

The European Parliament as the Voice of the European Citizens? Examining the European Parliament's role as a representative of the European Citizens in the 2019 elections

Roberto Baccarini¹ <https://orcid.org/0000-0002-7211-4299>

¹ University of Exeter

Corresponding author: Roberto Baccarini, rb808@exeter.ac.uk

This article has been accepted for publication and undergone full peer review but has not been through the copyediting, typesetting, pagination and proofreading process, which may lead to differences between this version and the Version of Record.

Accepted: March 22, 2024 Published: May 9, 2024

Abstract:

The European Parliament is considered a solution to the democratic deficit because the citizens of the EU directly elect it. This article aims to examine the validity of this claim. Concerning representativeness, the focus is on the homogeneity of rules and procedures used for electing the members of the European Parliament (MEPs). This homogeneity is considered as necessary for the EP to represent the EU citizens. Thus, it aims to assess the impact of the United Kingdom's withdrawal from the European Union on the level of homogeneity of the rules used to conduct the 2019 European Parliament elections. This work claims that the European Parliament's role as representative of European Citizens is weakened by the consistent level of heterogeneity characterising the electoral rules used to elect it and that the withdrawal of the UK and the partial redistribution of seats simultaneously increased and decreased the level of homogeneity of the rules used to elect the MEPs.

Keywords:

European Elections; Electoral Systems; Representation; Brexit

Please cite this article as:

Baccarini, R. (2024). The European Parliament as the Voice of the European Citizens? Examining the European Parliament's role as a representative of the European Citizens in the 2019 elections. *Italian Journal of Electoral Studies QOE – IJES*, Just Accepted. <https://doi.org/10.36253/qoe-15524>

1. Introduction

This article focuses on the European Parliament (EP) 's role as a representative of the European Citizens. The EP is widely considered within the literature to be one of the most effective bulwarks against the insurgence or the persistence of a democratic deficit at the European Union (EU) level. This article claims that, after the entry into force of the Treaty of Lisbon, homogeneity of the rules and procedures used to elect the members of the Parliament (MEPs) is required for the European Parliament to fulfil its role as a bulwark against the democratic deficit. Thus, it plans to achieve this goal by focusing on the 2019 elections of the European Parliament and the consequences provoked by the withdrawal of the United Kingdom (UK) from the EU.

Several reasons justify the choice of this specific election. First and foremost, the 2019 election of the European Parliament is characterised by the withdrawal of the United Kingdom following the 2016 referendum. This event allows us to study the impact of the withdrawal of a Member State on the level of homogeneity of the rules used to elect the MEPs. Within the current institutional architecture of the EU, these rules can be changed in four ways: by reform of the European electoral law, by reforms at the national level of the national electoral laws, by the enlargement of the EU, and by the withdrawal of a Member States. Moreover, this was the first time, not only in the post-Lisbon era but in the history of the EU, that the Member States withdrew from the Union (the only previous instance involved parts of Member States withdrawing, as in the case of Greenland). Secondly, this choice is of particular interest also due to the peculiar way the withdrawal of the UK took place and its consequence for the election of the EP. Given the delays in the Brexit process, the 2019 elections of the European Parliament took place regularly in the United Kingdom, and a mechanism has been established to manage the seats occupied by the United Kingdom delegation when the withdrawal will be operative, which happened on the 1st of January 2021. According to this agreement, the 73-strong United Kingdom delegation to the European Parliament was partly redistributed to other Member States (27 seats). In contrast, the remaining 46 were kept in reserve for future enlargements or potential reforms like introducing a transnational constituency. Scholars focused on the effects of this redistribution on proportionality and political groups (Lord, 2023; Besselink et al., 2019; Kalcic and Wolff, 2017: and Schwarz, 2020) and the derived legal challenges (Fabbrini & Schmidt, 2019). Thus, this focus allows this research to compare the homogeneity of the rules and procedures used for the election before and after the withdrawal of the UK delegation and the redistribution of part of these seats to other Member States.

Thirdly, this focus may provide valuable evidence on the changes the upcoming second eastern enlargement may provoke, albeit its focus is on the withdrawal rather than the entry of a Member State. This prospective enlargement, triggered by the Russian invasion of Ukraine, may include Albania, Moldova, Montenegro, North Macedonia, Serbia and Ukraine. Thus, studying the consequences of the withdrawal of a big Member State like the UK will provide valuable information, given that only one case of enlargement took place after the entry into force of the Lisbon Treaty (Croatia 2013), concerning the upcoming challenges that the EU is set to face.

This article claims that the role of the European Parliament as a representative of European Citizens is weakened by the consistent level of heterogeneity characterising the electoral rules examined within this work. Moreover, it argues that the withdrawal of the UK both increased and decreased the homogeneity of these rules, showing the impact that decisions made by the bigger states have on the representativity of the European Parliament. Therefore, it calls into question the EP's ability to represent European citizens equally, especially in light of the systemic consequences of the upcoming enlargement.

This article is divided into four sections. The first section will introduce the concept of democratic deficit, whereas the second will highlight the role of the EP vis-à-vis this challenge. Thirdly, it will clarify some methodological issues concerning the definition of homogeneity and how it will be measured. Lastly, it will present and discuss the data.

2. The Democratic Deficit

One of the first references to the democratic deficit of the EU is contained in Marquand's 1979 book *Parliaments in Europe* (1979). In this book, written in the run-up to the first direct elections of the European Parliament, the author identified the challenge presented by the democratic deficit and highlighted the importance of the EP in facing it. The author claims that a democratic deficit may arise from two main factors: transfer of competencies to the EU and a lack of accountability and the inability of national parliaments to effectively hold the national government's representative in the Council of the EU to account. Instead, The European Parliament is seen as a source of accountability that can plug these holes. As Marquand claimed, "such a deficit would be inevitable unless the gap were somehow to be filled by the European Parliament" (Marquand, 1979, p. 65).

Over time, the democratic deficit has been a constant element in the evolution of the Union's institutional architecture. According to Weiler et al., the transfer of powers and competence from the domain of the member states to the remit of the Union, combined with the lack of a *demos*, generates a democratic deficit (Weiler et al., 1995). For Bellamy and Castiglione, a regime could be considered democratic if (a) "the people, as a collective, has the formal power, and a number of sufficiently effective means, through which to authorise the basic process of legislation"; (b) the citizens are allowed to participate in governance; (c) the citizens "exercise both real influence (through selection and authorisation) and control (through transparency and accountability" over their rulers and (d) the leaders are responsive to the interests of the rules (Bellamy and Castiglione, 2000, p. 81). Therefore, there is a democratic deficit if the European Union fails to meet these expectations. For Lord, the EU democratic deficit implies that "decisions in the EU are in some way insufficiently representative of, or accountable to, the nations and people of Europe" (Lord, 2001, p. 165). This argument connects with the issue of input legitimacy, i.e., the fact that "the public must be able to control those who make decisions on its behalf and citizens should exercise such control as equals" (Lord, 2001, p. 167). The democratic deficit is usually linked with a "procedural perspective of democratic legitimacy" (Rittberger, 2009), i.e. that legitimacy, and lack thereof, is connected to fulfilling a set of rules and procedures.

