THE RADICALITY OF SUNLIGHT

Five Pathways to a More Democratic Europe

Kalypso Nicolaidis · Nicolai von Ondarza · Sophia Russack

A report of the CEPS-SWP High-Level Group on Bolstering EU Democracy (October 2023)

CONTENTS

The CEPS-SWP High-Level Group on Bolstering EU Democracy

Chair:
- *Kalypso Nicolaïdis*, Professor at the European University Institute (EUI)

Co-Rapporteurs:
- *Sophia Russack*, Researcher, CEPS
- *Nicolai von Ondarza*, Head of the EU/Europe Research Division, SWP

Members:
- *Jan Philipp Albrecht,* Co-President, Heinrich-Böll-Stiftung
- *Vladimír Bilcik,* Member of the European Parliament, European People's Party
- *Karolina Borońska-Hryniewiecka,* Professor of Political Science, University of Wrocław and Visiting Fellow at the Université Paris Sorbonne
- *Aleš Chmelař,* Permanent Representative to the OECD of the Czech Republic; former Deputy Minister of Foreign Affairs for European affairs and State Secretary for European Affairs
- *Lolita Cigane*, former Chair of the European Affairs Committee of the Parliament of Latvia
- *Simonetta Cook,* Advisor, Cabinet of the President of the European Council
- *Richard Corbett,* Former Member of the European Parliament, S&D Group
- *Ben Crum,* Professor of Political Science, Vrije Universiteit Amsterdam
- *Harlem Desír,* Former French Minister of State for European Affairs
- *Carl Dolan,* Senior Adviser, European Ombudsman
- *Daniel Freund,* Member of the European Parliament, Greens-European Free Alliance
- *Hussein Kassim,* Professor of Politics, University of East Anglia
- *Brigid Laffan,* Emeritus Professor, EUI
- *Paula Oliver Llorente*, CEPS Young Thinker
- *Cecilia Malmström,* Former European Commissioner for Trade and former European Commissioner Home Affairs; former Minister for European Union Affairs
- *Christine Neuhold,* Professor of EU Democratic Governance and Dean of the Faculty of Arts and Social Sciences, Maastricht University
- *Eva-Maria Poptcheva,* Member of the European Parliament, Renew Europe Group
- *Arnoldas Pranckevičius,* Permanent Representative of Lithuania to the European Union
- *Anthony Teasdale,* Visiting Professor in Practice, London School of Economics (LSE)
- *Michiel van Hulten,* Director, Transparency International EU (currently on sabbatical)
- *Sophie in't Veld*, Member of the European Parliament, Renew Europe Group
- *Catherine de Vries,* Professor of Political Science, Bocconi University

EXECUTIVE SUMMARY

The EU is going through a critical moment in its history, expected to deliver on many fronts at once, from long-term transitions to crisis after crisis. It would be wrong, however, to assume that it can afford to ignore its deepest and most perennial challenge, namely its own democratic credentials.

In fact, the EU is facing a triple democratic *rendezvous* at the next EP elections, as voters will be called to reflect on the future of the EU and its policies, on the need to democratically anchor its new crisis-led powers, as well as its looming enlargement to 30+ more countries, including Ukraine.

To offer ideas for the debates that will necessarily unfold, CEPS and SWP set up a High-Level Group on Bolstering EU Democracy, composed of 23 politicians, officials, diplomats and scholars from a wide range of Member States, institutions and political parties, as well as including CEPS Young Thinkers.

While members debated a vast range of topics, they converged on a set of recommendations inspired by a simple theme from which they derived five pathways for bolstering the EU's democracy (some of these were subject to dissent) – we call it the Radicality of Sunlight.

Legend:

Low hanging fruit	*No free lunch*	*Controversial*
Pie in the sky	*'Oldies but goldies'*	

Pathway 1: The highest standards of transparency and integrity

Effective transparency and integrity are the bedrock of democratic accountability. Despite recent progress, including in the wake of several EU-level scandals, (too) much still needs to be done:

- Ensure visible compliance with EU Ombudsman recommendations.

- Facilitate access to EU documents and establish a user-friendly document register.

- Establish a pan-European lobby register via an 'EU Lobby Act', that includes lobbying aimed at national governments on EU issues, thus linking national and EU level practices.

- Better protection for whistleblowers to make it easier for EU staff members to report criminal behaviour.

Strengthen the democracy methodology of enlargement, through stringent requirements protecting against the politicisation of the civil service, nepotism, and generalised corruption, as well as engagement with citizens from candidate countries and support for the transformation of national transparency regimes.

Improve transparency of the legislative process (especially for the so-called trilogue negotiations between the European Parliament (EP), the Council of the EU and the Commission).

Improve the transparency of the Council's legislative work by making documents and especially national positions public.

Most ambitiously, in reaction to the 'Qatargate' scandal, create an EU ethics body to provide truly independent oversight and avoid self-regulation by MEPs and Commissioners.

Pathway 2: Democratise crisis governance

New powers with long-term structural implications call for new democratic accountability obligations:

Establish a repository of EU emergency instruments and seek larger democratic mandates when taking far-reaching crisis decisions through extensive and regular consultations with the EP, national parliaments and wider EU stakeholders.

Applying the 'Barnier method', i.e. voluntary regular consultations with the EP, national parliaments and wider EU stakeholders.

Full (financial) transparency around implementing the EU's new instruments, to enable citizens and media to 'follow the money' in joint procurements or new budgetary instruments.

Measure the social impact of long-term financial instruments linked to the European Pillar of Social Rights.

Envisage giving the EP co-decision powers under Article 122 TFEU, the 'emergency clause' that was used to create many of the new instruments.

Introduce a 'state of emergency' like many national constitutions, which define and limit wider executive powers in the case of a declared emergency.

Pathway 3: Make the most of EP elections

Considering the EP's truly significant role, remedy the vicious circle of low perceived stakes-low turnout:

Encourage national parties to showcase their European political parties before, during and after the elections.

Agreement on the EP elections taking place simultaneously across the EU on the same day, such as Europe Day (May 9).

The EP and the European Council need to agree before the elections on how to select the Commission President to avoid yet another post-electoral institutional turf battle.

Either:

institutionalise the 'lead candidate' procedure through an inter-Institutional agreement eschewing both automaticity and pure discretion. We also propose using the term 'lead candidates' (alternatively 'party candidates') instead of *Spitzenkandidaten*.

Or:

introduce an electoral college after the EP elections, with equal representation for both the EP and the European Council to publicly deliberate and identify a candidate acceptable to both institutions.

Introduce transnational lists, while also addressing concerns about national quotas.

Pathway 4: Bolster national parliaments' link with 'Europe'

Wake up the 'sleeping beauties' of European democracy:

Encourage and incentivise national parliaments to learn from each other's best practices on giving a negotiation mandate to their national government and holding them accountable for their actions at EU level.

Introduce a mechanism for a group of national parliaments to present proposals for legislative initiatives directly to the European Commission.

Either way, organise meaningful strategic engagement between the EP and national parliaments, structurally In Brussels or hosted by the parliament of the Member State holding the Council Presidency.

Give groups of national parliaments a joint legislative right of initiative in cooperation with the EP (as an indirect legislative initiative under Article 225 TEU).

Create an assembly of national parliaments.

Pathway 5: Empower EU citizens through participatory democracy

Entrench direct citizens' participation between elections by making the EU's participatory toolbox radically more visible, effective, and creative:

Link the European Citizens' Initiative (ECI) more systematically to the EU's regular decision-making process and facilitate more political buy-in.

Launch a broad pan-European debate on primary education in European schools to recommend that school curricula include civic lessons on democracy and EU decision-making.

Introduce a Standing Citizens' Assembly with members selected by lot and serving on a rotating basis, as well as magnify the visibility of existing upcoming EU panels, and translate technocratic consultations into more democratic practices.

Encourage national parliaments to host a pan-European Citizens Assembly in the context of their country's Council presidency, to discuss their priorities, also including citizens of candidate countries.

Possibly alleviate European leaders' fears about resorting to direct democracy by holding EU-wide *preferenda* that offer a menu of options, and coupled with other participatory instruments, such as ECIs and Citizen's Assemblies, which all ensure extensive preliminary deliberation.

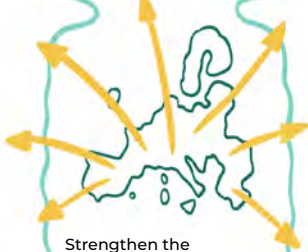Consider participatory budgeting in the local management of EU funds.

PATHWAY 1
Highest standards of transparency and integrity

- Better access to EU documents and user-friendly register
- Visible compliance with EU Ombudsman recommendations
- Strengthen the democracy dimension of enlargement
- Improve transparency of trilogues and the Council
- Create an EU ethics body

PATHWAY 2
Democratise crisis governance mechanisms

- Establish a repository of EU emergency instruments
- Applying the 'Barnier method' (i.e. voluntarily parliamentary consultations)
- Full (financial) transparency around the EU's new crisis-instruments
- Co-decision powers of EP under Article 122 TFEU

PATHWAY 3
Make the most of EP elections

- Greater visibility of European political parties
- EP elections on same day (ideally 09 May)
- Agreement between EUCO and EP about how to appoint the Commission President
- Lead candidate procedure
- Electoral college
- Introduce transnational lists

PATHWAY 4
Bolster national parliaments' link with 'Europe'

- Regular exchanges among national parliaments
- National parliaments proposals to the Commission
- Strategic engagement between national parliaments and the EU-level (EP and Commission)

PATHWAY 5
Empower EU citizens through participatory democracy

- More political buy-in by EU institutions for ECIs
- Inclusion of democratic and EU decision-making school curricula
- A standing Citizens' Assembly for the EU
- EU-wide preferenda

Bolstering EU Democracy through the radicality of sunlight

This illustration is not exhaustive, see the **HLG report** for more recommendations.

INTRODUCTION

'European Democracy' is a paradoxical object of desire. Everyone in Europe claims to want it but too few among the public or decision-makers focus their energies on it. No one doubts that democratic legitimacy is vital for European integration, especially as more and more is at stake because of EU decisions. As the EU it is expected to deliver on many fronts at once, from long-term transitions to crises and wars that threaten to destroy its stability, democratic respect towards its citizens is arguably its biggest asset.

At a procedural level, the EU has become increasingly democratic. Not only with the introduction of direct elections to the European Parliament (EP) in 1979, almost half a century ago, but with every EU treaty reform since Maastricht in 1992, new sources of democratic legitimacy have been introduced. At least – and this is very important to the story that we want to tell – *institutional* sources of legitimacy. The powers of the EP were strengthened, and the Commission was tied more closely to it, with the aim to make the EU's main executive more political and accountable. Steps were also taken to make the Council of the EU more accessible, with it being obliged to be fully transparent to the public when taking its final vote on legislation.

Measures were introduced to involve national parliaments more directly, especially concerning the respect of the subsidiarity principle. Fifteen years ago, the Treaty of Lisbon further added cautious elements of participatory democracy, for instance in the form of the European Citizens' Initiative (ECI). More recently, the Conference on the Future of Europe, which [concluded](#) in May 2022, consulted randomly selected citizens, thus marking an important new landmark in the EU's ongoing democratic journey.

Yet despite this formal democratic trajectory, the EU's age-old democratic malaise is still with us, whether one actually believes in a 'democratic deficit.' According to a [Eurobarometer survey](#), less than half of EU citizens believe that their voice counts or consider it highly important to vote in EP elections.

This may not be surprising. The EU institutions are inevitably more distant from citizens than national or local institutions and use fewer familiar procedures. This may be a good reason to refrain from centralising too much at EU level, but also a good reason to double down on democratic gravitas when EU Member States do decide to act together. Many of the EU's crisis-driven decisions during the 'polycrisis' of the last decade have been driven by the European Council – admittedly with its own, crucial but insufficient, indirect democratic legitimacy – and often with little involvement of either the EP or national parliaments, let alone EU citizens. Question marks still linger around the strength of the democratic mandate given through EP elections, which remain by and large 27 parallel national elections. If we add the renewed prospect for enlargement to this mix, no wonder demands have resurfaced for more democratically legitimate governance and decision-making processes within the EU.

Let's Talk!

Whether policymakers like it or not, the EU's conversation in 2024 will have to be about its democratic credentials. Looking ahead to next year's EP elections and the next EU institutional cycle (2024-29), CEPS and SWP joined forces to bring together a High-Level Group to contribute to this conversation.

The group was composed of 23 politicians, officials, diplomats, and scholars from across Europe, participating in a strictly personal capacity and chosen to reflect as wide a range of views as possible from different EU Member States, institutions and political parties. They were also joined by a representative from the CEPS Young Thinkers Initiative. The group was chaired by Kalypso Nicolaïdis, with Sophia Russack (CEPS) and Nicolai von Ondarza (SWP) as co-rapporteurs. All discussions took place under the Chatham House rule.

The group started by agreeing on its mandate – to devise ways to bolster democracy in the EU – and proceeded to generate ideas on how to address this challenge. Although this report reflects these discussions, not all members have necessarily endorsed every recommendation. When appropriate, we highlight controversial points and alternative viewpoints. Democracy, after all, starts with acknowledging conflicts and disagreements, before seeking to resolve them. But above all, we all devoted time, energy, and imagination to this exercise because we believe in the fundamental merits of the conversation itself. To EU policymakers and citizens alike, we say: don't take our word(s) for it! Let's talk!

