

The Future of the European Parliament's Electoral Law: Can the 2022 Proposal Make the EU More Democratic?

Christian Lengeling

Executive Summary

> The European parliamentary elections are often challenged for not complying with key democratic standards. This policy brief assesses the European Parliament's current electoral law based on three criteria: accountability and transparency, representativeness, and non-discrimination of actors participating in the elections.

> The Parliament's current electoral law gives rise to issues regarding all three criteria. First, it presents a major obstacle to establishing a clear link between election outcomes and policy responses; second, it significantly departs from the 'one person, one vote' principle; and, third, it still subjects voters and those competing for votes to different rules in different parts of the EU.

> The Parliament's May 2022 proposal for a revised electoral law could bring considerable improvements regarding the first criterion, but only minor improvements on the second and third criteria. That said, the Proposal's requirements for geographical balance on transnational lists could enable significant future improvements regarding all three of these democratic standards.

> In the medium-term future, to make the Parliament's electoral law more democratic, it should, first, enable the election of all members via transnational lists in a Union-wide constituency, which could be done without Treaty amendment, and, second, remove all remaining discriminatory rules for actors participating in the elections.

By the time the European parliamentary elections are held in June 2024, two years will have passed since the European

Parliament (Parliament) put forward its proposal for a revised electoral law (Proposal) (European Parliament 2022). The Proposal will not be adopted in time for the 2024 elections. Can it still guide future reform efforts and help make the European Union (EU) more democratic?

To answer the question of whether the Proposal can make the EU more democratic, this policy brief starts by explaining why the Parliament's electoral law is crucial to increasing the EU's democratic legitimacy. Second, it addresses the question of when an electoral law can be considered democratic and proposes three criteria for such an assessment. Third, the current electoral law and the hypothetical electoral law following a possible adoption of the Proposal are analysed and compared using these three criteria. The brief concludes by making recommendations for future electoral law reforms that build on its findings. These recommendations are addressed to all actors involved in the procedure for reforming the Parliament's electoral law, namely the Parliament, the Council, the EU member states, and the European Council. More specifically, the recommendations are addressed to those who wish to strengthen the EU's 'input legitimacy' so that it can withstand current and future crises, as relying predominantly on 'output legitimacy' does not make the EU sufficiently resilient (Weiler 2017, 366-368).

Why the Parliament's electoral law matters

The Parliament holds significant powers under the current EU legal framework, notably legislative functions, budgetary powers, and a role in electing and supervising the Commission. Any improvement of its democratic legitimacy, for example by changing the ways it is elected via an amendment of its electoral law, will therefore inevitably have a positive effect on the democratic legitimacy of the EU as a whole. It can also not be ruled out that the Parliament's influence will increase in the future. There are numerous calls for an increase in the Parliament's competences in the hope of making the EU more democratic (e.g. Gozi 2021).

Furthermore, some argue for a more fundamental revision of the EU Treaties, which would go hand in hand with an increase in the Parliament's democratic responsibility (Grimm 2016, 39-41). Some commentators deem the treaties far too detailed for their legal value as primary law, with the result that too many political decisions are either pre-determined or decided by the Court of Justice (the Court), leaving too little room for the political arena (Scharpf 2017, 316; Grimm 2016, 39-41). The EU legislator can only legislate secondary law, which needs to comply with primary law. Hence, whenever a legal issue regards primary law, the Court essentially has the last word while the legislator is left with no means to react to the Court's judgments, much unlike in a state where judgments can often be 'corrected' through legislation or even constitutional change, establishing a balance of powers. The only way to correct primary law-based Court judgments would be via – improbable – Treaty amendment. Proposals to address this issue of power imbalance range from lowering all primary law that is non-constitutional in character to the rank of secondary law (Grimm 2016, 45-46) to making primary law that is non-constitutional in character as easy to amend as secondary law (Aranguren Idigoras et al. 2022). Either way, these reforms would give the Parliament greater democratic responsibility, which would go hand-in-hand with an increased need for its democratic legitimacy; otherwise, an increase in the Parliament's powers could make the EU less rather than more democratic (Grimm 2016, 26). Hence, in the case of both existing and potential future powers, the Parliament's electoral law, as a relevant factor for the Parliament's level of democratic legitimacy, plays a crucial role regarding the EU's democratic legitimacy.

How to assess to what extent the electoral law is democratic

To establish the benchmark for assessing how democratic an electoral law is, this policy brief proposes three (non-exhaustive) criteria: (i) accountability and transparency, (ii) representativeness, and (iii) non-discrimination of actors participating in the election. These criteria are derived from both the secondary literature and case law, where they are rarely explicitly stated but rather implicitly assumed through criticism of their absence. This implies that many judge them to be essential aspects of a democratic electoral law. These three criteria also capture most of the criticism directed at the Parliament's electoral law. For these reasons, they were chosen as the basis for assessing the Parliament's electoral law in this brief.

Such self-standing criteria are needed because it is insufficient to judge the Parliament's electoral law solely by the standards the EU sets for itself. Rather, it is precisely the question of to what extent the interplay of EU primary law, secondary law, and the laws of the member states make for an electoral law

that respects key standards of democracy. These criteria might resemble criteria used to assess states' electoral laws. This is a logical corollary of EU law's vast force and scope. According to the Court, EU law takes primacy over member states' laws (Case 6/64, *Costa v. E.N.E.L.*), including their constitutions (Case 11/70, *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel*, marginal 3). EU law can also touch upon virtually any area of national law. This can be seen, for example, in the *Casagrande* case where the Court held that member states have to comply with EU law even when acting within member states' competences (Case 9/74, *Donato Casagrande v Landeshauptstadt München*, marginal 12). With EU law determining many of the rules EU citizens have to live by, it appears little convincing to apply a lower standard to the Parliament's electoral law than to that of a state in terms of 'input legitimacy.' Each criterion will now briefly be explained.