However, not all authors agree that a democratic deficit mars the EU. Among these authors, it is worth focusing on the arguments of Majone (1994a, 1994b, 1998) and Moravcsik (2002, 2004).

Firstly, Majone starts by presenting four arguments supporting the democratic deficit based on a shared understanding of the democratic deficit as a problem affecting the legitimacy of majoritarian institutions. Whereas the first group of arguments "equate Community institutions with familiar national institutions, or to assume that EC institutions will converge towards such models" (Majone 1998, p. 6), the second group focuses on a pure majoritarian model of democracy, according to which "parliament is the ultimate source of legitimacy in a representative democracy" (Majone 1998, p. 6). With these two groups of arguments, the democratic deficit is caused by the limited role played by the European Parliament, and the solution consists of conferring to the EP "an independent power of legislative initiative" and "increase powers to the EP" as "directly elected by universal suffrage" (Majone 1998, p. 6). The third group of arguments claims that "the legitimacy of European integration and of Community institutions proceeds from the democratic legitimacy of the Member States" (Majone 1998, p.6). Thus, the democratic deficit is caused by the introduction of majority

voting in the Council. Lastly, a set of arguments uses the democratic deficit to highlight “dissatisfaction with the slow pace of political integration, or concerns about the future of the national welfare states” (Majone 1998, p.6). However, Majone claims these arguments miss the point that the European integration process should be understood in non-majoritarian terms (Majone 1998). Thus, he claims that democratic deficit should refer to the “legitimacy problems of non-majoritarian institutions, i.e. institutions which by design are not directly accountable to the voters or to their elected representatives” (Majone 1998, p. 15) and conceptualised as a credibility crisis affecting the EU regulatory state (Follesdal & Hix, 2006). Secondly, Moravcsik argued against the idea that the EU is suffering from a form of democratic deficit, i.e. a lack of democratic legitimacy. He claimed that this idea derived from a fundamental misconception concerning the nature of the EU, i.e. that “most critics compare the EU to an ideal plebiscitary or parliamentary democracy, standing alone, rather than to the actual functioning of national democracies adjusted for its multi-level context” (Moravcsik, 2002, p. 621). Within its work, Moravcsik aimed to reject the idea that the EU is suffering from a democratic deficit by critically analysing some of the most commonly used arguments in support of the democratic deficit (Moravcsik, 2002). Of particular importance for this work is his criticism of the idea that EU bodies and institutions are not subject to mechanisms of democratic accountability but that the EU is an “insulated carter of supranational and national technocrats” (Moravcsik, 2002, p. 611). In his argument, Moravcsik argued that the EU enjoys “direct accountability via the EP and indirect accountability via elected national officials” (Moravcsik, 2002, p. 611) and that some forms of insulation from political contestation, e.g. court or technocrats, are necessary to deliver essential benefits like “attention, efficiency, and expertise in areas where most citizens remain ‘rationally ignorant’ or non-participatory”, “impartiality to dispense justice, equality and rights for individuals and minority groups”, and to “provide majorities with unbiased representation” (Moravcsik, 2002, p. 614).

Follesdal and Hix, writing in the aftermath of the rejection of the Constitutional Treaty by the French and Dutch referendum, aimed to defend the idea that the EU is suffering from a democratic deficit vis-à-vis the arguments of Majone and Moravcsik. To do so, they provided a revision of the so-called Standard Version of the Democratic Deficit proposed by Joseph Weiler (Weiler et al., 1995). Within this revision, Follesdal and Hix claimed that the EU democratic deficit involves five central claims (Follesdal & Hix, 2006). Firstly, the EU integration process led to an “increase in executive power and a decrease in national parliamentary control” (Follesdal & Hix, 2006, p. 534). The waning capacity of national parliaments to hold their respective governments to account when acting at the EU level

undermines one of the two pillars of the EU democratic legitimacy identified by Moravcsik, i.e. indirect accountability via elected national officials. Secondly, they claim that the European Parliament is too weak and unable to compensate for the declining role of national parliaments vis-à-vis the Council of the EU. Thirdly, they claim that "there are no 'European' elections" (Follesdal & Hix, 2006, p. 535), as they are mostly treated as "mid-term national contests" (Follesdal & Hix, 2006, p. 536), i.e. what Reif and Schmitt labelled as "second-order national contests" (Reif & Schmitt, 1980). This categorisation is motivated by the fact that the elections of the European Parliament have only an "indirect influence on EU policy outcomes" (Follesdal & Hix, 2006, p. 536). Fourthly, they claim that the European Parliament is too distant from the voters, as it not only has limited capacity to control the Commission and the Council but also differs from the typology of institutions citizens of EU member states are used to interacting with. Lastly, the integration process produces "'policy drift' from voters' ideal preferences" (Follesdal & Hix, 2006, p. 537), with Member States' governments pursuing policies at the EU level that they cannot pursue at the national level. The European Union's democratic deficit can be attributed to "no electoral contest for political leadership at the European level or the basic direction of the EU policy agenda" (Follesdal & Hix, 2006, p. 552).

The relevance and salience of this debate have only become more relevant in the fifteen years since the approval of the Treaty of Maastricht. During that period, the European Union experienced a profound institutional transformation and faced a prolonged crisis. The combination of the institutional innovations the Treaty of Lisbon provided and the poly-crisis that affected the EU produced two main effects relevant to the present discussion. Firstly, to face the crises, the EU was forced to expand its area of action to competencies considered of high saliency and relevance for the Member States, e.g. monetary policy during the debt crisis and immigration during the migratory crisis. Secondly, the European Parliament had been empowered by the Treaty of Lisbon and raised on the same level as the Council. Thus, whereas the expansion of EU competence is likely to increase the democratic deficit, the empowerment of the European Parliament is expected to have the opposite effect. Thus, the European Parliament is supposed to play a fundamental role in the democratic deficit, and the next section will explore this role in detail.

3. Democratic Deficit and the Role of the European Parliament

From the previous discussion, the central role played by the European Parliament in the democratic deficit emerges. In support of this claim is the fact that since the initial discussion of the democratic deficit by Marquand, the European Parliament has been identified as the solution to the dilemma arising from the empowerment of the EU and the increasing inability of national parliaments to hold their governments to account. In their revised standards version, three of the five claims concerning the democratic deficit identified by Follesdal and Hix concern the European Parliament. Within this view, the democratic deficit is fuelled by a) the weakness of the European Parliament in terms of competence, b) the second-order nature of the Parliament's elections, and c) the distance of the EP from the voters. However, it is paramount to highlight the fact that the European Parliament is not only identified as one of the leading remedies to the problem raised by the democratic deficit, but its role is also recognised by critics of the idea of an EU democratic deficit as one of the main reasons why such a democratic deficit does not exist. A prominent example of this is Moravcsik, who argued that the EU does not suffer a form of democratic deficit because it enjoys "direct accountability via the EP and indirect accountability via elected national officials" (Moravcsik, 2002, p. 611). Thus, the EP's role as a bulwark against the democratic deficit is recognised by both supporters and critics of this idea. On the one hand, its limits and deficiencies provoke such deficit, whereas on the other hand, it is deemed sufficient to provide democratic legitimisation to the EU.