Three triggers for a 'democracy debate'

Why now? Although it's always a good time to try to bolster democracy, three reasons stand out to bring the democratic agenda to the forefront in the autumn of 2024:

1. *The coming geopolitical elections of 2024:* First and most immediately, the upcoming EP elections in June 2024 will surely reignite debates on how the EU should be governed, especially considering that there are momentous and controversial decisions that need to be taken regarding the great transitions of our time. In a wider sense, 2024 is also a 'super electoral' year in the West, with elections taking place not only in the EU, but also the US, and (most likely) in the UK, all of which will put the resilience and vitality of Western democracy to the test. This time around, democratic resilience is a geopolitical issue. Russian disinformation, combined with sources of post-truth, populism and polarisation within the EU risk offering a powerful mix that tilts the field in favour of autocratic regimes.

    ⇨ **The bottom line:** A more democratic EU is a stronger EU, both domestically and geo-strategically.
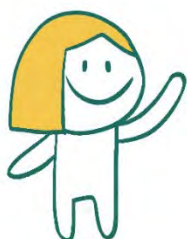
2. *The 'new democratic deficit':* EU powers have been radically expanded in response to the challenges that have confronted it over the last decade, especially in the sensitive areas of 'core state power'. It stands to reason that more political responsibilities should go together with greater democratic legitimacy. To be sure, the EU has become more resilient, for instance through the joint purchasing of vaccines, the creation of the NextGenerationEU (NGEU) recovery fund and the joint purchasing of gas and ammunition in response to the Russian war against Ukraine. But new 'instruments' have not been matched with new accountability mechanisms. To take actions for which the treaties did not provide a clear legal base, the European Council and the Commission used flexibility mechanisms to ensure swift joint action. This expanded the EU's political responsibilities but often took place without scrutiny from the EP, national parliaments or indeed the public. Policy resilience calls for 'democratic resilience', a requirement addressed in the Commission's recent 'defence of democracy package'. This is an excellent – albeit incomplete – start which requires careful nurturing and enriching.

   ⇨ **The bottom line**: The more the EU becomes politically responsible for the provision of public goods, the more accountable it needs to be.

3. *The return of enlargement:* Finally, candidate status for Ukraine and Moldova and potentially Georgia, as well as revitalising the accession processes for the Western Balkans, revived the prospect of an EU of 30+ Member States. Turkey also remains a candidate country, though accession talks are currently stalled. Such a potentially large enlargement opens age-old questions about the EU's 'integration capacity' and the kind of reform that will prepare the EU for such a big bang. To be sure, some institutional questions will be unavoidable, such as how to allocate seats in the EP, as well as other difficult compromises that will be necessary regarding the size of the Commission and the scope and nature of QMV in the Council. Witness the recent speeches by Charles Michel and Commission President Ursula von der Leyen in her 'State of the Union,' as they both call for the EU to engage in a conversation on the necessary reforms to prepare for enlargement. So do others, such as the Franco-German working group which recently made headlines across Europe with its own report on how to reform the EU prior to the next wave of enlargement[1].

   But too often, this conversation narrowly focuses on the question of the EU's capacity to act, whereas the need for democratic legitimacy is equally crucial for an EU of 30+ members. Most fundamentally, the EU needs to ensure that 'enlargement fatigue' does not morph into 'democratic fatigue', as elites in candidate countries risk being allowed to capture EU resources and levers of power above the heads of their citizens. Questions abound as to how European citizens can feel engaged in such an ever larger and heterogenous transnational construct, and how the risks of further democratic

---

[1] Full disclaimer – the HLG rapporteurs were also members of the Franco-German working group and the work of the two groups took place at the same time. Nonetheless, this group was conceived and acted independently, and its work can be seen as complementary to the work of the Franco-German working group.

backsliding are connected at national and European level. There might not be such a thing as an 'enlargement-ready EU' given that much in the EU evolves organically as challenges arise. But if enlargement is to be sustainable, citizens from old and new Member States need to engage *together* in reinventing transnational democratic practices in Europe for the 21st century – in the EU and in the broader space covered by the Council of Europe and the European Political Community.

⇨ **The bottom line**: A new push for enlargement must rest on bolstering democracy. The debate about reforming the EU to be ready for 30+ members must be as much about its democratic strength as about its capacity to act.

Our baseline: Long Live the institutional equilibrium, welcome bolstered democracy

To address this triple *democratic rendezvous,* we deployed a broad intellectual net, setting out to address the general state of EU democracy and taking into account the ideas and proposals from the 2021-2022 Conference on the Future of Europe, the Commission's democratic resilience package, EU Ombudsman decisions, and the EP's various initiatives and recommendations, including on treaty change. We also try to take into consideration numerous speeches that have been given on these issues, ranging from French President Macron, German Chancellor Scholz and Polish Prime Minister Morawiecki on how (not) to reform the EU.

We could not escape the perennial debates over what kind of polity the EU is and aspires to be, and thus how to 'democratise' such a unique polity. Debates resurfaced on how EU-level and national democracy are connected, or – to put it another way – how the democratic question relates to an inter-institutional equilibrium. But the group was inclined to move into more empirical landscapes relevant to actors for change and, more broadly, citizens and their perceptions, experiences, and aspirations.

Unsurprisingly, our debates contained a wide range of views, but also a shared sense that, when it comes to the EU, radical democratisation does not necessarily call for radical institutional change. In general, the EU of today has become a distinct but mature political system, which is no longer undergoing constant constitutional change as was the case in the 1990s and 2000s.

Instead, since the Treaty of Lisbon, and arguably earlier, it has developed a subtle institutional equilibrium with three different strands of democratic legitimacy – via the directly elected EP (supranational), via the nationally elected governments representing their citizens in the Council/European Council (intergovernmental), and – by far the least developed – via direct citizen participation, such as the ECI or the Citizens' Panels created after the Conference on the Future of Europe (participatory). Arguably, it's the European Commission that holds this system together.

Acknowledging this precious equilibrium should not blind us to the need for change, change that will reconcile the existing and dominant diplomatic and technocratic logic with our collective democratic aspirations. Debates about the formal distribution of power – between institutions, Member States, political parties and, ultimately, between citizens and policymakers – will give way to *how* power is exercised: '*for everything to remain the same, everything must change.'*

On this basis, our discussions made at least three points clear:

1. **First, unsurprisingly, members' opinions on bolstering democracy depends on their reference point for democratic legitimacy**. Those for whom the EU political system ought to progressively resemble a (federal) state took issue with the EP's lack of powers, the indirect nature of the European Commission's accountability, the overwhelming preponderance of the European Council, and the barriers hindering the emergence of a European public sphere. On the other hand, those comfortable with the EU's intergovernmental nature highlighted the democratic legitimacy of national leaders and ministers in the European Council and Council, questioning whether reforms such as more majority voting or a lead candidate procedure would weaken, rather than strengthen, European democracy. Those arguing for a third, democratic view also defended the existing institutional equilibrium but stressed the importance of horizontal connections between citizens across borders and the promises and potential of participatory democracy. As these threads remained constant throughout our debates, we have aimed to reconcile them in our recommendations.

2. **Second, we agreed to disagree on whether and how to advocate for treaty change**, a question related to all three of our democratic triggers. To be sure, certain institutional reforms – such as the perennial question over the veto in the Council – do not necessarily require changing the EU's primary law but can be done through the '*passerelle* clauses' (i.e. bridge clauses that allow minor adaptations of the treaties without a full-blown treaty change procedure). Several group members strongly argued in favour of more QMV given the challenge of vetoes on sanction packages, the inability to use Article 7 TEU to determine when a Member State is backsliding on democracy and the rule of law, and the prospect of enlargement. The group tended to agree that the veto allows for a single government to essentially blackmail the EU or, at least, to bring EU decisions down to the lowest common denominator. But it's no secret that Member States are reluctant to embark on treaty change, even if the prospect of enlargement has put treaty change at least back into the realm of possibility, be it through a regular convention, via the accession treaties or through entirely new and more innovative ways. Nevertheless, even enlargement-connected treaty changes will not materialise before 2030. Regardless of whether treaty change (or the use of the *passerelle* clauses) is desirable in the longer run, we had hoped to agree on a political transformation that might in fact be even more radical than a mere legal transformation.

3. **Third, and crucially, we agreed that the marketplace of ideas on reforming the EU is in full swing intellectually but politically stuck**. Initiatives, plans, and visions on how to reform the EU continue abound. Some proposals, such as the creation of transnational lists for European elections, have long been tossed back and forth between the EU institutions so many times that they have become politically toxic themselves. Our challenge therefore lay less in coming up with completely new and original ideas on how to reform the EU (although we do that too), but more in bringing together existing ideas together into an innovative package that could muster broader political support. Having

set aside grand new plans for an institutional shake up and treaty change, we chose a more direct approach – the pragmatic, incremental business of bolstering day-to-day democracy in the EU.

⇨ **The bottom line**: The EU remains a Union of states and citizens. Bolstering democracy should respect this balance and be reflected in its institutional set up. The aim should be to strengthen the *whole* institutional architecture of the EU, not to pit one institution against the other.

Our democratic anchor: Let the sunshine in

With more at stake geopolitically, more tasks, and potentially more members, European integration will need a stronger democratic anchor. But how strong can this anchor be short of a new treaty or a magic wand?

When faced with complex challenges and with multiple obstacles on how to address them, it often helps to go back to basics. We have little doubt that the challenges to EU legitimacy are more daunting than ever, the edifice ever more complex. Which is perhaps why in the end we seem to have taken refuge in probably the simplest solutions on offer, timeworn yet alas so often ignored by those in positions of power.

This magical solution we call… **'the Radicality of Sunlight'**. After all, sunlight is the main source of energy that will power our climate transition and planetary politics for decades to come. Why could it not also be our main source of *democratic energy?* More specifically, the energy of change agents, be they EU officials or entrepreneurs, politicians or ordinary citizens, civil society, techies or activists.

Democracy is not an abstract Platonic ideal. It is instantiated in everyday practices and mindsets, individual reflexes, and collective commitments. To bathe all things EU in sunlight would be quite a revolutionary democratic move, if only it could start in our minds and mindsets and inform everything we do. Sunlight starts with *transparency* and is thus the foundation for the democratic accountability of decision-makers in the Council, EP and Commission. It ought to permeate agenda setting, EU decision-making and implementation. Of course, there will always be spaces that escape sunlight, in the corridors of power and in diplomatic parlours. That's life. That's political life. But these should be the exception, not the rule.

Sunlight, however, is not only about transparency in government, although its full deployment thanks to the internet could be truly revolutionary. It also invokes *accountability*, or the old democratic exigency to *give reasons* – plausible, clear and detailed reasons for what one does or does not do. And it means that elected leaders, civil servants or corporate actors need to demonstrate personal *integrity* in the way they exercise their roles, a precondition for effective and legitimate democratic decision-making. Transparency and accountability are means to make sure that this is indeed the case.

But the radicality of sunlight does not stop with transparency, accountability and integrity. It is even more fundamentally about *empowerment*, individual and collective, powering the actions of those who decide to engage. To be sure, it has become fashionable to call for citizens' empowerment, for giving access to power beyond the professional agents of the state. We of course advocate for such empowerment and this means that sunlight must light up access to spaces of power by citizens at large and, among them, change agents, wherever they happen to exercise their democratic energy and imagination. In short, letting the sunshine in is the ultimate mark of democratic respect.

And of course, we are not only speaking of sunlight in Brussels. Sunlight in the EU means sunlight all around the continent, from Porto to Helsinki, from Dublin to Bucharest, from Riga to Lisbon, from Thessaloniki to Paris. Sunlight provides the *democratic link* between democracy at the supranational and national level. Heads of state and government cannot be accountable in Brussels if they are not accountable at home. Democratic respect implies that participating states must abide by the commitment to allow their citizens to input into the laws that apply to them, thus putting national modes of authorisation regarding EU decisions and rules together.

Accountability and legitimacy mechanisms at all levels of government, from town to the very top, must be connected by the sunlight that shines through all of them. It is about how all collective spaces operate, in schools, businesses or neighbourhood councils, within political parties, trade unions or civil society organisations. If we will it, digital technologies can be the great transmitters of sunlight. But ultimately sunlight emanates from all of us.

> ⇨ **The bottom line**: The basic expressions of radical sunlight – transparency, integrity, accountability and ultimately the empowerment of democratic actors – could be the basis for a radical transformation of the EU regardless of treaty change.

Five pathways for a more democratic EU under sunlight

Equipped with this simple but powerful intuition, we identified **five pathways** for bolstering democracy in the EU:

1. Start with the highest standards of transparency, accountability and integrity.

2. Democratise crisis governance.

3. Make the most of European elections.

4. Bolster the European link with national parliaments.

5. Empower EU citizens through participatory democracy.

Through this report we offer a diagnosis and recommendations for each area. These recommendations fall under three broad categories:

- The '*low hanging fruit*' 🍄 proposals we assess could achieve a political majority and are implementable without treaty change.

- The *'no free lunch'* 🍴 recommendations, that would have a high impact but require investing serious political capital to reach an agreement.

