confidence and sustained parliamentary criticism. While such challenges are not unprecedented, their frequency underscores the vulnerability of a presidency rooted in elite compromise rather than electoral endorsement.

This fragility is not accidental. A Commission President selected primarily through intergovernmental bargaining lacks the clear democratic narrative that accompanies electoral leadership. Without a direct connection to voters or a recognizable campaign mandate, executive authority rests on procedural legality rather than popular legitimacy (Dinan, 2020). This

distinction becomes politically salient during moments of crisis, when leadership requires not only formal competence but public trust.

The accountability implications are equally significant. A president beholden to the European Council may prioritize consensus among national leaders over responsiveness to parliamentary concerns (Curtin, 2020). This dynamic weakens the Parliament's oversight capacity and reinforces perceptions of executive insulation. The resulting governance model privileges stability and elite coordination at the expense of democratic contestation (Scharpf, 1999).

In this context, the Commission presidency exemplifies a broader legitimacy dilemma within the EU. Legal authority is preserved, but democratic resonance is diluted. The persistence of no-confidence votes and parliamentary dissatisfaction reflects an unresolved tension between how power is exercised and how it is justified. The selection process thus carries lasting consequences for institutional trust and democratic governance.

The Lisbon Treaty and the Limits of Democratic Intent

The Lisbon Treaty sought to address concerns about the EU's democratic deficit by enhancing the role of the European Parliament and acknowledging the importance of electoral outcomes. Its provision that the European Council must take EP elections "into account" (Christiansen, 2016) when nominating the Commission President introduced a degree of ambiguity that has since proven consequential. While the language gestures toward democratic responsiveness, it stops short of mandating parliamentary control.

This ambiguity enabled the emergence of the Spitzenkandidaten process while simultaneously allowing its abandonment (Hix and Høyland, 2011). The Treaty permits

democratic signaling without democratic constraint, creating space for political innovation without institutional obligation. In this sense, the democratic deficit revealed in 2019 is not merely the result of political opportunism but of deliberate institutional design.

The Lisbon framework reflects a compromise between supranational and intergovernmental logics. It strengthens parliamentary visibility while preserving executive dominance. This balance may have been intended to maintain stability among member states, but it also entrenches a system in which democratic expectations can be raised without being fulfilled (Scharpf, 1999). The result is a form of managed democracy that prioritizes elite coordination over electoral accountability.

Understanding the democratic deficit therefore requires moving beyond questions of political will to examine structural incentives. As long as treaty design allows executive actors to reinterpret electoral outcomes, reforms like Spitzenkandidaten will remain vulnerable. The Lisbon Treaty thus represents both an aspiration toward democratization and a constraint upon its realization.

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 demonstrated how electoral participation can be encouraged without guaranteeing electoral influence. By prioritizing executive discretion over parliamentary preference, the European Council reaffirmed its dominance while weakening the democratic meaning of European Parliament elections.

This outcome raises fundamental questions about control within the EU's institutional system. While voters elect the Parliament, national executives continue to shape the Union's most powerful offices. The Commission presidency remains an elite domain, accessible primarily to former national leaders and insulated from parliamentary career pathways. This structure reflects an implicit hierarchy in which executive experience is valued above parliamentary legitimacy.

Whether this arrangement is normatively acceptable remains contested. Stability and intergovernmental coordination may justify executive dominance in the eyes of member states (Moravcsik, 2002), but they do so at the cost of democratic clarity and trust. The Lisbon Treaty's ambiguous design allows this tension to persist, enabling democratic rhetoric without democratic accountability.

Ultimately, the democratic deficit exposed by the Commission presidency selection process is structural rather than incidental. Addressing it would require either granting the European Parliament genuine authority over executive selection or abandoning the pretense that elections determine leadership outcomes. Until such a choice is made, the EU risks sustaining a system in which democratic participation is encouraged, but democratic control remains elusive.

List of References:

Cambridge Law Review. 2025. “Spitzenkandidaten and the European Union’s System of Government.” European Constitutional Law Review.

<https://www.cambridge.org/core/journals/european-constitutional-law-review/article/spitzenkandidaten-and-the-european-unions-system-of-government/1676DE10FDD335AB59F7BA00E6760D7A/>

Christiansen, Thomas. 2016. “After the Spitzenkandidaten: Parliamentaryization without Treaty Reform?” Journal of European Integration Studies, 38(7): 1-18.

Curtin, Deirdre. 2020. Challenging Executive Dominance in the EU. Oxford: Oxford University Press.

Dinan, Desmond. 2020. Governance and Institutions: The Unsettled Union. London: Palgrave Macmillan.

European Parliament. 2021. “The European Commission President: Appointment and Role.” European Parliament Briefing.

https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690613/EPRS_BRI%282021%29690613_EN.pdf/

European Parliament. 2025. "Elections to the European Parliament." Fact Sheet 25.

<https://www.europarl.europa.eu/factsheets/en/sheet/25/elections-to-the-european-parliament/>

European People's Party, "Manfred Weber Elected as EPP Candidate for the President of the European Commission," press release, November 8, 2018, European People's Party,

<https://www.epp.eu/press-releases/manfred-weber-elected-as-epp-candidate-for-the-president-of-the-european-commission/>

Hix, Simon, and Bjørn Høyland. 2011. The Political System of the European Union, 3rd ed. Basingstoke: Palgrave Macmillan.

Hobolt, Sara B. 2014. "A Vote for the President? The Role of Spitzenkandidaten in the 2014 European Parliament Elections." *Journal of European Public Policy* 21(10): 1528-1546.

JCMS. 2025. "The Making of Ursula von der Leyen's Second Commission: Politicisation and the Limits of Parliamentarisation." JCMS Ideas on Europe Blog, August 29.

<https://jcms.ideasoneurope.eu/2025/08/29/the-making-of-ursula-von-der-leyens-second-commission-politicisation-and-the-limits-of-parliamentarisation/>

Meissner, Katharina, Magnus Schoeller, and Catherine Moury. 2021. The European Parliament and the Investiture of the Commission: A First-Mover in European Integration? Working Paper No. 03/2021, Centre for European Integration Research, University of Vienna.

<https://eif.univie.ac.at/downloads/workingpapers/wp2021-03.pdf>

Moravcsik, Andrew. 2002. "In Defence of the Democratic Deficit." *Journal of Common Market Studies* 40(4): 603–624.

Oxford Academic. 2025. "Executive Authority and Accountability in the European Union." Oxford Academic EU Governance Studies.

<https://academic.oup.com/book/27167/chapter/196585931/>

Rittberger, Berthold. 2005. Building Europe's Parliament: Democratic Representation Beyond the Nation State. Oxford: Oxford University Press.

SIEPS. 2025. "The Spitzenkandidaten Saga 2014–2019." Swedish Institute for European Policy Studies. <https://sieps.se/publikationer/2025/the-spitzenkandidaten-saga-2014-2019-2024/>

Scharpf, Fritz W. 1999. Governing in Europe: Effective and Democratic? Oxford: Oxford University Press.

Weiler, J.H.H. 1995. "Does Europe Need a Constitution? Reflections on Demos, Telos, and the German Maastricht Decision." *European Law Journal* 1(3): 219–240.