The institutional changes introduced by the Treaty of Lisbon further strengthened the role of the EP as the only institution directly elected by the European Citizens in the EU system. As stated in the revised version of the TEU, "The functioning of the Union shall be founded on representative democracy" (TEU Article 10(1)), and the "Citizens are directly represented at Union level in the European Parliament" (TEU Article 10(2)). This article constituted a fundamental change from the previous version of the Treaty, which stated that the European Parliament "shall consist of representatives of the people of the States brought together in the Community" (Treaty Establishing the European Community 2006 Article 189).

This characterisation of the European Parliament as the bulwark against the democratic deficit, in virtue of its nature as a directly elected institution representing European Citizens, allows us to identify the topic of this essay: the homogeneity of the rules and procedures employed to

elect the Members of the European Parliament (MEPs) as a fundamental pre-requisite for the Parliament to counteract the democratic deficit and its consequences effectively.

To justify this choice, the starting point of the analysis is Pitkin's conceptualisation of formalistic representation (Pitkin, 1972). Following Pitkin, representation is conceptualised as making present what is absent. Within her work, Pitkin identified four types of representation: formalistic representation, symbolic representation, descriptive representation, and substantive representation. Formalistic representation focuses on the processes used to establish and renovate representation: authorisation and accountability. The authorisation process consists of the rules and procedures that allow the represented to give "the authority to act" (Pitkin, 1972, pp. 11-12) to the representative. In other words, the set of rules and procedures used to present what is absent through the selection of the representatives. Instead, accountability refers to the rule and procedures that allow "the holding to account of the representative for his actions" (Pitkin, 1972, pp. 11-12) by the represented. Within this work, the focus is on representation intended as formalistic representation. This choice is motivated by several reasons. Firstly, as previously said, the democratic deficit primarily concerns procedural perspectives on democratic legitimacy. Since formalistic representation focuses on the set of formal rules that precede and initiate representation, i.e., allowing the representation process to take place, it represents a well-suited approach to the problem of the democratic deficit. Secondly, all typologies of representation presented by Pitkin involve some degree of formalistic representation as they require creating specific rules and procedures. Thirdly, as remarked by the Venice Commission, five principles shape the European electoral heritage: "universal, equal, free, secret, and direct suffrage" (Venice Commission, 2018, p. 5).

However, it is relevant to point out that, as Pitkin remarked, within formalistic representation, the "defining criterion for representation lies outside the activity of representing itself" (Pitkin, 1972, p. 59) and does not tell us about "what a representative does" or "what a representative is" (Pitkin, 1972, p. 59). Thus, the claim is not that formalistic representation is sufficient to ensure that the European Parliament adequately represents European citizens. However, the processes of authorisation and accountability of the representatives by the represented are necessary to ensure that representation takes place. Thus, they underscore the relevance of the homogeneity of rules and procedures used to conduct the elections of the European Parliament. These rules and procedures shall be homogeneous to make present what is absent. If this is not the case, it is difficult to claim that an election where citizens have a different impact on the result according to the geographical area where they reside is universal, equal, and free. Homogeneity of rules and procedures ensures that, notwithstanding the specific conditions of

each voter, they are equal in authorising the representatives and holding them accountable, as required by formalistic representation. Thus, homogeneity is required to ensure the “right of all (and only) citizens to participate in elections under equal conditions” (Mateo, 2023, p. 70). The homogeneity of rules and procedures makes the emergence of the European Parliament elections possible, instead of a patchwork of national contests, as a shared experience among European citizens. Thus, it allows European citizens to authorise and hold their representatives accountable.

To conclude, this section demonstrated the relevance of the EP as a bulwark against the democratic deficit and the central role played by the homogeneity of the rules in enabling the EP to do so. As discussed above, supporters and deniers of the claim that the EU suffers from a form of democratic deficit recognise the central role played by the European Parliament. The former see the Parliament as a solution to this problem, whereas the latter is one of the safeguards that prevent this issue from materialising. Specifically, the EP is considered as such due to its nature of the EU institutions directly representing the EU citizens. Therefore, it is evident how the homogeneity of rules and procedures, which ensures that the Parliament can fulfil this role, is crucial to enable the Parliament to address the democratic deficit or prevent it from emerging.

4. Methodology

This section clarifies two main issues regarding the methodology used to conduct this research. The first issue concerns how this research will conceptualise and measure the homogeneity of electoral rules used for the elections of the MEPs. The second issue regards the rules and procedures that will be analysed in this study. Regarding the first issue, homogeneity is measured according to the number of MEPs elected using a specific rule or procedure. Thus, homogeneity is conceptualised as a continuous index ranging from 0%, i.e. no MEPs have been elected using a specific rule, to 100%, i.e. all MEPs have been elected using a specific rule.

The rules and procedures regulating the elections of the European Parliament are stipulated by Council Decision 772/2002, which amended the 1976 Electoral Act and introduced a set of common provisions. However, only four of these provisions provided a specific rule regulating the election of the MEPs: the establishment of a proportional system (list or single transferable vote); a maximum threshold of 5% for the allocation of seats; rules concerning the prohibition of double membership; and the prohibition of double voting and the duty for Member States to

not publish the results before the last Member State has closed the polls (Council decision 2002/772/EC and Kotanidis, 2019, pp. 9-10). Consequently, this electoral framework fails to provide a “harmonised or a uniform electoral procedure applicable in all Member States” (Kotanidis, 2019, p. 2; Hix & Høyland, 2022, pp. 164-165; and Farrell & Scully, 2005, p. 972). Thus, to identify the rules and procedures that are deemed to be relevant, the first step is to look at the literature concerning the EU elections edited by the European Union Research Services (Oellberman & Pukelsheim, 2020; Lehamn, 2014; Sabbati et al, 2019).

Thus, this article identifies two main categories of rules and procedures. The first category concerns rules and procedures regulating the functioning of the electoral system. These rules include the typology of electoral principle regulating the election (majoritarian or proportional), the electoral formula used to transform votes into seats (Divisor methods, Quota methods, STV method, Mixed Divisor-Quota method, and Mixed Divisor-STV method), the ballot structure (open, semi-closed, or closed lists), the presence of sub-national constituencies within each Member States (Yes or No), and the electoral threshold that should be cleared to access to the distribution of seats. Regarding the presence of constituencies, within this research, they will be considered as present only in those cases where the allocation of seats is performed at the constituency level and not at the national level (Hix & Høyland, 2022). The second category concerns rules regulating access to the ballot. These rules include the minimum voting age, the minimum age to stand as a candidate, the presence of compulsory voting, the possibility to vote from abroad (by post, embassy, internet, or proxy), and the voting days for conducting the elections. Through the review of additional literature, it emerges that these rules and procedures are widely considered within the study of European Parliament elections (Farrell & Scully, 2005; Calossi, 2015; Outly, 2007; Hix & Høyland, 2022; Nugent, 2022; Bardi & Cicchi, 2015; and Corbett et al., 2011).

The selection of these rules and procedures is not causal. However, it is driven by their relevance to the result of the election (for the first group of rules) and participation in the election (for the second group of rules). Concerning the first group of rules, the electoral formula concerns the transformation of votes into seats, the ballot structure, and the possibility for voters to choose their representatives from the lists provided by the political parties. In contrast, the presence of sub-national constituencies vis-à-vis a single national constituency alters the number of people represented by each MEP. The electoral threshold affects the possibility of political parties entering Parliament by electing MEPs. Any difference among these rules and procedures within the EU member states modifies the weight of each voter.