- And finally, the *'pie in the sky'* 🍰 proposals that are the most democratically ambitious but are far from achieving a political majority and/or require treaty change.

In addition, we have labelled some proposals, and across categories, as: *'oldies but goldies'* 💿 – proposals that have been discussed within the EU Bubble for some time and those that we consider having great merit, but which have not yet found their moment. Lastly, we labelled recommendations with 🔥 when they triggered considerable controversy within the group.

Pathway 1: Start with the highest standards of Transparency and Integrity

The 'radicality of sunlight' has been in the news a lot lately, as each of the EU's institutions has been subjected to its unforgiving rays: Most famously of course is the 'Qatargate' scandal in the EP, but also 'Covid-gate' in the Commission, where a lack of transparency over the procurement of vaccines led to a finding of maladministration from the Ombudsman and which is still being wrangled over in the courts, and 'Frontex-gate', i.e. the secret support for illegal pushbacks with the blessing of many Member States.

These disparate and contingent occurrences must be seen against a common backdrop, that being the lack of transparency in certain EU decision-making processes. Arguably, these scandals would have been much less likely to occur if the institutions and the practices of those who work within them had been exposed to more sunlight. Because sunlight goes to the core of democratic legitimacy – only if the public, voters and specialised 'multipliers' like journalists and civil society actors can hold governments, parliamentarians, and EU actors accountable can the chain of accountability function that is so vital for democratic legitimacy.

This diagnosis will surely be amplified by the prospect of enlargement, as the candidate countries tend to come with reputational baggage in this area, whether they deserve it or not. In this regard, the EU should fully use its pre-accession leverage over the accession candidates to demand clear proof that they are empowering their civil society actors.

For the EU to retain and regain trust with voters, therefore, we need to ask how to bring sunlight in. This starts with specific transparency obligations regarding their conduct and decision-making. But which kind of transparency is needed? Where is it most blatantly lacking? And how it can be improved?

We understand transparency to start with the availability of information about how decisions are taken and implemented by different EU actors to other actors, in particular the public. In the EU this corresponds to publicly available information about different stages of the decision-making process, for instance concrete initiatives, amendments or voting records, as well as EU officials' engagement with lobbyists during these processes.

But information-related rules are not sufficient by themselves to ensure a strong transparency regime. *Effective transparency* requires more: for information to be available in a way that is accessible and understandable to the public, including the media and civil society actors, which in turn depends on both the better enforcement of existing transparency and integrity rules in the EU institutions and stronger sanctions to dissuade rule breaking. Thus, a culture of transparency needs to permeate every nook and cranny of the EU institutions.

Effective transparency should be directed at different aims. First, as a prerequisite for *democratic accountability*. Only if the public has access to the information on how decisions are taken by their representatives in the EP, the Council, the European Council and the Commission, can they use their democratic rights to its full extent. National parliaments also need to be transparent to do their job and hold their respective government accountable for what they do and say in Brussels.

Second, effective transparency contributes to *better* law-making and implementation. Decision-making that is more accessible to the public and less susceptible to malign influence contributes to better outcomes and a more efficient use of public resources. Often this will not be individual citizens, but specialised media and civil society actors that can then bring noteworthy issues to the attention of the wider European and national public sphere.

Third, effective transparency is the best safeguard against undue influence. To be sure, 'lobbying' and input from special interests into policymaking can be desirable and useful under certain conditions. The EU practice of openness towards interest representation serves it well in the context of complex, multi-layered decision-making where access is needed to specific expertise. However, rules need to offer protection against some groups that have more resources and – sometimes – more nefarious interests.

Fourth, the challenge of regulating lobbying should not be equated with fighting corruption. Corruption is the abuse of publicly entrusted power for private gain, as is allegedly the case in the Qatargate scandal. It is here where transparency requires effective enforcement the most, to empower watchdog groups and bodies, civil society and the media.

Diagnosis: A lack of culture and enforcement of transparency rules

With these aims in mind, we identify three distinct challenges for effective transparency in the EU:

1) *Shining sunlight onto the EU's legislative process.* To be fair, the EU institutions have already made progress in terms of legislative transparency. For instance, almost all final votes in the EP are on the record. Roll-call votes, and since the Treaty of Lisbon, the outcome of legislative votes in the Council and some selected Council meetings are made public. The Commission shares its initiatives not only with the Council and (if applicable) the EP, but also with national parliaments as well as EU consultative bodies.

More needs to be done, however. Most of the work done by the Council of the EU and its working groups continues to take place behind closed doors. Many Council votes remain confidential and are thus either not public or are only made public via the press. This includes votes on the negotiating positions of the Council within legislative processes. For instance, the recent controversial vote on the Council's negotiation position on the reform of the Common European Asylum System (CEAS) was not made public, with only press briefings from individual governments giving partial and non-reliable information on how national representatives voted. The European Council, whose main deliberations take place behind closed doors, poses a particular challenge here, especially as in the context of 'the new democratic deficit' linked to new competences discussed in our introduction.

A particularly thorny issue identified by our group regarding the legislative process concerns the trilogues. This informal procedure, developed to make EU decision-making more efficient, has become the *de-facto* default for co-decision. Rather than going through all three readings in the ordinary legislative procedure, the EP, Council and Commission enter trilogue negotiations to find an agreement to pass EU legislation during its first reading. On average,

trilogue negotiations cover well over 80 % of legislation adopted by the EP and the Council in the last two legislative terms, and over 95 % in 2022/23.

So indeed, on the one hand, these trilogue negotiations render the EU legislative process more effective, and a degree of confidentiality in negotiations allows for compromise. On the other hand, even after improvements, there is still insufficient public information available on what has become the core process of EU law-making, with only sparse information on how many meetings take place (depending on the Council Presidency and EP Committees), which amendments were discussed, and which positions were taken. Even in the EP, ongoing trilogue negotiations are sometimes only discussed 'in camera'. The European Ombudsman has been highlighting a lack of transparency on the procedure since 2015.

⇨ **The bottom line:** The heart of EU decision-making – the legislative process – is still marred with many pockets of non-transparency, in particular the trilogue procedure.

2) *Sunlight through 'non-incestuous' ethics regulations and procedures.* After Qatargate, the EP has significantly revised its ethics regime in the EP Rules of Procedure. MEPs must now declare all meetings with lobbyists, only meet those on the transparency register, list their assets at the beginning and end of every term, hand over expensive protocol gifts, avoid conflicts of interest (including those that arise through their family), and provide full transparency about any side jobs if their annual side income is above EUR 5 000. Additionally, the sanctions available for the President of the EP to wield have been strengthened.

Important caveats remain, however.

First, the fact that implementing and enforcing transparency and integrity rules remain within the institutions themselves rather than being delegated to an external oversight body (such as by the European Public Prosecutor's Office) is problematic. As previous experiences have shown, unsurprisingly, such (incestuous) oversight is prone to amicable deals that may let offenders off the hook lightly.

Second, strengthened rules in the EP mean little if they are not enforced. The end of the current legislative session and the start of the next will demonstrate whether the new rules are sufficiently internalised and enforced.

Third, the new rules remain EP-specific. In response to Qatargate, the Commission has proposed the creation of an EU inter-institutional ethics body which would set standards for conflicts of interest and for enforcement. However, the proposal is still heavily controversial and in its current form would not empower the ethics body to launch independent investigations or to sanction. As a result, integrity and transparency rules would remain weaker in non-EP EU institutions.

3) *Don't forget the 'sunlight foot soldiers'.* While the formal rules and institutional frameworks need radical improvement, this is unlikely to happen or to be effective without strengthening the overall EU accountability ecosystem – i.e. the oversight institutions as well civil society and

investigative journalists working at EU level. These organisations and individuals often lack the resources and powers they need to do their job in directing sunlight onto the institutions or acting once the light has exposed wrongdoing. For example, giving one of the oversight institutions – such as the European Anti-Fraud Office (OLAF) – powers to independently vet the credentials and background of candidates for senior positions would lead to better candidates and reduce, we would hope, the likelihood of scandals emerging further down the line.

⇨ **The bottom line:** Effective transparency requires more than new rules. The EU institutions need to develop a culture of transparency and invest in developing and fostering a 'transparency and integrity community'. This would be built on strong ethics, anti-corruption and good governance bodies, and the empowerment of civil society actors.

Key Recommendations

Update EU access to documents: There is clear evidence that the 'access to EU documents' regime is not delivering on its objectives to provide timely accountability. The Ombudsman is flooded with complaints about the institutions' handling of access requests, which make up most cases of non-compliance with recommendations. Long delays have become the norm, in some cases taking up to two years after the initial request. In such circumstances, delayed access is access denied.

This should come as no surprise as the system is seriously under-resourced to deal with the current volume of requests in a timely manner, at least in the Commission. The next Commission should prioritise the resources necessary to handle these requests or, even better, move to a system of *proactive transparency* where all documents not considered especially sensitive or requiring redaction are made publicly available on a continuous basis in a user-friendly document register. It is important to make documents accessible in a user-friendly manner so that citizens, interest group representatives and other stakeholders can easily find the information they need for their purposes in good time.

Importantly, any fit-for-purpose access to documents or transparency regime needs to take account of the realities of modern forms of deliberation and decision-making, which are increasingly conducted via the medium of instant messaging platforms or mobile communications. Unless transparency rules are updated, this will leave large black holes in the public record and impede full accountability.

Registering and monitoring lobbying: Even if transparency in EU lobbying has improved dramatically in recent years, reform is still needed to remedy four major deficiencies.

First, interactions at service level, where much of the legislation is shaped, are not systematically recorded or publicised. The European Commission's Directorate-General for Health and Food Safety's (DG SANCO) best practice in recording and publishing minutes for all interactions with tobacco lobbyists could be extended to all other DGs and sectors.

Second, and admitted openly by the data register's secretariat itself, the quality of data is extremely poor. The secretariat should be given the resources and powers to ensure that financial expenditures and other information that must be provided, by MEPs or Commissioners as well as on the other side by the corporations and NGOs, is accurate.

Third, following the latest changes made to the transparency register, companies and NGOs are treated differently when it comes to their reporting requirements, making it harder to analyse the data. Instead, there should be one set of transparency rules for all, for instance regarding the requirements to disclose lobbying budgets.

Finally, and bringing in what we have called the *democratic link,* the biggest lobbying blind spot remains EU affairs lobbying that is directed at Member State governments, both in Brussels and in national capitals – notwithstanding the creation of national registers in several countries. There is a clear single market justification for a pan-European lobby register (an 'EU Lobby Act') that would be a one-stop shop for standardised information about the activities of special interest representatives across the EU.

Creating and implementing such a transnational register should be a priority during the next mandate. The Commission has done the hard work of identifying the legal basis for such a register in its "Defence of Democracy package" to be published later this year. However, instead of restricting registration to a small number of organisations that receive funding from outside the EU, as the legislation will propose, the Commission should use the current EU Transparency Register as a model. This provides the necessary level playing field to understand the influence that all organisations – e.g. corporations, NGOs, think-tanks – have on European policy-making.

Such a regulation at EU level would also give an additional incentive to Member States which do not have a lobbying regulation to consider and enact a similar register at the national level. Such a requirement should become part of the Copenhagen rule of law criteria in the enlargement context to empower civic actors in candidate countries.

Protect whistleblowers at the EU level: The EU should amend its staff regulation to bring in equivalent provisions to the 'Whistleblowers Directive', thus allowing EU staff members to report criminal behaviour to the legal authorities without needing prior authorisation from their administrative hierarchy.

Strengthening the democracy dimension of enlargement. Democracy ought to be at the core of the enlargement process. In view of the lack of bite of the Copenhagen criteria on democracy we recommend a tighter connection between the EU enlargement methodology and developments in the EU proper (e.g. financial transparency and national country reports on the rule of law by the Commission). The radicality of sunlight can be the guiding principle in this vein through requirements for better track records and data collection systems to monitor the risks of formal and informal state capture in the public administrations of the candidate countries – evidenced by the politicisation of the civil service, nepotism in the distribution of public posts, budgetary capture by special interests and generalised corruption at the highest level of government.

The European Commission has already announced it will extend the EU's internal rule of law reports for candidate countries. In this light, as the EU reviews its accession procedures, roadmaps on the rule of the law used in the enlargement process should require public financial control and observable performance and enforcement in practice. Political parties should also be required to provide evidence of democratic procedures beyond party financing. Moreover, these criteria should be included more clearly in the current EU rule of law country reports to ensure that Member States themselves visibly enforce these guidelines, and in the process protecting the EU from accusations of double standards. At the same time, the EU should engage with the citizens of candidate countries as early as possible via instruments of participatory democracy (see below). It should also offer support specifically for increasing transparency and the democratic resilience of candidate countries' administrations.

Improve the transparency of the legislative process and of trilogues: As many negotiations as possible within the legislative process should be put under public scrutiny, even if inevitably not all of them – for instance in the Council or within EP political groups. To avoid the limelight, they would simply move to even more informal settings and thereby compromise already existing means of oversight.

Specific focus lies on the trilogues, the negotiations between the three institutions that have become the 'new normal' for reaching intra-institutional compromise. There should be full public documentation of trilogue meetings, including their timing, composition, and, most importantly, the individual institutions' positions in the form of amendments (i.e. the in the famous 'four column' document). Private interests already have access to most of these documents via channels such as Politico Pro or through direct connections. We need a central, searchable inter-institutional database added to an information gateway such as Euro-lex at all stages of the trilogue procedure, at least to facilitate retrospective transparency, as the Ombudsman has also recommended.

The systematic documentation of trilogue meetings requires an inter-institutional framework and should not be left to the discretion of individual negotiators. This needs to consider the 2018 Court of Justice judgment on the publication of trilogue documents and the recent Pech case that calls into question the wide use of exemptions regarding access to legislative documents.

Improve Council transparency: We acknowledge that the Council requires negotiation space outside the public gaze. However, if the Council's actions fall under its legislative rather than its diplomatic remit, they should be treated as such, including through public documentation for all votes and full public access to the documents discussed, as well as amendments to legislative proposals.

Member States should follow the recommendations of the Council's General Secretariat by ensuring that their positions in the ordinary legislative procedure are recorded and published immediately, and ultimately treated in the same manner as legislative amendments in the EP. The practice of national ministers presenting their positions to the relevant committee in their national parliament in advance of Council negotiations should also become the norm.

Legally, the European Council has no formal role in EU legislation and should respect the prerogative of the EP and Council as the two legislators when setting political guidelines and the EU's strategic agenda for the next legislative cycle, even if we acknowledge the close working relationship between the European Council and Council of the EU.

🔥 *An (even) more contentious variant*: some of us would like to see more radical transparency in Council proceedings when it is in 'legislative mode', which would include not only include the full publication of documents but also fully public Council meetings.

Visible compliance with Ombudsman recommendations: Such compliance has hovered around 80 % for many years. In many national jurisdictions this would be unusual, as the norm is that Ombudsman recommendations are implemented in virtually all cases. This might be improved by a more flexible and solution-oriented approach by the larger institutions, especially the Commission, when dealing with inquiries. Unmet recommendations, especially in public interest cases, should trigger an automatic debate in the relevant EP committee or by the future dedicated ethics body (see below).

An independent ethics body to enforce transparency and integrity across the EU institutions: Creating an independent agency to oversee and decide on ethics cases should be a priority ahead of the 2024 elections, building on the recent post-Qatargate proposals. The aim should be to strike an agreement on an independent ethics body with the right to initiate inquiries before the elections, so that EU policymakers can show that lessons from the Qatargate scandal have been learned and that they can demonstrate to citizens that they can trust their elected representatives in the EP.

Should agreement on the necessary legal basis prove elusive or require overly lengthy procedures, existing committees should be provided with own-initiative powers and include independent experts among their membership. This, however, should clearly be a stepping stone towards a broader, independent inter-institutional ethics body for the next institutional cycle.

PATHWAY 2: DEMOCRATISE CRISIS GOVERNANCE

The EU's increased political responsibilities in dealing with the polycrisis has led to the creation of far-reaching instruments, such as the joint purchases of vaccines, gas and ammunition, as well as new financial instruments such as NGEU or the SURE programme. These instruments have enabled the EU to respond to recent crises in a more flexible and resilient manner, increasing its so-called output legitimacy.

However, most of these decisions were taken by relying on flexibility instruments, without the EP's participation (such as Article 122 TFEU) or outside of the EU treaties, and mostly without much effort to debate and engage with the public. At the same time, the younger generation of Europeans that has grown up in an EU characterised by near constant and overlapping crises is legitimately concerned with how the EU can contribute not only to managing but also to solving these challenges in the long term. In short, the EU needs to become a 'democracy with foresight.'

Another form of crisis instrument is 'secondary budgets' outside of the regular EU budget, such as the European Peace Facility (EPF), which is used to finance military aid to Ukraine. Being directly financed through Member States' budgets, the EPF lies outside the EP's budgetary powers and the EU's regular instruments of budgetary control, such as OLAF and the Court of Auditors. Originally established in March 2021 with a relatively small budget of EUR 5.7 billion for 2021-27, it has since been increased several times to finance military support to Ukraine of up to EUR 12 billion, with a further significant increase of EUR 20 billion now under discussion.

Although established in response to specific crises, these instruments have long-lasting structural impacts. The NGEU will frame the EU's economic governance system with spending foreseen until at least 2026. Its conditionality mechanism has become a key part of the EU's toolbox on the rule of law, in particular denying Hungary and Poland access to funds based on rule of law conditionality. During the energy crisis in the wake of the Russian war against Ukraine, part of NGEU was also used for RePowerEU, the initiative set up to fund the transition to clean energy, as well as to save energy and diversify the energy supply. Additionally, NGEU is being used as the template for the governance structure of the longer-term support plan for Ukraine (EUR 50 billion until 2027) that is currently being discussed.

Equally, the 2020 decision to jointly purchase vaccines during the Covid-19 pandemic has become a structure-defining moment for the EU. By conducting negotiations over contracts and taking the lead on purchasing a crucial pharmaceutical product, the EU took on the political responsibility for providing a critical public good. While the EU initially lagged Israel, the US and the UK in distributing vaccines, joint procurement turned out to be a success that allowed a fair and speedy distribution across the EU. Such joint purchasing has since become a template for joint gas purchases (although while successful, so far only covering a fraction of the EU's gas demands) and for ammunition to support Ukraine. But it has done so based on Article 122 TFEU and the Emergency Support Regulation, albeit with full backing from the Member States.

Taken together, these instruments have allowed the EU to react more effectively, while also creating what some in the group called a 'new democratic deficit', in effect bypassing the main EU structures and therefore also the elements introduced to guarantee more democratic legitimacy at the EU level, in particular the EP's co-decision power (Pathway 1) and participatory channels (Pathway 5).

Here again, it is not hard to imagine how in an enlarged and even more heterogenous EU, the temptation will be even greater to bypass what decision-makers perceive as cumbersome democratic safeguards. We need to remember, however, that in the wake of the 2004/07 enlargement, the fears of gridlock in an EU-28/27 proved to be overblown, even if decision-making in today's EU has indeed become more complex.

Diagnosis: Effective crisis tools raise difficult democratic questions

No reform of the treaty was necessary in any of the above cases even though the EU has significantly expanded its political responsibilities. This raises three concrete concerns regarding democratic legitimacy in EU decision-making, falling within what we have referred to above as the 'new democratic deficit':

First, the lack of parliamentary participation. Although crises obviously require speedy and decisive action on the part of executives, most of these new instruments are structure-defining in nature. Despite the nature of the crisis, some of these new instruments have had long decision-making cycles. For instance, it took several months from SURE first being proposed to the first funds flowing to Member States, and more than a year in the case of NGEU. Yet in these processes, there was no or only marginal participation from the EP or national parliaments. This is possible because of the increasing use of the 'crisis article' 122 TFEU, which allows the Council to act in cases of 'severe difficulties caused by natural disasters or exceptional occurrences beyond its control'. Hardly used since the Treaty of Lisbon came into effect despite the crisis of the 2010s, it has been employed several times since 2020 as (part of) the legal basis for SURE, NGEU, the joint vaccine procurement, joint gas purchases and even an EU regulation on an emergency intervention to address high energy prices, which included provisions for taxing surplus revenues from energy companies. While national parliaments are involved on a regular basis (e.g. information and the subsidiarity procedure), they have had little input on these rapid decisions.

In a similar vein, whereas the regular EU budget is decided by the Council and the EP, off-budget instruments like the EPF, financed by national contributions, or instruments such as SURE based on joint borrowing with guarantees from the Member States, lie outside the EP's control. National parliaments retain their right to scrutinise national contributions – indeed, for SURE, every national parliament had to give consent for an agreement with the Commission to guarantee each Member State's respective share of the risk. But they could only exert control over their specific national contribution, not over the overall instrument.

Second, these new instruments are less transparent than regular EU instruments. As most of these instruments were decided outside the regular ordinary legislative and/or budgetary procedure, they do not fall under the transparency provisions already enacted within the EU system. One example of this is the joint vaccine procurement, when the European Commission conducted negotiations directly with the vaccine producers on behalf of all Member States. These negotiations took place under the supervision of a steering committee with representatives from national governments, but without any parliamentary control. The vaccine contracts themselves were kept secret, and only partially made available to MEPs after substantial political pressure when the CEO of AstraZeneca publicly claimed that the UK had negotiated a more binding contract with the company. Even in times of crisis, effective policymaking benefits from sunlight.

⇨ **The bottom line:** Decisions on new crisis instruments were often passed without the EP's involvement and implemented with little consideration about transparency.

Finally, newly created budgetary instruments also have long-term effects which will impact the EU's decision-making scope in the future. Whereas the regular EU budget rests on national contributions and limited avenues of own resources, for SURE, NGEU, and potentially the Ukraine fund, the EU has started to issue its own debt which in turn creates democratic obligations. The decisions to do so at least for SURE and NGEU were taken in an environment of extremely low interest rates, but with long-term maturities and the stated intention to create new forms of own resources to repay the debt.

In the long run, the need to repay the debt, potentially with higher interest rates than anticipated, creates obligations for the EU budget and therefore for EU taxpayers, as tax resources are fungible. The Commission has already proposed the creation of a special instrument over and above the MFF ceiling to provide for NGEU's additional servicing costs . This will impact discussions about future EU budgets and will thus partially define both the EU and Member States' fiscal space. This makes it particularly important to ensure the democratic legitimacy of crisis decisions with long-term financial implications.

⇨ **The bottom line:** The new instruments create long-term obligations for policy change and thus require long-term democratic legitimacy.

Key Recommendations

A repository of emergency instruments could offer more transparency about the kind and extent of emergency powers acquired by EU institutions. This would state what competences were acquired, under which conditions they can be used, and how they relate to the EU's overall structure. This would therefore create greater accountability rights for citizens and national parliaments alike.

Use of the 'Barnier method' for crisis governance: At the same time, using Article 122 TFEU as the legal basis – which has proven effective – should not relieve the European Council and the Commission from seeking a larger democratic mandate for far-reaching crisis decisions. One positive example of this is the method used by Michel Barnier during the Brexit negotiations. Although not strictly legally required, Barnier and his team undertook extensive and regular consultations with the EP, national parliaments, and wider EU stakeholders. The Barnier team also employed 'strategic transparency', publishing drafts of the eventual withdrawal agreement, as well as lengthy details on the EU's negotiating position, thereby publicly framing the negotiations with the UK. Although a similar high-intensity consultation will not be possible in all circumstances, closer cooperation on a voluntary basis with the EP as well as stakeholders around the EU on more long-term innovative instruments would add to their democratic legitimacy.

Full (financial) transparency around the EU's new crisis instruments: If shining more sunlight on EU decision-making processes is the ultimate goal, we recommend greatly strengthening transparency around the implementation of the EU's new instruments. Concerning instruments where the EU has organised joint procurement, this would entail greater transparency on the negotiations and the subsequent signed contracts, to the extent that the EU itself would expect Member States to adhere to in public procurement procedures.

On implementing new budgetary instruments such as NGEU, the EU should be fully transparent about each of the concrete beneficiaries and the individual projects supported by the EU budget. The EU already provides digital transparency for its existing multi-annual budget accessible in the form of the Financial Transparency System. But full integration of the new budgetary instruments is lacking, including listing the recipients of the EUR 800 billion NGEU, the EUR 100 billion SURE programme and the recent expansions of the EPF to reimburse Member States for their military aid to Ukraine. Transparency should cover a full list of recipients, amounts paid, available to all who are interested – as advocated by the network of journalists working under the umbrella 'follow the money'.

Beyond journalists, citizens might at last be intrigued enough to 'check out' how the EU spends its money, thus forming what can be termed a democratic panopticon. Directing more sunlight on how EU money is spent would surely strengthen the fight against corruption in relation to the misuse of EU funds and open the way to the more active involvement of intermediary bodies and citizens in monitoring how they are used. In the same vein, if the EU takes on the role of coordinating the procurement of public goods such as vaccines, masks, or ammunition, it also needs to provide adequate levels of transparency for its decisions and negotiation outcomes. This would ensure better accountability, and in the long run, better outcomes in the interest of citizens.

In time, this full transparency requirement ought to apply systematically to all other European funds - structural and investment funds, regional and development funds, and cohesion funds.

Measuring social impact: The Stability and Growth Pact, which weighs in on the Member States' budgetary policies, has been suspended and a debate on its revision has opened up, aiming to give Member States more room for manoeuvre and to integrate environmental and social objectives. This would be done through accounting differently for European spending on health, education, social and cultural issues. European social and environmental investments could be discounted from budget deficits.

The HLG group thus suggests that the European Semester could become a fully-fledged social instrument, with indicators on how Member States apply the principles of the European Pillar of Social Rights, the quality of work, upward social convergence, equal opportunities and social protection, education, and investments for children and young people. This in turn could be the basis for a much better democratic debate on the parameters of government spending.

EP involvement in Article 122: In the long term, the EP should be given co-decision powers under Article 122 TFEU which would require treaty change. While its use has given the EU the flexibility it needed to rapidly develop new instruments in urgent situations, the decisions adopted under it were often longer term in nature, with fewer crisis instruments than legislation (for instance in the energy sector), adopted in the Council through QMV. The EP should also have regular oversight over special budgets, regardless of whether they were first devised in a 'crisis' context. This in turn would increase budget transparency.