According to the specific rules, a voter in an EU member state may affect the outcome more than a voter in another EU member state. The difference in the electoral threshold signifies that for some political parties, it will be easier to enter the Parliament than others, according to the Member States where they run. Regarding the second group of rules, they all affect the size of the electorate able to take part in the elections of the European Parliament. Different minimum and maximum voting ages alter the size of the electorate among the Member States; the presence of compulsory voting, voting from abroad, and voting days affect the possibility of eligible voters to partake in the election. Thus, citizens in some member states may be eligible to vote and empowered or compelled to do so vis-à-vis their counterparts in other member states. By altering the eligible voters and the access to the ballot, these rules seriously affect political parties and their ability to elect representatives, as these differences do not affect political parties equally.

Furthermore, the 2018 Eurobarometer survey *Democracy on the Move* conducted in 2018 highlights how 42% of the respondents are not satisfied with how democracy works at the EU level (European Parliament 2018, p. 40), whereas the 2019 Eurobarometer survey *Closer to the Citizens, Closer to the ballot* highlights how the second main reason for the EU voters to not vote in the upcoming elections of the European Parliament is distrust in the political system (European Parliament 2019). Thus, it is derived that the homogeneity of the rules and procedures will increase the trust in the political system and the satisfaction with the workings of democracy at the EU level.

5. Results and discussion

This analysis starts with the rules and procedures concerning the functioning of the electoral system (see Figures 4.1-4.4 and appendix). Before the withdrawal of the UK delegation, three of these rules (electoral formula, ballot structure, and electoral threshold) were characterised by a consistent level of heterogeneity. In contrast, the remaining two (electoral principle and sub-national constituencies) were highly homogeneous.

The withdrawal of the UK did not alter the homogeneity of the electoral principle. In this case, all MEPs except one are selected using a proportional system. The only exception is a constituency within Belgium assigned to the German-speaking electoral college, which elects only one MEP, behaving de facto as a majoritarian system. Concerning the electoral formula, the withdrawal of the UK and the redistribution of seats provoked an increase in the number of

MEPs elected using four electoral formulas (Divisor Methods (+7%); Quota Methods (+1.8%); Mixed Divisor-Quota (+ 0.6%); and STV Methods (+0.4%)), and the disappearance of one electoral formula, i.e. Mixed Divisor-STV (see Figure 4.1). Concerning the Ballot Structure (see Figure 4.2), the withdrawal of the UK and the redistribution of seats provoked an increase in the number of MEPs elected using closed lists (+4.1%), semi-open lists (+2.4%), open lists (+2.8%), and STV (+0.4%). Simultaneously, it provoked the disappearance of Mixed closed lists and STV as a form of ballot structure. Regarding sub-national constituencies (see Figure 4.3), the withdrawal of the UK and the redistribution of seats decreased the number of MEPs elected in Member States that provide for sub-national constituencies (-9.2%). Finally, what concerns the electoral threshold, the withdrawal of the UK and the redistribution of seats caused an increase in the number of MEPs elected using the 3% of valid votes (+0.2%), 4% of valid votes (+1.8%), 5% of valid votes (+4%), and 5.7% of valid votes (+0.1%) thresholds, and a decrease about the MEPs elected without a threshold (-6.2%). Lastly, the percentage of MEPs elected using the 1.8% of votes cast threshold remained stable (see Figure 4.4).

Overall, whereas the withdrawal of the UK produced a simplification of the rules and procedures regulating the electoral system used to elect MEPs, as is the case for the electoral formula and ballot structure, the redistribution of seats affected all rules and procedures, reducing the gain in homogeneity provided the withdrawal of the UK. Thus, this process caused a slight increase in homogeneity in the electoral formula and the ballot structure and a more substantial increase concerning the sub-national constituencies. On the contrary, it reduced the homogeneity of the electoral threshold.

Figure 4.1: Electoral Formula.

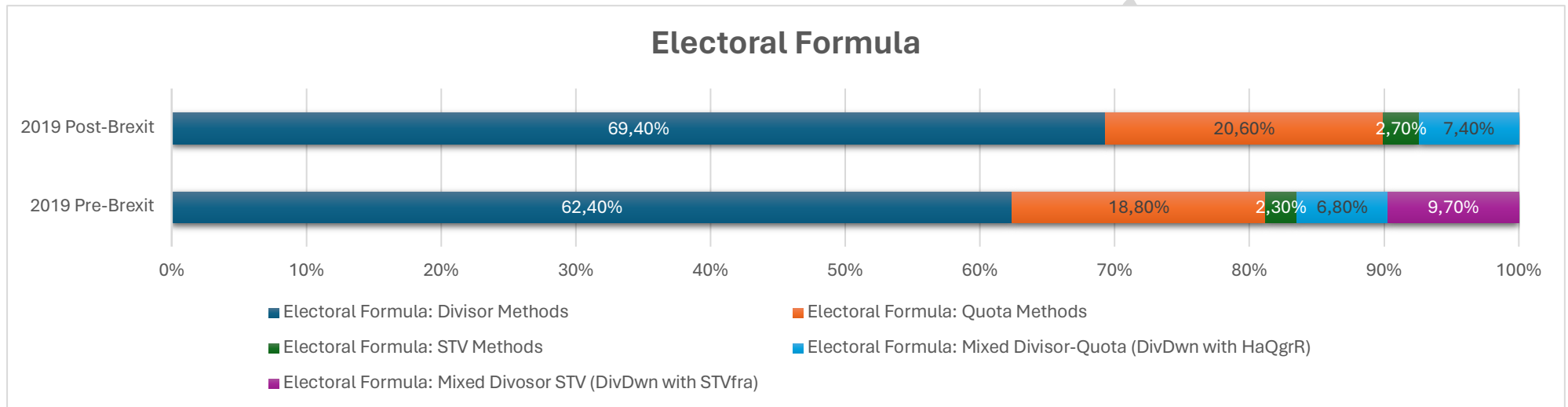


Figure 4.2: Ballot Structure.

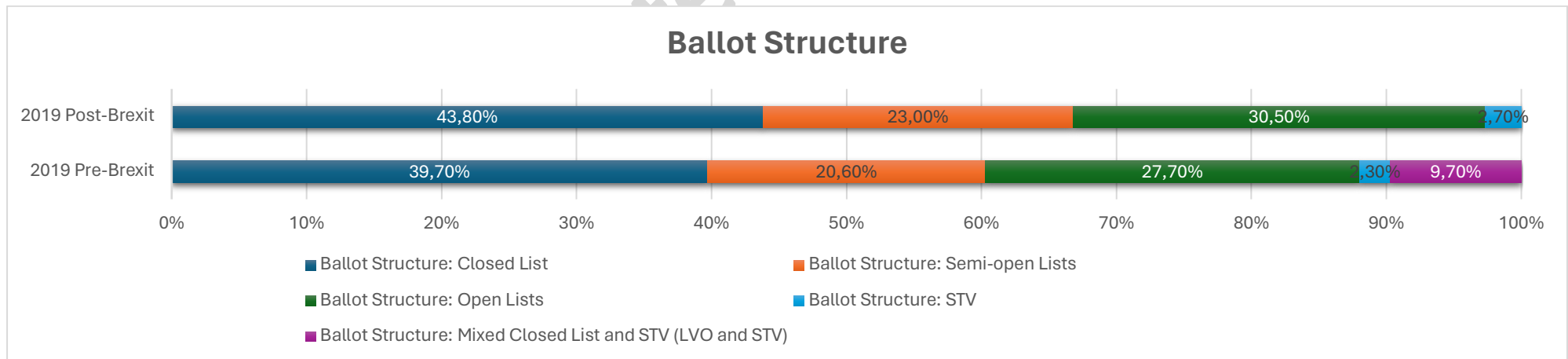


Figure 4.3: Sub-national Constituencies.