Define a 'state of emergency': Members of our group disagreed on whether to introduce a set definition of a 'state of emergency' within the EU, as found in many national constitutions. This would establish a more formal procedure to grant European executives, in particular the Commission and the European Council, additional powers to meet extraordinary challenges, while at the same time limiting these extra powers in their duration and scope, as well as being subject to parliamentary consent procedures. Those members of the group who opposed the idea feared a reduction of the EU's margin of manoeuvre during times of crisis and pointed out that 'emergency legislation' is often misused at the national level. Those in favour welcomed added parliamentary scrutiny and democratic debate around the very definition of a crisis moment that warrants exceptional measures and the granting of 'crisis powers'. They also argued that such EU level emergency powers could serve to balance, in some cases, a state of emergency at the national level.

PATHWAY 3: MAKE THE MOST OF EUROPEAN PARLIAMENT ELECTIONS

Despite the complexity of modern statecraft, parliamentary representation remains at the heart of democracy – at least in theory. And indeed, while the EP still does not possess all the powers usually attributed to national parliaments, such as the formal right to initiate legislation, it has, over time, acquired significant influence over the policymaking process. As one of the main achievements of the Treaty of Lisbon, all legislation falling under the ordinary legislative procedure is adopted by co-decision, which is an important democratic safeguard. Parliaments are by their very nature full of people who want to be seen and heard. One may be sceptical about increasing the EP's powers *per se* if one believes in the EU as a 'union of states' above all, but one can at least hope that EP elections may be a moment when sunlight is directed at the entire EU edifice and its democratic credentials.

So, can we do better? Can we increase the stakes of EP elections which are still primarily conceived of as second-order national elections, with lower turnout, greater levels of support for fringe and Eurosceptic parties relative to established parties, and debates framed around domestic issues (notably support for or – probably more likely – opposition to the government of the day), and with low media coverage?

Evidence suggests this is partly changing, as European issues increasingly impact voters' choices. The recent crises, the perception of the EU's involvement, and concerns about European integration affect the choice of whether to vote in the first place. And indeed, the perception that these upcoming elections will serve the run-up to a new burst of enlargement, whether applauded or feared, will also matter.

However, the key issue around the EP elections remains visibility. Turnout may have increased in 2019 for the first time, but it remains significantly lower than for most national general elections. People still do not care as much about EP elections because they do not feel as that much is at stake.

Diagnosis: EP elections suffer from low visibility

The EP elections are *de facto* [27 different national elections taking place alongside each other](). The Direct Elections Act sets some general rules (such as the proportional allocation of seats within each constituency) but fails to harmonise essential elements (such as the size and number of those constituencies, voting age, the electoral threshold, the day of voting, rules for non-resident voters and campaign financing). Such subsidiarity may be desirable by allowing European politics to fit national contexts, but it leads to low visibility for European political parties, which do not even feature on national ballot papers, which are instead composed of national candidates selected by national parties. The Direct Elections Act has been in force since the EP's first elections in 1979 and has been revised only twice, in 2002 and in 2018.

Efforts have been made, mainly by the EP itself, to give EP elections more visibility and to strengthen their European dimension by attempting to develop a common electoral frame. Even while the ambitious reforms proposed by the EP in 2015 were stripped down their bare

bones by the Council (e.g. the introduction of an electoral threshold), these changes are still not in force, subject to ratification by national parliaments. The EP tried again in 2022, building on many of the previous ideas (such as EU-wide lead candidates for the Commission Presidency, the creation of an EU-wide constituency, namely transnational lists, the option of postal and electronic/online voting and voting possibilities for EU citizens living outside the EU), as well as adding some new ones (such as a fixed voting day, rules for gender quotas, and the creation of a new European Electoral Authority).

This proposal is currently under discussion in the Council. The Swedish Council Presidency had surveyed Member States on the EP proposal, a process which [revealed](#), unsurprisingly, that the '*biggest difficulties concerned the proposals regarding the lead candidate process and an EU-wide constituency based on transnational lists*'. The first reservation is due to a fear of over-constraining the Member States. The second reservation is due to the difficulty of respecting the relative weight of the Member States and the concerns of smaller Member States. Even if (unanimous) agreement could be found on other ideas, this EP proposal would not be ratified by national parliaments in time for the 2024 elections.

Not only do Member State governments show a great deal of reluctance to adopt a common electoral framework, but national parties are also often a part of the challenge. Since European political parties and the corresponding political groups in the EP are an assembly of many national parties, rather than genuine transnational parties, national voters are not aware of this. National parties invest less in their campaigns for EP elections than in national ones. National political elites generally do little to contribute to a pan-European democratic space.

⇨ **The bottom line**: Voters across the EU still do not know enough about what their elected representatives do in Brussels and how they organise themselves.

But beyond visibility and lower interest by voters, lower turnout is surely due to a perception of fewer things at stake. In contrast to national elections, EP elections do not directly determine the composition of a government (or, in the EU's case, the Commission). At stake in EP elections is who will sit in the EP, not who will govern and determine the EU's overall course or policy agenda. Citizens do not choose between rival candidates for executive offices. Until 2014 and the launch of the so-called *Spitzenkandidaten* – or lead candidate – process, there was no obvious connection between the outcome of the EP elections and the Commission's composition.

Consequently, citizens often vote less strategically ('with their head') or according to their ideological preferences ('with their heart'), but rather as a form of protest ('with their boot'). Since voters do not generally perceive their votes as adjudicating between policy programmes, the EP electoral contest fails to significantly incentivise political parties to develop competing policy ideas, thereby encouraging political debate and attempts to influence public opinion. In short, the less that's at stake, the less likely that people are motivated to show up.

⇨ **The bottom line**: Even with the increase over time of the EP's powers, the impact of the EP elections on EU policymaking in many areas remains far too low.

Our group discussions ultimately brought us back to what ought to be the main motive of EP elections – democratic accountability. Voters can be forgiven for wondering who is ultimately accountable among such a complex and distant cast of characters and institutions. There are multiple executive actors (the European Council, the Commission, EU agencies and the comitology system), as well as numerous governments, that are held to account by parliaments at different governance levels (the EP and national parliaments) and by bodies such as Court of Auditors, and the Ombudsman, plus the European Court of Justice. Nevertheless, there is enough evidence to argue that the quality of EU accountability has improved in the past few years primarily through empowering the EP and national parliaments, as well as establishing the European Ombudsman and upgrading the European Court of Auditors.

Moreover, as the Commission has been made more accountable over the last two decades through political reform, treaty change and administrative reform (such as the Kinnock reforms), and, above all, by tying it much more closely to the EP. The EP now has significant democratic control over the Commission. It elects the President of the Commission following a proposal by the European Council. The EP screens candidate Commissioners and formally approves the full College of Commissioners (Article 17(7) TEU). The EP can also hold the Commission to account by posing (oral and written) parliamentary questions (Article 230 TFEU). Furthermore, the Commissioners regularly appear before EP plenary sessions and committees. Ultimately, the EP even has the power to hold a no-confidence vote against the Commission, thereby forcing it to collectively step down (Articles 17 TEU and 234 TFEU).

This increasingly strong institutional bond between the EP and the Commission moves the latter closer to party politics and partisan considerations. The politicisation of the Commission is sometimes portrayed as problematic, as it has been argued that its independence and neutrality as guardian of the treaties and the general European interest have been eroded, thereby, negatively impacting the EU's overall credibility. But on the other hand, the Commission's increased dependence on the EP makes it more democratically accountable, a necessary step towards higher levels of EU democratisation overall.

But despite growing accountability structures around the Commission, there remains an electoral accountability deficit, that is a link is lacking between the (elections to the) legislature and (the head of the) executive, which voters are accustomed to in national parliamentary elections in most EU countries. In a democratic polity, citizens must be able to hold decision-makers to account. The lack of any real contest over executive power in the EP elections lowers both public interest and turnout, and therefore overall electoral accountability.

To address this issue (and presumably to increase its power), the major European political parties took a bold move in creatively interpreting the ambiguity of the Treaty of Lisbon by introducing electoral logic that is similar to what is customary in parliamentary democracies, in which elections determine not only the parliament's composition, but also the government (at least its head) and its policy programme. To provide such electoral certainty, the European political parties announced their candidates for the Commission President ahead of the election, making it clear that they expected their candidate to become Commission President

if they emerged victorious in the elections (that means become the largest party or are otherwise able to lead a majority coalition of support). Following the lead candidate's debut in 2014 and its subsequent setback (i.e. the failure of any such candidate to secure the necessary level of support to become Commission President in 2019), there is much uncertainty about what procedure will be followed in 2024. Although the candidates are nominated by the European political parties, this is at the core an interinstitutional conflict between the EP and the European Council over who elects the Commission President.

Key Recommendations

Greater visibility for European political parties: Our group members understand harmonising electoral rules would meet resistance from Member States and are unlikely to materialise anytime soon, let alone ahead of the next EP elections in 2024. Nonetheless, increasing the visibility of the EP elections at the national level is so important that there should at least be some informal progress in the 2024 election campaign.

Governments and oppositions alike across the Member States could pledge to make European political parties and the EP elections more visible to voters. National parties would do well to familiarise EU voters with how they are embedded within the European political parties and EP political groups. They should commit to indicating their affiliation to the European political parties (and to the corresponding parties' lead candidate during the electoral campaign) on all electoral and campaign material, such as ballot papers, leaflets and billboards.

National parties should further voluntarily implement another idea brought forward by the EP, which is to publish the political programmes and display the relevant logos in the top section of their websites' homepages, so that these are clearly visible.

Voting on the same day: Currently, European elections take place over a four-day period from Thursday to Sunday, with each Member State choosing which of these four days they prefer according to their national traditions. Although the Electoral Act prescribes that this four-day period takes place in the first week of June, the Council can set it between early April and early July through a unanimous decision up to one year before the election. While most Member States vote on Sundays, the Netherlands votes on Thursdays (for national elections even on Wednesdays), Ireland on Fridays, and Latvia, Malta and Slovakia on Saturdays. Instead, we recommend organising EP elections on the same day across all EU Member States. This day could be Europe Day on 9 May, which could be made a public holiday across the EU.

Even if the sun does not literally shine that day, the advantage of a harmonised voting day on 9 May would be to increase the visibility of the EP elections as a whole and give enough time to conclude the appointment of the Commission ahead of the summer break rather than to stretch well into the autumn. This could strengthen the EP's hand (having a say over the Commission President and the legislative programme) but could potentially trigger resistance from Member State governments. Nonetheless, this idea would likely face less resistance than the other proposed changes to EU electoral law.

Agreement on the Commission President appointment procedure: Opinions in our group on how to appoint the next Commission President, the EU's most visible personification, varied. While acknowledging that the EU is not a fully-fledged parliamentary democracy, we must better leverage its increasingly *parliamentarian character*. Formally including the EP in nominating the head of the Commission would make the procedure more democratic by strengthening electoral accountability and increasing the EU's overall credibility *vis-à-vis* the European electorate.

However, the EU is a Union of citizens *and* states. A new appointment procedure must do justice to the EU's unique institutional framework and reflect the dual legitimacy on which the EU is built – coming from the Member States' governments (represented in the European Council) and European citizens (represented by MEPs). The EU treaties gave the prerogative to appoint the Commission president to both institutions – this must be respected and reflected in a new procedure.

Article 17(7) TEU leaves too much room for interpretation, as the last two EP elections have shown: both elections have been followed by a turf battle between the EP and the European Council over who gets to decide the very top of the executive. The fact that in 2019 none of the lead candidates could secure sufficient support and a compromise had to be found means that there is a level of doubt about the credibility of the lead candidate system and uncertainty about how it will work in 2024 and beyond.

We therefore recommend that the two institutions involved (the European Council and the EP) reach an agreement on the procedure before the elections, ideally through an (legally binding) Inter-Institutional Agreement. This agreement should be drafted and prepared by the Commission and negotiated and concluded together with the EP and the European Council. Such IIA could, in theory, still be implemented in time for the 2024 elections.

Concretely, we can think of two possible ways to go about the Commission President appointment procedure in 2024 and beyond.

Institutionalisation of the lead candidate procedure: According to the lead candidate procedure, European political parties announce candidates with the expectation that this person would be chosen as Commission President in the event of electoral victory. The aim, by making executive power the prize, is to raise the raise the stakes for EP elections and increase voter turnout, and endow the Commission, as the EU's key executive body, with greater electoral accountability.

A first general suggestion, somewhat irrespective of implementing such a procedure: The term *Spitzenkandidaten* should be dropped by the political elite, observers and analysts. It only speaks to those who understand German and recalls the failed attempt of 2019. We therefore propose the term 'lead candidates' (or alternatively 'party candidates').

An Inter-Institutional Agreement between the EP and the European Council, as outlined above, should give both the political groups in the EP the right to try to build a coalition to support a given candidate, and the European Council the right to appoint a candidate in case the EP fails.

Hence, the parties' lead candidates would be the starting point for the European Council to nominate a candidate who is likely to secure a parliamentary majority, but there would be no automaticity.

For parties to maximise their candidates' chances, they should ensure that their European Council members are fully committed to the choice of candidate. Parties should seek candidates acceptable to a majority of European Council members and be able to build cross-party agreements, bearing in mind that the Commission will contain members from a variety of political parties nominated by national governments.

The election campaigns need to be launched by the European political parties well in advance of the elections, to give voters time to familiarise themselves with the process and the candidates. Public debates in the media should be encouraged on an EU and national level as much as possible to discuss their policy profile and ideas with the public.

A revised lead candidate procedure could in theory stand on its own, but it would strengthen the procedure's legitimacy if all EU citizens could vote for each of the running candidates, not only their respective compatriots. Hence, ideally, the parties' lead candidates should run for election via transnational lists (see below).

Some of the group disagreed, as they believe that this proposal ignores the fundamental problem with the lead candidate system, namely parties making a promise to voters that they cannot deliver. This, ultimately, undermines the (vulnerable) credibility of the elections, as was seen in 2019. Some group members would further prefer to see some form of calibrated direct election of the Commission President. While this would certainly fall into the '*pie in the sky*' category, an electoral college (below) could be (but does not have to be) an intermediate step in this direction.

Commission President appointment via an electoral college: Another way to provide more certainty about the procedure while enforcing the link between the elections and the Commission President could be the introduction of an electoral college. One of the downsides of the current lead candidate procedure is that some of the most likely and qualified candidates (like sitting prime ministers) are simply unlikely to engage in a campaign that would undermine their current position but could be available for the job if nominated post-election by an electoral college.

An electoral college for the Commission President would be composed of an equal mix of representatives from the European Council (representing the Member States) and from the newly-elected EP (representing European citizens), with a sufficient number of members to allow all political groups to be represented, say 20 or 30. Essentially, such a composition would very much reflect how conciliation committees are currently composed that seek agreement on EU legislation. But contrary to the current arcane and secretive negotiations that take place to nominate the Commission President, any electoral college should operate in full sunlight.

This electoral college would be created shortly after the EP elections and tasked with nominating a candidate by 'taking into account the elections to the European Parliament' (Article 17.7 TEU), in such a way that would be acceptable to the European Council (acting through a qualified majority) and the EP (acting through a majority of its component members).

Each European party's candidate would be on the college's list which could also include representatives on transnational lists to ensure that all EU citizens could vote for them and make them more visible across the continent. However, the European Council, delegating to an electoral college, would not want their choices restricted to the parties' candidates.

Something along the lines of this practice was already anticipated in 2019 when the EPP, PES and ALDE members of the European Council assigned six members to search for an appropriate candidate. Those would only have needed to be complemented by a similar-sized delegation from the EP and engage in debate with each other transparently, to create an approximate version of our proposal.

🔥 However, given the fact that existing experiences with indirect political appointments via an electoral college, most notably in the US, have not necessarily increased transparency or democratic legitimacy, some members of the group do not support the creation of such an electoral college.

The introduction of transnational lists: Such lists would contain candidates to be elected in a single constituency formed from the whole territory of the EU. This would facilitate voting for candidates across Member States and give citizens two votes: one for their national or regional constituency, and the other for the entire EU. Each party family would define a certain number of candidates and thereby create their respective transnational lists. Lead candidates could lead these respective transnational lists. Such a list could increase the transnational dimension of these elections.

We are aware that it would be challenging for these candidates to make themselves known across the entire EU and we are also aware there are national governments from smaller Members States who strongly oppose this idea, as it risks favouring larger Member States and could motivate candidates to only campaign in the countries where they can win the most votes. Though how much harm a small list (of 27, as suggested by the EP) could possibly cause is debatable, as these seats would be taken from the vacated UK-seats and therefore would not take away any seats from existing Member States.

🔥 Some in the group argued against transnational lists in principle. We are aware that it would be challenging for these candidates to make themselves known across the entire EU and we are also aware there are national governments from smaller Members States who strongly oppose this idea, as it risks favouring larger Member States and motivate candidates to campaign in the countries where they can win the most votes. Though how much harm a small list (of 27, as suggested by the EP) could possibly cause, which would be taken from the vacated UK-seats and therefore would not take away any seats from Member States.

Pathway 4: Bolster national parliaments' link with 'Europe'

Why should national parliaments remain the 'sleeping beauties' of the EU institutional family? They are, after all, the second pillar of representative democracy in the EU according to Article 10 TEU, alongside the EP. They are the ones supposed to hold national governments to account for their decisions taken at European level. And they could be a vital democratic link between the European and national arenas. This would be all the more true regarding new Member States, which will need to be socialised into EU affairs through every means available.

The role of national parliaments in the EU governance system was formally recognised in the Treaty of Lisbon which for the first time identified them as institutions 'actively contributing to the good functioning of the Union' (Article 12 TEU) and granted them a broad catalogue of rights regarding access to information, participation in treaty revision procedures and control of the principle of subsidiarity (Article 5.3 TEU). The subsidiarity procedure allows national parliaments to scrutinise EU draft legislative acts, issue so-called reasoned opinions and collectively raise 'yellow' or 'orange' cards if they consider that the draft in question does not comply with the principle of subsidiarity.

Over a decade later, the Lisbon provisions have not only proved administratively demanding and politically limited in their effects, but most of all they have assigned national parliaments a somehow frustrating position as veto players in the process of EU integration. Moreover, the shift to intergovernmental decision-making in response to the recent crises has in practice further marginalised national parliaments in the EU governance system.

There are several reasons as to why the constructive involvement of national parliaments in EU affairs and policymaking should be strengthened. First, as institutions composed of political parties, national parliaments are the primary representatives of the multiple European *demoi*. They not only possess a democratic mandate, but also the capacity to translate citizens' wants and needs into formal policy proposals, thus acting as crucial connectors between will-formation and decision-making.

Second, considering that an increasing number of areas that are tightly knitted to national sovereignty and core national parliaments' prerogatives are now more deeply affected by EU policies than ever before (i.e. fiscal, investment, foreign and defence policy), it seems reasonable to further enhance their accountability-related and policy-consultative functions.

Third, national politicians who are often members of their respective parliament often shape the prevailing narratives among citizens related to the nature of EU governance and policies as external intervention into national prerogatives. Bringing national MPs more systematically into dialogue with each other and with 'Brussels' would enhance their sense of ownership of EU affairs and serve as a conduit of sunlight between these different arenas.

Finally, under the prospect of treaty change, not much can happen without the support of national parliaments and their ruling majorities who ratify the treaties. National parliaments should not be ignored in discussions over EU democratic reforms – indeed, they should be actively engaged with.

> ⇨ **The bottom line:** The role of national parliaments has been greatly enhanced over time, but their function remains a more defensive one.

Diagnosis: A lack of a democratic link between national parliaments and the EP

From the perspective of EU multilevel democracy, national parliaments and the EP have an important role to play as enablers of reciprocal legitimacy between the national and EU levels, shining sunlight on EU decision-making. On the one hand, national parliaments' support remains a prerequisite if the EP is to improve its own institutional and political standing (e.g. electoral law reform). On the other hand, the EP has the capacity to act as a power multiplier for national parliaments by adding more institutional weight to their own initiatives.

A genuine European democracy can only materialise through a shared identification process with the EU as a centre of policymaking and public discussion where national public spheres are intermingled via national parliamentary participation. This, in turn, requires some degree of transnationalisation of thinking about policies, politics and the (EU) polity which will not occur without the active role of elected politicians.

In this vein, tapping into the unfulfilled potential of the '[multi-level parliamentary field](#)' is one of the factors that could help tackle citizens' disenchantment with the European project. Joint initiatives among national parliaments and between them and the EP can accelerate the Europeanisation and transnationalisation of domestic politics, increase mutual trust between the two sides and bring the EU closer to its citizens.

Although national parliaments have a (indirect) role to play in the EU's legislative process, their function remains a defensive one – they are regularly informed by the Commission at the same time as their national governments about initiatives. However, this process is only aimed at ensuring subsidiarity – an important goal in itself – and only defensively, with the yellow and orange cards. As a result, national parliaments necessarily focus on EU legislation they perceive as threatening to the principle of subsidiarity and/or national interests, rather on EU legislative acts that can positively contribute to their own political agenda. More critical democratic input, however, should be directed at their national governments in the form of consultations or even mandates for negotiations in the Council and European Council as well as stronger *ex-post* accountability checks.

Key Recommendations

Expand active involvement and the ability to ensure accountability: The extent to which national parliaments pro-actively get involved in EU affairs outside of the subsidiarity procedure is a question for national political systems. To strengthen the EU's democratic legitimacy, national parliaments ought to learn much more systematically from each other's best practices in how to engage with their governments ahead and after Council/European Council meetings. Ideally, national parliaments should provide formal mandates to their government ahead of the negotiations in the Council.

National parliaments have a crucial role in holding their national governments to account for their actions in the Council. Best practices on how to do this best are particularly important. Of course, more transparent Council working procedures (see Pathway 1) would facilitate national parliaments' ability to be key actors in holding EU actors to account.

In particular, the good practice in Nordic EU countries over systematic engagement with government should be more widely adopted across the EU.

Introduction of a mechanism for national parliaments to propose legislation: To add a proactive element to the role of national parliaments in EU legislation, a 'green card' could be introduced to allow a group of national parliaments to present proposals for legislative initiatives to the Commission, as proposed by the Conference on the Future of Europe (proposal 40.2 of the final report). Its specific formula would need to be agreed but the original idea put forward by a group of national parliaments in 2015 assumed that to qualify as a green card, a proposal would have to gain the support of one quarter of the votes allocated to national parliaments under the subsidiarity mechanism (two votes per parliament, one vote per chamber in bicameral systems) and be delivered to the Commission within six months from the date of circulating the draft. The Commission would be expected to formally respond by stating whether it intends to take the proposed action or not, and why (or why not).

Strategic engagement between the EP and national parliaments: Currently, the European and national parliaments rarely coordinate with each other. The most prominent examples are specialised interparliamentary conferences, such as those on security and defence or economic governance, as well as COSAC as a general forum for national EU affairs committees. We recommend the evolution of these initiatives into a biannual joint strategic forum between the national parliaments and the EP. A potential precedent was the 2016 'Ukraine Week', with a cooperative forum between the EP and the Ukrainian parliament. Such a forum could discuss the EU's overall political agenda as well as provide a place for parliamentary exchange with the Commission and the European Council. It could take place biannually in the parliament of the country holding the Council Presidency, and thus also provide an additional element of public parliamentary outreach.

Besides more engagement between national parliaments and the EP, national parliamentarians should also hold more regular exchanges with members of the European Commission as many Commissioners already do. This should not only concern Commissioners but also Commission staff in general, as Michel Barnier diligently demonstrated during the Brexit negotiations. Although this is time consuming, incentives can be created to encourage such practices, including publicly visible engagement scorecards.

A joint legislative initiative for the EP and national parliaments: A more far-reaching version of the 'green card' idea is to give groups of national parliaments a joint legislative right of initiative in cooperation with the EP. There are two variants of this proposal: The first assumes that the EP includes national parliaments in its indirect legislative initiative under Article 225 TEU within the broader framework of inter-parliamentary cooperation provided for in Article 9 of Protocol 1 of the Treaty of Lisbon. While the treaty leaves it to the EP and national parliaments to determine how to organise their cooperation, it would be sensible for it to take place when preparing the EP's so-called legislative own-initiative reports. The idea of joint parliamentary initiatives should not be regarded as utopian as it originates from the operational core of the EP's Committee on Constitutional Affairs (AFCO) which already in 2015 expressed its openness to a dialogue with national parliaments in this context.

Apart from proposing new legislation, such joint parliamentary exercises could also amount to an amendment procedure based on improving EU regulations already in place. Out of the EU's whole current legislative output, new legislation constitutes only around 30 %, while the rest consists of amending existing EU law. This option could either take the form of a political commitment or be enshrined in an interinstitutional agreement between the EP and the Commission and would not require treaty change.

A European Assembly of National Parliaments: A more far-reaching option, controversial in our group, would be to establish a European Assembly of National Parliaments, to anchor European democracy in the ensemble of social and political forces, parties, trade unions, local authorities, NGOs and associations, national and European, that constitutes European society. A variant would be a joint transnational assembly composed of MEPs and MPs on a proportional basis which would take decisions in EU economic governance (EU taxes, redistribution, minimum wage, unemployment schemes) to wrest European solidarity from the whims of powerful national bureaucracies. Others warned that this would create an additional institution that would either have little power or create a competitor institution to the EP, resulting in unnecessary inter-institutional rivalries and confusion.

PATHWAY 5: EMPOWER EU CITIZENS THROUGH PARTICIPATORY DEMOCRACY

In the end, we need to ask: how does a democratic landscape permeated by sunlight looks and feel to ordinary citizens?

Sure, the EU's claim to democratic legitimacy is based on a double electoral mandate, indirect through governments in the Council and directly through the EP. But in between electoral moments, the citizen does not always see the light. This is why our first four pathways are needed. But even if these roads were taken, the EU would still suffer from long chains of delegation and centralised decision-making – to an even greater extent than at the national level. Put simply, ordinary people feel left out of European affairs and while many don't care, enough do care to warrant doing something about it.