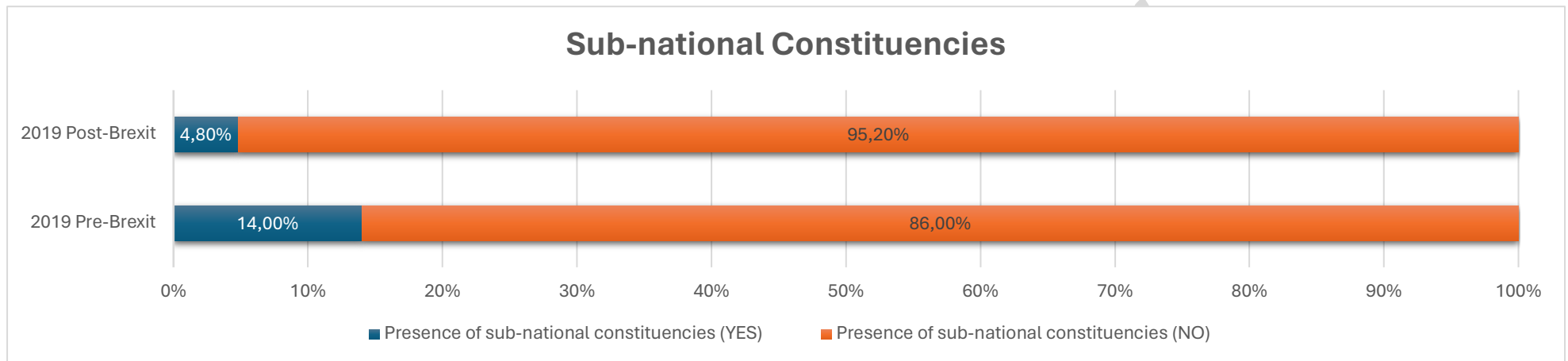
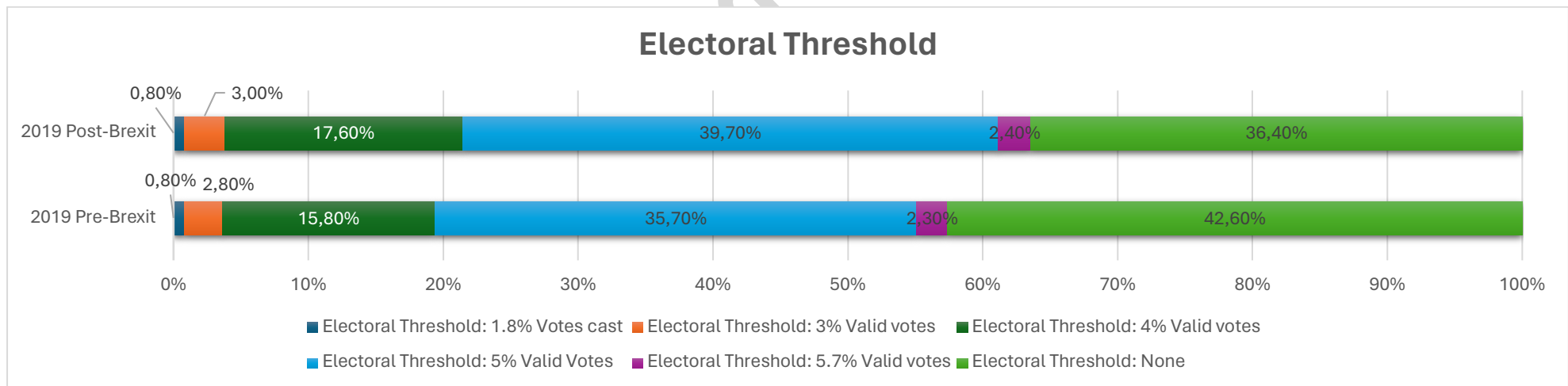


Figure 4.4: Electoral Threshold.



Figures 4.6-4.10 deal with the rules and procedures regulating access to the ballot, i.e., the voters entitled to participate in the European Parliament's election (see also appendix). Before the withdrawal of the UK delegation, six rules were characterised by a high level of homogeneity (compulsory vote, voting from abroad by embassy, Internet and proxy, voting days, and minimum age to vote). In contrast, the remaining ones presented a consistent level of heterogeneity (voting from abroad by post and minimum age to stand as a candidate).

Firstly, with the withdrawal of the UK and the redistribution of seats, the percentage of MEPs elected in Member States using compulsory votes rose from 9.40% to 10.10% (+0.7%) (see Figure 4.6). Secondly, the focus is on the rules regulating the possibility for the voters to vote from outside their own Member States. As the EU is based on the free circulation of people, this set of rules plays a significant role. Regarding the vote by post, the share of MEPs elected in Member States that concede it decreased from 52.5% to 47.4% (-5.1%) (see Figure 4.7). In the case of the vote by proxy, the share of MEPs elected in Member States that allow it decreased from 25.8% to 18.3% (-7.5%) (see Figure 4.10). Conversely, the share of MEPs elected in Member States allowing for voting abroad by embassy and Internet increased with the withdrawal from the UK. Respectively, voting by the embassy moves from 70% to 77.9% (+7.9%) and voting by Internet from 0.8% to 1% (+0.2%) (see Figures 4.8 and 4.9). Thirdly, the withdrawal of the UK provoked a slight decrease in the percentage of MEPs elected in Member States using 18 years old as the minimum age for voting, from 94% to 93.5% (-0.5%), and an increase in the share of MEPs elected using 16 years old and 17 years old as the minimum age for voting. The former moved from 3.2% to 3.5% (+0.3%) and the latter from 2.8% to 3% (+0.2%) (see Figure 4.11). Fourthly, the withdrawal of the UK caused a decrease in the share of MEPs elected in Member States, where 18 years old is the minimum age to stand as a candidate, from 61.2% to 57.4% (-3.8%). The redistribution of seats, instead, caused an increase in the share of MEPs elected in Member States using 21-year-old, from 22% to 24.1% (+2.1%), 23-year-old, from 4.3% to 4.7% (+0.4%), and 25-year-old, from 12.5% to 13.8%, as the minimum age to stand as a candidate (see Figure 4.12). Lastly, the share of MEPs elected in Member States holding the election within one voting day decreased from 97.2% to 97% (-0.2%).