This is why the buzzword 'participatory democracy' is heard even in the most traditional circles of power, and why so-called citizen engagement has been wielded for some time in the EU as an additional fix to the democratic question. But it is not clear yet that citizens do feel engaged, at least in numbers worth writing home about. Our fifth and final pathway offers a more innovative vista in this important new EU landscape. We feel that all existing complementarities need to be nurtured. Participatory democratic instruments can bolster representative democracy by completing rather than competing with traditional electoral democratic mechanisms. But we need to recognise that investigating ways of linking electoral and participatory democracy in the EU context leads to interrogating the meaning of 'representation' itself – the term cannot be reserved for elected officials only. Citizens chosen by lot, or organisations such as trade unions, political parties, civil society organisations, and indeed bureaucrats working in the EU institutions, all 'represent' one way or another. Democracy is enhanced when they work together, even when they have different interests and viewpoints.

It is worth stressing at this point that while it might be harder to do citizen engagement in a transnational setting like the EU, it is also even more necessary than at the national level where the ties that bind are less contested. All the more if one believes the EU is a demoicracy in the making, that is a polity that's even more ambitious than a democracy, 'a union of peoples who govern together but not as one', where citizens are asked to acquiesce to policies that create vast externalities between them even though they mostly interact in different political spaces. Arguably the horizontal ties between national democratic spaces called for in a demoicracy ought to be deployed all the way down to the citizens themselves, creating a common sphere, alongside the capacity of intermediary bodies to operate meaningfully across borders. In short, if we have intermingled peoples in the EU, they need to learn to connect directly as well as with the institutions that offer spaces and policies for their 'togetherness.'

While the EU has embarked on this pathway it still has a long way to go. Along the way, we want to see more and better channels of democracy from below, empowering both formal and informal civil society to make good on the promise of participatory and deliberative democracy.

Diagnosis: So far, so invisible

Since 1993 the right to petition the EP was the only instrument at EU citizens' disposal. This changed when the Treaty of Lisbon recognised additional tools for participatory democracy including: the empowerment of the European Ombudsman as an advocate for EU citizens *vis-à-vis* the EU institutions, the Commission's public online consultation, as well as Citizens' Dialogues and the European Citizen's Initiative (ECI).

Take the ECI, which has supposedly been the cornerstone of EU citizen engagement across borders since it was implemented in 2012. To date, 101 initiatives have been submitted to the Commission, of which 10 have gathered the required number of signatures. None of the successful ECIs have led to meaningful policy change at the EU level, and only two have been implemented regarding their secondary demands. No initiative has so far resulted in a [new legislative action](). No wonder that in the eyes of civil society actors the ECI has not delivered. The answer lies in the cumbersome administrative procedures, the Commission's overly restrictive and formalistic approach to legal admissibility and the Commission not being obliged to engage in legislative follow up.

Although the Commission has reworked the administrative hurdles, particularly on data requirements and online collection systems during the collection phase, the key issue remains the divergent expectations of the nature and purpose of this instrument. While the Commission considers the ECI an agenda-setting tool, citizens expect to influence policymaking and effectively change existing preferences with the tool. This has not happened.

Overall, existing mechanisms – albeit welcome – have remained too timid and largely ineffective in bolstering bottom-up participation. They tend to involve experts and organised interest groups rather than ordinary citizens; they do not encourage debates on non-experts' autonomous policy preferences and are executed mostly at the discretion of the political elites. They may improve policy outcomes on the margins but mainly justify pre-existing policy decisions – in short, a form of box-ticking.

But something new is lurking on the horizon which makes this pathway promising and, dare we say, exciting. That is the introduction of Citizens' Panels as a new tool for citizens' participation during the Conference on the Future of Europe, which was sponsored by the three EU institutions. Four panels made up of 200 randomly selected citizens from all 27 Member States and reflecting the EU's diversity regarding gender, age, education, socio-economic background and geography issued many recommendations now making their way through Brussels' decision-making machine. Here was the EU surfing on the so-called 'deliberative wave' and doing so transnationally, a first in the history of the revival of citizens' assemblies around the world (though a global citizen's assembly was also organised in 2021 alongside COP26 in Glasgow). In the first half 2023, three new Citizens' Panels were launched (on food waste, virtual worlds, and learning mobility), each comprised of 150 people which in turn also issued recommendations on their assigned topics.

The experiment so far has demonstrated that transnational deliberative processes can potentially be effective in enhancing the kind of mutual knowledge and entanglement called for by a *demoicratic* space, all in a challenging multilingual setting. We saw 'epistemic diversity' in action as citizens formulated innovative ideas on reconciling competing interests across the EU's multiple *demoi* without a kneejerk reflex to defend national, ideological, partisan, or personal career interests. The Conference's move to couple citizens during the plenaries with other national and EU politicians and civil society representatives was another first and fascinating dimension of the process. Such a deliberative moment can be considered as a turning point for the deployment of a new experimental democratic ecosystem in the EU. There are good reasons to hope that the introduction of European Citizens' Panels in the EU's *modus operandi* is part of a new dynamic and are here to stay – although this is not a given with a new Commission in 2024.

As per the 2023 AFCO draft report, the Commission's decision to go it alone with a second generation of panels will most probably be followed by EP panels. Lessons will be learned and facilitation practices improved upon. Experts and technocrats will start to pay attention. Observers will write learned reports praising and appraising each other in equal measure and sunlight will shine on more corners of the EU's policy world.

But how can we speak of a democratic revival bringing sunlight into the Brussels Bubble through citizen engagement when referring to something that has no visibility outside that bubble and passed largely unnoticed in the European public sphere? We could say that like any experiment this one advances through trials as well as errors that will be corrected over time. But are there not more structural limitations? Above all, the so-called panels have failed to reach the broader public because they have been largely insulated from the ongoing political dynamics in the European public sphere (e.g. national parliaments, the media, social movements). They resemble mega focus groups rather than 'the people' in action. The stakes and their impact on actual policies remains opaque as noted by the citizens themselves in a [letter to the EP's petition committee](). Mediating actors (parties, trade unions, civil society organisations) have only been involved very lightly, which will please purists of deliberative democracy or even those who might dream of a citizen-bureaucrat alliance insulated from the rough and tumble of politics. But not those who hold a more holistic view of politics and policymaking in the EU. This remains a process of 'technocratic democratisation' where the technocratic logic still prevails over the democratic one.

We recognise here the deeper flaw of other participatory efforts in the EU, where consultations are framed around issues of low political salience, outside the main political projects of those in positions of power like President von Leyen, a symptom of the EU's depoliticised and technocratic approach to participatory democracy. Technocratic democratisation does not even mean that efficiency trumps participation but rather that participation is not understood as a mobilisation of collective intelligence in the policy sphere.

Key Recommendations

Political buy-in for ECIs: If citizens' initiatives on the national level can work, say, in Finland and Latvia, where approximately 60 % of citizen proposals result in legal changes, how can the ECI work better at EU level? Among the many recommendations out there, we support the EP's recent report on ECI reform which revolves mainly around campaigning and publicity efforts (e.g. reimburse costs for successful ECIs, use individual online collection systems, further simplify and harmonise national standards for collecting data, and interoperability between EU and national platforms). We also support the EP's recommendation to link successful ECIs to Citizens' Assemblies (see below). And we agree with finding ways to help involve civil society, including administrative support by the Commission to set up initiatives.

Here we highlight the need to connect more systematically successful ECIs and the EU's decision-making process, starting with a nod to the 'I' in ECI – initiative in the primordial sense as the prerogative to initiate a collective decision, a prerogative that ought to be recognised by the co-legislators, namely the EP and the Council. The EP has already moved from mere hearings on successful ECIs to organising plenary debates. We welcome its latest decision to move one step further by committing itself to vote on those successful ECIs. The Council needs to follow suit by committing to debate and decide on such a follow-up process as suggested by the European Ombudsman, by taking part in EP hearings or holding its own hearings and debates. Thus, both co-legislators should be obliged to take a stand, helping to politicise the ECI and facilitate political buy-in.

However, critics of the ECI within the group wondered why citizens with a good idea should be required to get a million verified signatures before they can submit it, requiring huge, costly and bureaucratic processes – to either fail or realise in the end that the topic had already made its way through the political process. Those critics suggest that EU institutions should instead make more of an effort to seriously examine and respond to any letter or petition addressed to them that displays a significant level of public support and is politically relevant.

A pan-European debate on primary education in schools: The radicality of sunlight starts in the mind. While we are aware that education lies outside the scope of EU competences, we call for an inter-institutional debate on primary education in schools across the EU to recommend that school curricula and practices should include democratic decision-making by the children themselves, to nurture a well-grounded sense of democratic understanding. Democratic engagement starts with the young and their education at home, in schools and in public spaces. Democratic decision-making should permeate their own growing awareness, whether they are deciding on the colour of their classroom walls or on their school's activity budget. Indeed, this is a Member State and – arguably in fact – a school-level prerogative. But children need to learn to demand to know what is going on around them and how they can make a positive impact to the society that they live in. and to learn to write themselves into their society's story as soon as possible.

A Standing Citizens' Assembly: Building on recent moves to institutionalise Citizens Assemblies at city or national levels (in Austria, Germany, East Belgium, Paris or Brussels), we suggest that the EU demonstrates its democratic leadership by institutionalising the emerging practice of its own Citizens Panels and turning them into a standing body with rotating membership chosen by lot and renewed on a regular basis. Various authors and organisations, from Bertelsmann to CTOE and the Democratic Odyssey project, have offered reasons as to why this could be a very desirable change in the eyes of ordinary citizens. For one, this body would be radically more visible than the current and upcoming EU panels and would thus empower citizens and civil society organisations through its deliberative, monitory, and mobilising functions. A permanent assembly, as opposed to *ad hoc* panels or assemblies, connected to, and embedded in, the EU institutional policymaking machinery and the public sphere, would become a fixture of the EU landscape – both as a space and a source of sunlight shining onto the whole edifice. Citizens would be less suspicious of 'box-ticking' or the perception of consultation as self-serving exercises without a grounding in society or a commitment to consider their deliberations (whether this is ultimately true or false).

Different more or less radical models have been designed but will not be rehearsed here. We invite a conversation to take place, whereby the design would at a minimum combine top-down and bottom-up dynamics. The mandate of this Standing Citizens Assembly could start with agenda setting for the EU, such as to debate the Commission Work Programme or assess the EU's annual (legislative) actions. It could also include different elements, such as deliberating on concrete policy issues, discussing successful ECIs, and taking part in a mixed conference or convention, as well as be entrusted with scrutiny-related tasks in addition to agenda setting and policy input. The assembly would cooperate closely and meet with the other three institutions as well as civil society organisations, political parties, trade unions and other relevant organisations.

Such a Standing Citizens' Assembly could be implemented through an Inter-Institutional Agreement between the European Commission, the EP, and the Council (as suggested by the Bertelsmann Foundation). This would not necessarily require treaty change, if the assembly is an institutional add-on to the existing EU institutional architecture and would neither create shifts in the inter-institutional balance nor exceed an advisory role to the EU's existing decision-making process. It could also be created more organically through an alliance between the EP, the Commission and civil society actors to develop the standing body over time. More ambitious options would require treaty change.

Some of our group members expressed doubts regarding the effectiveness of such a (standing) Citizens' Assembly and its 'representative' character while fearing that it could distort political choices, dilute the responsibilities of actual decision-makers and be subject to manipulation.

Hosting Citizens' Assemblies by national parliaments holding the rotating Council Presidency: Alternatively, or additionally, participatory elements could be introduced into the parliamentary dimension of the Council of the EU's rotating presidency. Every six months, the parliament of the Member State holding the EU Presidency could host a Citizens' Assembly. The format of the panels could include randomly selected citizens (three to five

citizens per country) from the 27 Member States as well as citizens from candidate countries to bring current and future EU citizens together and make EU decision-making more visible to the nationals of aspiring Member States.

That way, national parliaments could become a temporary agora for the exchange of views between citizens and national MPs, and potentially MEPs, who could be invited to the discussion as observers. The debate would facilitate 'Europeanising' domestic political spaces and would shine a light on EU capitals and parliaments.

🔥 As with the previous recommendation, some of our group members expressed doubt about this proposal, fearing that this would detract precious time and resources from already overburdened national presidencies.

EU-wide 'preferenda': National political leaders have become quite cautious on the use of referenda, especially given the French and Dutch 'Nos' that killed the draft Constitutional Treaty almost two decades ago in 2005. And yet it would be a pity for the EU to give up the inclusive promise that is contained in the direct consultation of the people about fundamental choices that are relevant to their lives. Many national contexts demonstrate that under the right conditions, referenda can be very positive. If indeed the EU's ecosystem starts to be permeated by democratic energy along the pathways traced above, direct democracy seems the logical next step, both as an expression of the radicality of sunlight and as making good on the other modes of participation discussed here.

But this recommendation comes with two qualifiers. First, as recommended by the Dutch in 2007 and recently floated by [President Macron in the French](#) context, at the EU level it would be better to resort to 'preferenda', that is referenda offering citizens a choice of several options instead of a binary choice. Binary choices – especially at the transnational level – can polarise and over-simplify important questions, leading to plebiscitary logic and travesties of democracy. Second, such preferenda ought to come after other participatory dynamics, including ECIs and Citizens' Assemblies. Indeed, referenda on their own without the filter of broad deliberative processes preceding them can be captured by special interests and deep pockets. Most importantly, this would mean that the questions, the choices on offer, and their transnational relevance would themselves be the subject of pan-European debates, strengthening the EU in the process.