Overall, the withdrawal of the United Kingdom from the EU and the redistribution of seats increased the homogeneity of the following rules: voting from abroad by embassy and proxy. Conversely, the withdrawal decreased the following: compulsory votes, voting from abroad by Internet, voting days, the minimum age to vote, and the minimum age to stand as a candidate.

Within these rules, the only substantial decrease is the one that affected the minimum age to stand as a candidate.

Just Accepted - Early View

Figure 4.6: Compulsory vote.

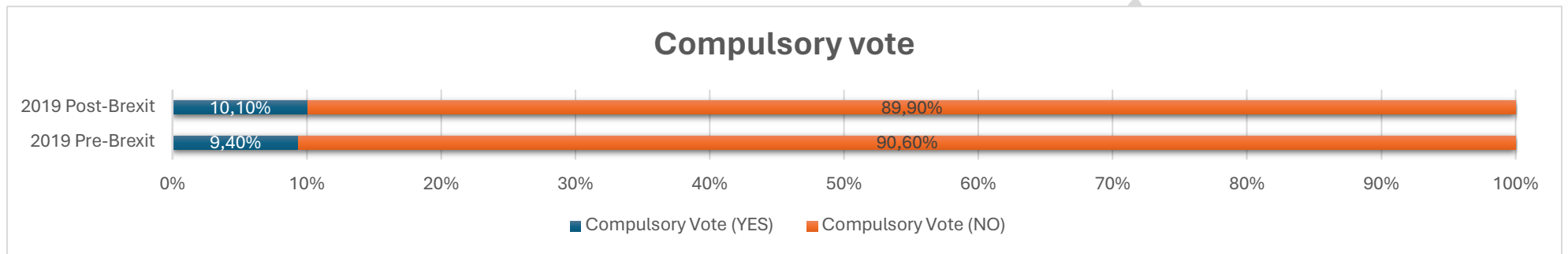


Figure 4.7: Voting from abroad by post.

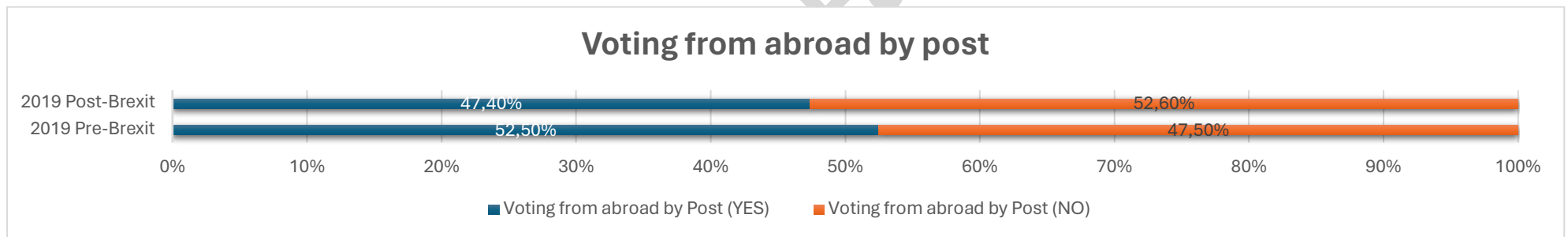


Figure 4.8: Voting from abroad by embassy.

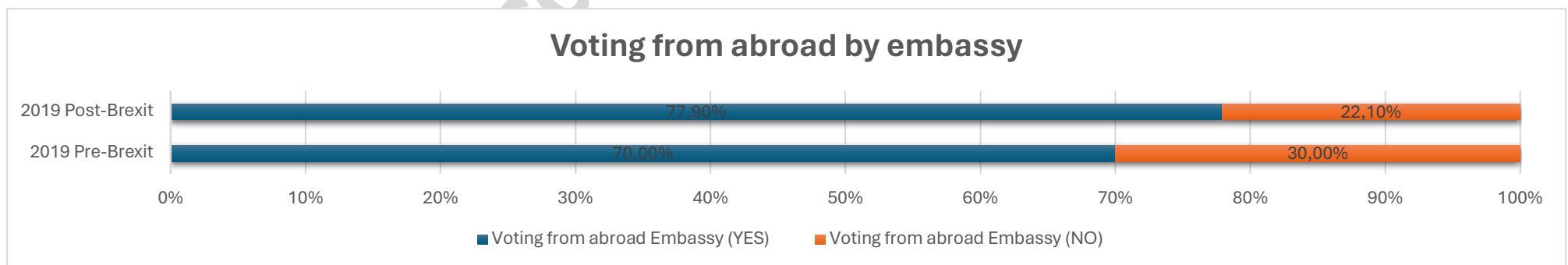


Figure 4.9: Voting from abroad by internet.

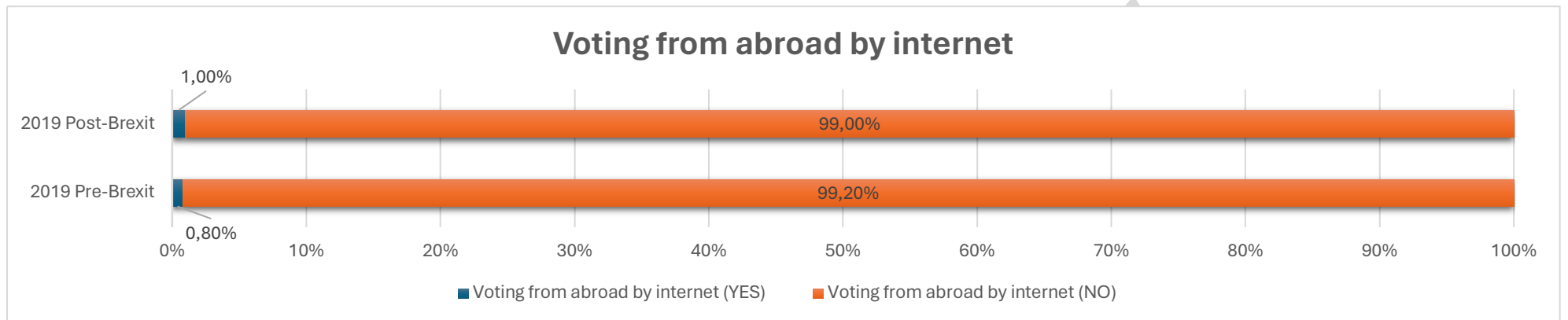


Figure 4.10: Voting from abroad by proxy.