Participatory budgeting for EU funds: If various EU funds, including regional funds or NGEU funds, were to become entirely transparent as advocated under Pathway 1, this in turn could open the way for processes of co-governance for the local and regional distribution of EU funds. Through the application of certain kinds of participatory budgeting mechanisms local citizens would be directly engaged in decisions regarding the use of these funds, thus minimising the risk of corruption and nepotism. This would also further bolster the democratic legitimacy of towns and cities that might be controlled by the political opposition in authoritarian or backsliding countries. Some experimentation in this spirit has already been tried with EU regional funds.

Conclusion: Bolstering the EU's democratic infrastructure, one campaign at a time

Despite its delicate institutional equilibrium and its added political responsibilities, the EU still lacks democratic credentials in the eyes of many citizens.

Recent scandals have laid bare transparency deficiencies in all main EU institutions. The widespread use of emergency decision-making over the last decade of crisis management shifted the power balance towards the executive(s), without sufficient democratic anchoring. While the powers of the EU and the EP within it have increased, its elections remain much less visible than national ones, even after nine elections since 1979. Many national parliaments fail to effectively hold national governments to account for their decisions taken at European level. Current participatory instruments cannot counterbalance these deficits, being largely invisible and disconnected from EU politics.

The coming EP elections in 2024 will cast a sharp light on the imperative of enlargement as a unique occasion to advance the EU's democratic agenda. The EU's geopolitical ambition brings together EU geographical widening and its democratic deepening.

Our High-Level Group has identified five pathways to bolster EU democracy and ours is an old but radical call nevertheless – let us embrace the radicality of sunlight. This means transparency and accountability for all EU affairs of course, but also the empowerment of democratic actors to take advantage of such enlightenment.

We have eschewed here discussions of specific proposals for broader institutional reform, as recently developed by the parallel Franco-German working group on EU institutional reform. We agree that institutions do matter but they are not the sole solution to the EU's challenges. Instead, the remedy to the EU's perennial democratic malaise lies as much with people's mindsets and the practices that they give rise to. Indeed, none of the pathways which we have highlighted in this report can properly be explored if they are not part of a broader landscape exhibiting the whole palette of democratic colours.

While treaty change is certainly necessary, it not likely any time soon. Because democratic change is needed now, we (mostly) offer recommendations which can be implemented under the current EU treaties. If sunlight pervaded all its operations the EU could be transformed in the eyes of its citizens, with no treaty change required.

This becomes even more urgent when considering that the EU will acquire many new members in the next few years. As the EU engages in necessary conversations about which reforms are necessary to prepare itself for enlargement, the focus is too often narrowly put on its capacity to act through its existing decision-making apparatus. But the ultimate key to a more effective EU is a democratic Union which can fully mobilise its population.

Even if the prospect of enlargement is greeted with some enthusiasm both in the old and new member countries, citizens on both sides of the gate will also be fearful and unsure. With Ukraine (still under attack by Russia) in the mix alongside Balkan countries whose post-war record is – at best – uneven, the capacity of these countries to assimilate will not be clear to all. How will they manage to share such a big and heterogenous space as is this new Europe in the making? How will they manage to combine the necessary solidarity, tolerance and autonomy to make it all work? How will the new EU citizens be socialised into their new continental community?

We have argued in these pages that boldly engaging in our five democratic pathways will go a long way towards addressing these challenges. Stable democratic institutions and practices on the EU level are even more important for those new Members States that are coming from less well-grounded democratic traditions.

Clearly, the EU's democratic landscape can be explored through many other pathways. And these pathways should take us inside individual countries, their own democratic health, their judicial independence, their respect for democratic rights and the rule of law. We have remained mostly at EU level, but we hope the radicality of sunlight will turn out to be a contagious ideal.

And we call for a general commitment to honouring it by all actors involved in the EU's ongoing journey, starting with the pan-European political families during the 2024 EP elections.

FURTHER READING

Alemanno, A., and Kalypso, N. (2022) 'Citizen Power Europe' in Alemanno, A. and Sellal, P., *The Groundwork of European Power*, RED (Revue Européenne du Droit).

Bartolini, S. (2006), 'Mass Politics in Brussels: How Benign Could It Be?', *Zeitschrift Für Staats-Und Europawissenschaften*, Vol. 4, No. 1. https://doi.org/10.1515/ZSE.2006.002

Berg, C., Chwalisz C., Nicolaidis K., and Sintomer Y. (2023), 'The European Citizens' Assembly: Designing the missing branch of the EU', European University Institute and DemocracyNext, September.

Borońska-Hryniewiecka, K. and Fromage, D. (2022) 'Parliaments in times of crises: Democratic accountability in the EU economic governance from the euro to the COVID crisis', *The Journal of Legislative Studies*, Vol. 28, No. 3, pp. 299-487

Borońska-Hryniewiecka, K. (2015) 'The Best of Both Worlds: The Unexploited Potential of Inter-parliamentary Cooperation in the EU', PISM Policy Paper 27 No. 129.

Bovens, M., Curtin, D., and Hart, P. 't (eds.) (2010), *The real world of EU accountability: What deficit?* Oxford University Press, Oxford.

Brandsma, G. J., Greenwood, J., Ripoll Servent, A., and Roederer-Rynning, C. (2021), 'Inside the black box of trilogues: Introduction to the special issue', *Journal of European Public Policy*, Vol. 28, No. 1, pp. 1–9. https://doi.org/10.1080/13501763.2020.1859600

Brandsma, G. J., and Meijer, A. (2022), 'Transparency and the efficiency of multi-actor decision-making processes: an empirical analysis of 244 decisions in the European Union', *International Review of Administrative Sciences*, Vol. 88, No. 3, pp. 626-643. https://doi.org/10.1177/0020852320936750

Cage et al. (2023), 'For a Just and democratic climate transition' Social Europe, 6 April.

Chalmers, D., Jachtenfuchs, M., and Joerges, C. (eds.) (2016), *The End of the Eurocrats' Dream*, Cambridge University Press, Cambridge.

Cooper, I. (2019), 'National Parliaments in the Democratic Politics of the EU: The Subsidiarity Early Warning Mechanism 2009–2017', *Comparative European Politics*, Vol. 17, pp. 919-339. https://doi.org/10.1057/s41295-018-0137-y

Corbett, R. (2022), 'The Progressive Potential of the EU', Foundation for European Progressive Studies, 23 October.

Crum, B. and Fossum, J.E. (2009), 'The Multilevel Parliamentary Field: A Framework for Theorizing Representative Democracy in the EU', *European Political Science Review*, Vol. 1, No. 2, pp. 241–271.

Crum, B. and Curtin, D. (2015), *The Challange of Making European Union Executive Power accountable. In S. Piattoni (Ed.), The European Union: Democratic principles and institutional architectures in times of crisis* 1st edition, pp. 63–88, Oxford University Press, Oxford.

De Ruiter, R. and Neuhold, C. (2021), 'Subsidiarity watchdogs and the kennel of trilogues: When do they bark? The role of National Parliaments in trilogue negotiations', *Journal of European Public Policy*, Vol. 28, No. 1, pp. 93–111. https://doi.org/10.1080/13501763.2020.1859593

Follesdal, A., and Hix, S. (2006), 'Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik', *JCMS: Journal of Common Market Studies*, No. 44, Vol. 3, pp. 533–562. https://doi.org/10.1111/j.1468-5965.2006.00650.x

Franklin, M. (2006), 'European elections and the European voter', in Richardson, J.J. (ed.), *European Union: Power and policymaking*, 3rd edition, pp. 227–244, Routledge.

Hennette S., Piketty T., Sacriste G. and Vauchez., A. (2019), *How to democratize Europe?,* Harvard University Press, Cambridge, MA.

Hobolt, S. B. and De Vries, C. (2016), 'Turning against the Union? The impact of the crisis on the Eurosceptic vote in the 2014 European Parliament elections', *Electoral Studies*, Vol. 44, pp. 504–514. https://doi.org/10.1016/j.electstud.2016.05.006

Hooghe, L., and Marks, G. (2009), 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus', *British Journal of Political Science*, Vol. 39, No. 1, pp. 1–23. https://doi.org/10.1017/S0007123408000409

Kassim, H. (2004), 'The Kinnock Reforms in Perspective: Why Reforming the Commission is an Heroic, But Thankless, Task', *Public Policy and Administration*, Vol. 19, No. 3, pp. 25–41. https://doi.org/10.1177/095207670401900304

Magnette, P. (2003), 'European Governance and Civic Participation: Beyond Elitist Citizenship?', *Political Studies*, Vol. 51, No. 1, pp. 144–160. https://doi.org/10.1111/1467-9248.00417

Majone, G. (2002), 'The European Commission: The Limits of Centralization and the Perils of Parliamentarization', *Governance*, Vol. 15, No. 3, pp. 375–392. https://doi.org/10.1111/0952-1895.00193

Maurer, A. and Wolf, M.C. (2020), 'The European Parliament's right of initiative', study requested by the European Parliament's AFCO Committee, Brussels, July.

Merdzanovic A and Nicolaïdis K. (May 2021), *A Citizen's Guide to the Rule of Law - Why We Need to Fight for the Most Precious Human Inventions of All Time*, Columbia Univeristy Press, New York.

Moravcsik, A. (1998), *The Choice for Europe*, Cornell University Press, Ithaca, NY.

Neuhold, C., and Rosén, G. (2019), Introduction to 'Out of the Shadows, Into the Limelight: Parliaments and Politicisation', *Politics and Governance*, Vol. 7, No. 3, pp. 220–226. https://doi.org/10.17645/pag.v7i3.2443

Nicolaïdis, K. (2023), 'Democratic Respect in Times of Crisis: The Case of the Next Generation EU Fund,' in Bonghardt, A. and Torres, F. (eds.), *The Political Economy of Europe's Future and Identity: Integration in Crisis Mode*, UCP Press, Lisbon.

Nicolaïdis K. and Liebert, U. (2022), 'Democratic theory: Bridging positive, critical and normative approaches to European studies' in Faure & Lequesne (eds.), Elgar Companion to the European Union, Sciences Po, Paris.

Nicolaïdis, K. (2021), 'The democratic Panopticon', *Noema Magazine*, July

Ondarza, N. v. (2023), 'Handlungsfähig, flexibel und exekutivdominiert: Wie der russische Angriffskrieg gegen die Ukraine die Europäische Union verändert', *Integration*, Vol. 3.

Ondarza, N. v. (2023), 'The Crisis Governance of the European Union. More responsibility requires more democratic legitimacy', SWP Research Paper, SWP, Berlin.

Ondarza, N.v. and Ålander, M. (2022), 'After the Conference on the Future of Europe: Time to Make Reforms Happen', SWP-Comment C49/2022, SWP, Berlin.

Oleart, A. (2023), 'The political construction of the 'citizen turn' in the EU: Disintermediation and depoliticisation in the Conference on the Future of Europe', *Journal of Contemporary European Studies*. https://doi.org/10.1080/14782804.2023.2177837

Rauh, C., and Zürn, M. (2014), 'Zur Politisierung der EU in der Krise', in Heidenreich, M. (ed.), *Krise der europäischen Vergesellschaftung? Soziologische Perspektiven*, Springer VS, pp. 121–145.

Rozenberg, O. (2017), 'The role of national parliaments in the EU after Lisbon: Potentialities and Challenges', study requested by the European Parliament's AFCO Commitee, March.
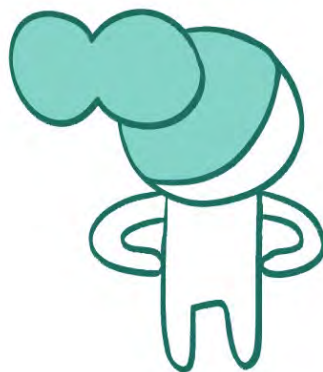
PRINCIPLES AND GUIDELINES FOR THE HIGH-LEVEL GROUP

The High-Level Group process is a structured dialogue among experts, (former) politicians, diplomats, policymakers, NGOs, academia and think tanks who are brought together for several meetings. High-Level Group report is the final output of the research carried out independently by CEPS and SWP in the context of the High-Level Group.

Participants in a High-Level Group

- The Chair is an expert who steers the dialogue during the meetings and advises SWP and CEPS as to the general conduct of the activities of the High-Level Group.
- Members provide input as independent experts.
- Rapporteurs are SWP and CEPS researchers who organise the High-Level Group, conduct the research independently and draft the final report.

Objectives of a High-Level Group report

- High-Level Group reports are meant to contribute to policy debates by presenting a balanced set of arguments, based on available data, literature, and views.
- Reports seek to provide readers with a constructive basis for discussion. They do not seek to advance a single position or misrepresent the complexity of any subject matter.
- High-Level Group reports also fulfil an educational purpose and are drafted in a manner that is easy to understand, without jargon, and with any technical terminology fully defined.

Drafting of the report

- High-Level Group reports reflect members' views.
- However, there does not need to be consensus or broad agreement among High-Level Group members for every recommendation that features in the report. Recommendations which triggered significant dissent are marked accordingly.
- High-Level Group reports feature data that are considered both relevant and accurate by the rapporteurs. After consultation with other High-Level Group members, the rapporteurs may decide either to exclude data or to mention these concerns in the main body of the text.