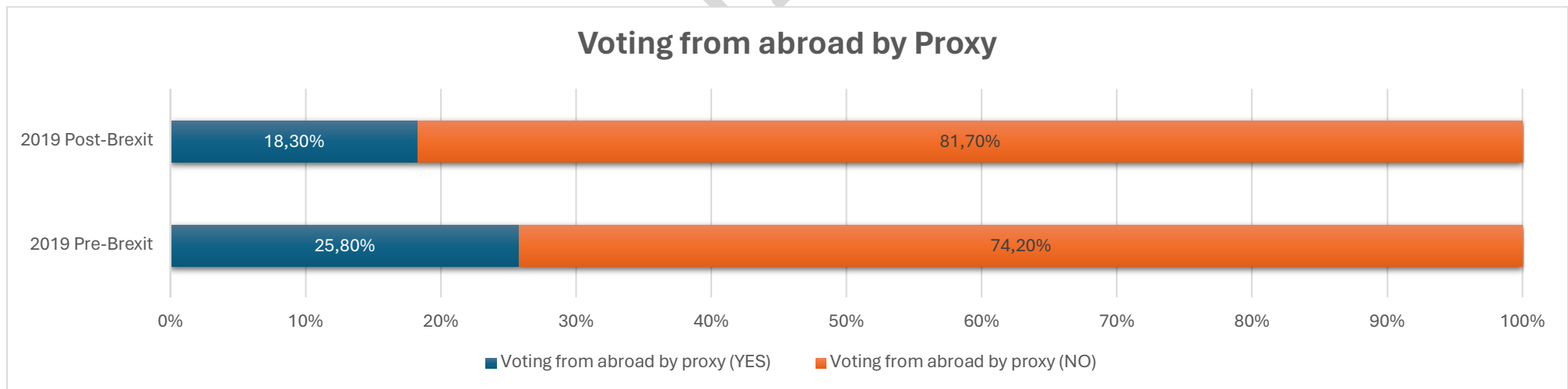


Figure 4.11: Minimum Voting Age.

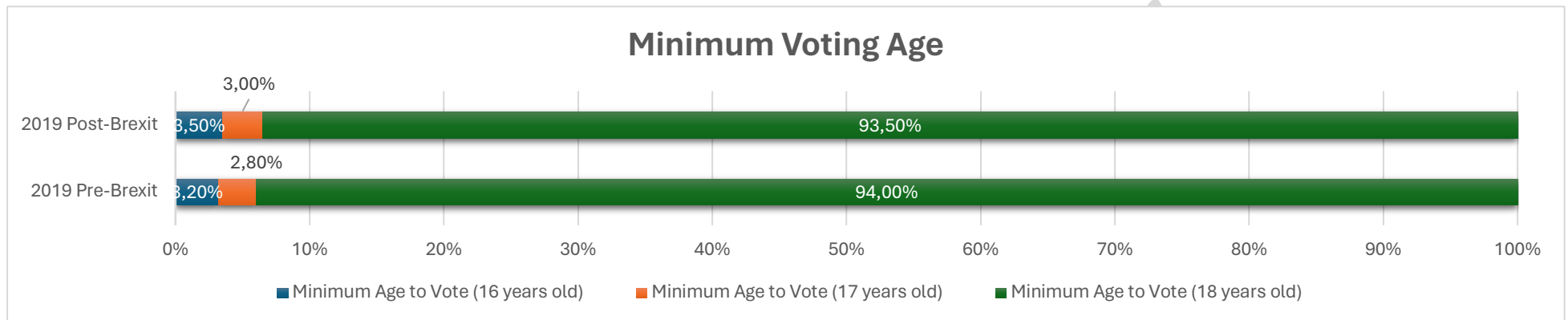
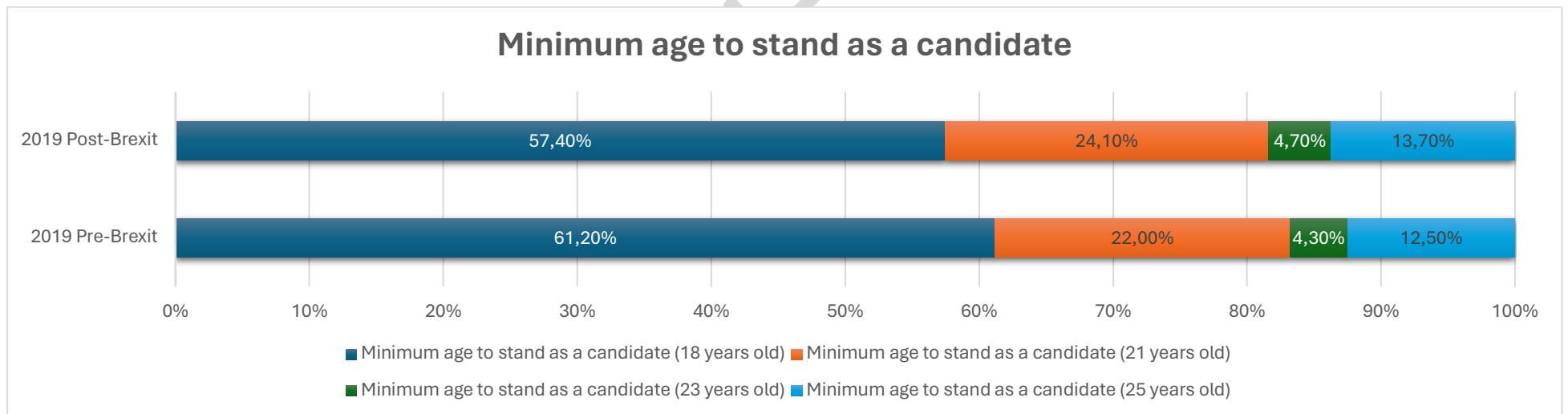


Figure 4.12: Minimum age to stand as a candidate.



6. Conclusion

The European Parliament is considered one of the main bulwarks against the democratic deficit due to being the EU's only directly elected institution. This article claims that the homogeneity of rules regulating the election of the MEPs is necessary for the EP to be representative of the European Citizens as stated in the Treaty of Lisbon and, thus, for it to be effective against the democratic deficit. Given the future second eastern enlargement of the EU, it becomes paramount to study the impact of processes of enlargement and withdrawal on the homogeneity of these rules. The 2019 European Parliament's elections and the withdrawal of the United Kingdom provided the ideal setting for this analysis.

However, the European Parliament's role as representative of European Citizens is weakened by the consistent heterogeneity characterising the electoral rules used to elect the MEPs. Consequently, the claim that the European Parliament is the most efficient countermeasure against the democratic deficit due to being the only EU institution representative of European Citizens and directly elected by them is also weakened. Moreover, the withdrawal of the UK and the partial redistribution of seats both increased (electoral formula; ballot structure; sub-national constituencies; voting from abroad by embassy; voting from abroad by proxy) and decreased (electoral threshold; compulsory vote; minimum age to stand as a candidate) the level of homogeneity of the rules used to elect the MEPs. Therefore, the withdrawal of the UK and the redistribution of seats comprehensively affected the homogeneity of the rules used to elect the MEPs and did not increase their homogeneity significantly. This analysis showed the impact that the withdrawal of a Member State or the enlargement of the EU may have on the homogeneity of the electoral rules regulating the election of the MEPs and the consequences for the EP as a representative of the European Citizens and as a bulwark against the democratic deficit. Thus, these results highlighted the challenges posed by the upcoming enlargement, which is likely to reduce rather than enhance the homogeneity of these rules if the EU does not implement a comprehensive harmonisation of the electoral rules and procedures for the election of the European Parliament at the EU level. To sum up, the need to strengthen the representative role of the EP and the need to prepare for the upcoming enlargement provides the EU with the rationale for the comprehensive harmonisation of the electoral rules used for electing the European Parliament, fulfilling Article 10(2) TEU's claim that citizens are directly represented at the Union level in the European Parliament.

Roberto Baccarini

University of Exeter

rb808@exeter.ac.uk

ORCID: <https://orcid.org/0000-0002-7211-4299>

Acknowledgments

A first draft of this article was first presented in the panel “Politics of the European Union” at the 29th International Conference of Europeanists, organised by the Council of the European Studies and held in Reykjavik, Iceland, 27-29 June 2023. I extend my thanks to all the people present at the panel for their valuable insights and suggestion concerning this work.

Declaration of Conflicting interest

None.

Biographical note

Roberto Baccarini is a PhD Student In European Politics at the Univeristy of Exeter.

References

- Bardi, L., & Cicchi, L. (2015). *Electoral rules and electoral participation in the European elections: the ballot format and structure*. Directorate General for Internal Policies of the Union: Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament.
- Bellamy, R., & Castiglione, D. (2000). The uses of democracy: Reflections on the European democratic deficit. In E. O. Eriksen & J. E. Fossum (Eds.), *Democracy in the European Union: Integration Through Deliberation?* (pp. 79-98). London: Routledge.
- Besselink, L. F. M., Swider, K., & Michel, B. (2019). *The impact of the UK's withdrawal on the institutional set-up and political dynamics within the EU*. Directorate General for Internal Policies of the Union: Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament.
- Calossi, E. (2015). Towards European Electoral and Party System. *IAI: Working Paper 15*(47). Rome: IAI (Istituto Affari Internazionali).
- Council Decision No 772/2002 (EC) of 25 June 2002 and 23 September 2002 amending the Act concerning the election of the representatives of the European Parliament by direct universal suffrage, annexed to Decision (EEC, EURATOM) No 787/76.
- Council of the European Union, General Secretariat of the Council, *Conference on the Future of Europe – Report on the final outcome – May 2022*, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2860/637445>
- Crobbett, R., Jacobs, F., & Shackleton, M. (Eds.). (2011). *The European Parliament*. London: John Harper Publishing.
- Costa, O. (2019). Introduction: The Need for Further Research on the European Parliament. In O. Costa (Ed.), *The European Parliament in Times of EU Crisis: Dynamics and Transformation* (pp. 1-21). Basingstoke: Palgrave Macmillan.
- Crego, M. D. (2022). *Towards new rules for European elections? EU Legislation in Progress*. Briefing. EPRS, European Parliament.
- European Commission for Democracy Through Law (Venice Commission) (2018). *Code of Good Practice in Electoral Matters*. Strasbourg: Council of Europe.

- European Union 2006, *Treaty establishing the European Community* (consolidated version 2006), OJ C 321E.
- European Union 2016, *Treaty on the European Union* (consolidated version 2016), OJ C 202.
- Fabbrini, F., & Schmidt, R. (2019) The composition of the European Parliament in Brexit Times: Changes and challenges. *SSRN Electronic Journal*. <http://dx.doi.org/10.2139/ssrn.3491661>.
- Farrell, D. M., & Scully, R. (2005). Electing the European Parliament: How Uniform are ‘Uniform’ Electoral Systems? *Journal of Common Market Studies*, 43(5), 969-984.
- Follesdal, A., & Hix, S. (2006). Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik, *Journal of Common Market Studies*, 44(3), 533-562.
- Hix, S., & Høyland, B. K. (2022). *The political system of the European Union*. London: Bloomsbury Academic.
- Kalcik, R., & Wolff, G. (2017). Is Brexit and opportunity to reform the European Parliament? *Bruegel Policy Contribution*, 2. Bruegel, Brussels.
- Kotanidis, S. (2019). *European Union Electoral Law: Current Situation and Historical Background*. Briefing. EPRS, European Parliament.
- Lehman, W. (2014). *The European elections: EU legislation, national provisions and civic participation*. Brussels: Directorate General for Internal Policies: Policy Department for Citizens’ Rights and Constitutional Affairs, European Parliament.
- Lord, C. (2001) Democracy and democratization in the European Union. In S. Bromley (Ed.), *Governing the European Union* (pp. 165-190). London: SAGE.
- Lord, C. (2023). The European Parliament and Brexit. In J. E. Fossum & C. Lord (Eds.), *Handbook of the European Union and Brexit* (pp. 178-191). Cheltenham: Edward Elgar Publishing Limited.
- Majone, G. (1994a). Independence vs Accountability: Non-Majoritarian Institutions and Democratic Government in Europe. *EUI Working Paper SPS 94/3*.
- Majone, G. (1994b). The rise of the regulatory state in Europe. *West European Politics*, 17(3), 77-101.

- Majone, G. (1998). Europe's 'Democratic Deficit': The Question of Standards. *European Law Journal*, 4, 5-28.
- Marquand, D. (1979). *Parliament for Europe*. London: Jonathan Cape.
- Mateo, F. (2022). European Parliament and representation of the Union's citizens: What can be expected from electoral law from a democratic standpoint? *European Law Journal* 28(1-3), 63-88.
- Moravcsik, A. (2002). In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union. *Journal of Common Market Studies*, 40(4), 603-624.
- Moravcsik, A. (2004). Is there a 'Democratic Deficit' in World Politics? A Framework for Analysis. *Government and Opposition*, 39(2), 336-363.
- Oelbermann, K. F., & Pukelsheim, F. (2020). *The European Elections of May 2019: Electoral Systems and Outcomes*. European Parliament Research Service (EPSR).
- Outly, J. (2007). The Electoral System for Elections to the European Parliament: A Comparison of the Original and the Newly Admitted Countries. *Contemporary European Studies*, 2(1), 5-20.
- Nugent, N. (2022). *The government and politics of the European Union*. London: Bloomsbury Academic.
- Pitkin, H. F. (1972). *The Concept of Representation*. Berkeley, CA: University of California Press.
- Reif, K., & Schmitt, H. (1980). Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results. *European Journal of Political Research*, 8(1), 3-45.
- Rittberger, B. (2009). Democratic Deficit. In I. Mc Lean, & A. McMillan (Eds.), *The Concise Oxford Dictionary of Politics*. Oxford: Oxford University Press.
- Sabbati, G., Sgueo, G., & Dobрева, A. (2019). *2019 European elections: National rules*. Infographic. EPRS, European Parliament.
- Schulmeister, P., Defourny, E., Maggio, L., Hallaouy, S., Chiesa, A., Jalakas, K. (2018). *Democracy on the move: European elections: one year to go*, European Parliament, Directorate-General for Communication. <https://data.europa.eu/doi/10.2861/947973>
- Schulmeister, P., Büttner, M., Chiesa, A., Defourny, E., Hallaouy, S., Maggio, L. Tsoulou-Malakoudi, D., Friedli M. E., Van Gasse B. (2019). *Closer to the citizens, closer to the ballot*, European

- Schwarz, O. (2020). The 2019 European Parliament Elections and Brexit: Business as Usual? In M. Kaeding, M. Müller, & J. Schmälter (Eds.), *Die Europawahl 2019: Ringen um die Zukunft Europas* (pp. 379-390). Wiesbaden: Springer VS.
- Weiler, J. H. H., Haltern, U. R., & Mayer, F. C. (1995). European Democracy and Its Critique. In J. Hayward (Ed.), *The Crisis of Representation in Europe* (pp. 4-39). London: Frank Cass.

Just Accepted - Early View

Just Accepted - Early View