Accountability and transparency

An electoral law can be considered more democratic when it provides for more accountability and transparency of decision-making institutions. For this purpose, accountability means that political actors such as political parties or politicians can be directly connected to certain policy decisions and, when those are unpopular among citizens, the voting population can bring about consequences for the responsible political actors through elections (Pasquino and Pelizzo 2023, 10; Follesdal and Hix 2006, 547). This enables the crucial link between election outcomes and policy responses (Habermas 2022, 27).

The term transparency is meant to encompass the subjective side of accountability (as used in BVerfG 2009, marginal 247). Whereas accountability, for the purpose of the proposed criterion, asks whether mechanisms are objectively in place that allow citizens to bring about consequences for political actors responsible for unpopular policies, transparency focuses on whether citizens sufficiently understand these mechanisms. The transparency of these accountability mechanisms provides the basis for a functioning democratic system (BVerfG 2009, marginal 247, 280).

Representativeness

Representativeness gauges to what extent the principle of 'one person, one vote' (OPOV) is respected. For a political organ claiming to represent the citizens as a group of equals without distinguishing between different categories of citizens, OPOV is crucial (Grard 2018, 194; BVerfG 2009, marginal 280; Peuker 2008, 461-463). The further an electoral law distances itself from the OPOV principle, the harder it is to defend this claim of representativeness. A political system

can foresee certain exceptions to the OPOV principle, but they need to be justified (Peuker 2008, 461). For instance, the principle is commonly not respected for political organs meant to represent sub-entities in a federal system because of the need for a compromise between representation according to population and equal representation of sub-entities. For a parliament meant to represent all citizens, this exception is therefore not applicable (Peuker 2008, 463-464).

Non-discrimination of actors participating in the elections

The third proposed criterion is the non-discrimination of actors participating in the elections. This includes both the electors and the elected. In the absence of justification, both voters and those competing for votes should be subject to the same rules to avoid distorted election outcomes (criticising the substantial difference in rules, Peuker 2008, 458).

The EU's current electoral law

Using the three above-proposed criteria, this section assesses the current electoral law.

Accountability and transparency

The current electoral law for the Parliament exhibits various issues relating to accountability and transparency. Under the present system, national parties campaign in the EU member states. Citizens can only vote for national parties during the elections. After the elections, national parties get together with their corresponding political groups in the Parliament or form new groups, and attempt to adopt common positions (Grimm 2016, 33). This introduces another phase of compromise-finding taking place after the elections (ibid.). During the campaign, national parties are not bound by a common position of the European political group. National parties are incentivised only to appeal to their national electorate because they can only be elected by this electorate (Díaz Crego 2021, 4-5; Gimm 2016, 33). Therefore, it is difficult to impossible for voters to know which candidate or party they need to elect to support their preferred policy proposals at the EU level.

Additionally, the current system complicates the (re-) introduction of the so-called 'lead candidate system' (LCD) which would, in turn, contribute greatly to accountability and transparency. Under the LDC, the major European political groups each agree on a candidate for the office of the Commission President – arguably the most powerful position within the EU political system. If a political group wins the absolute majority of seats in the Parliament, the latter could refuse to elect anyone other than their candidate as Commission President through the process under Article 17(7)

TEU. If no political group wins the absolute majority, the most successful lead candidates could attempt to gather the necessary votes in the Parliament by including some of the other political groups' positions in their agenda. This system would enable EU citizens to influence who occupies the powerful position of the Commission President and generally the future Commission's agenda. Because the current system incentivises 27 separate national campaigns, it does not provide a favourable environment for visible Union-wide lead candidates. Thus, at this point, the link between election outcomes and policy responses is both objectively and subjectively insufficient, and this is at least partly due to the Parliament's electoral law.

Representativeness

The current electoral law does not fare well with respect to representativeness either. The principle of degressive proportionality (PODP), as it is laid out in Article 14(2) TEU and currently implemented, means that votes will differ greatly in weight depending on where the vote is cast. For instance, a vote cast in Malta will have a weight roughly ten times higher than a vote cast in Germany, assuming that the same share of the population of both countries votes. This is because voters in Malta, a country of roughly 500,000 inhabitants, currently elect six Members of the Parliament (MEPs), whereas voters in Germany, a country of almost 84,000,000 inhabitants, currently elect 96 MEPs (European Council 2018; World Bank 2022a; World Bank 2022b). Thus, the OPOV principle is not respected and the claim made by Article 14(2) TEU that the Parliament represents the "Union's citizens" is currently difficult to defend. The Union's citizens are not treated equally as one group but separated into distinct groups receiving different treatment. This does not mean that smaller member states' interests should not or cannot be protected. It only means that the Parliament, the citizens' chamber, is not the place to over-represent small countries because it is simply about representing EU citizens, not states (Peuker 2008, 463-464). Smaller member states' interests can best be protected via the Council – more specifically through a careful design of the Council voting rules and competence balance between the Council and Parliament (Hoffmann 1961, 11, 66). This is all the more so given that the active and passive voting rights in a given member state for the Parliament elections are based on residence, not on citizenship (Art. 3-4, Directive 93/109). It can be questioned whether citizens from one member state residing in another will represent the interests of the member state of residence when voting, especially in the context of shorter-term stays. Thus, the higher voting weight of voters voting in less populous member states would not necessarily be used to support those member states' interests.

Non-discrimination of actors participating in the elections

Within the requirements of EU law, the member states are free to design their electoral law as they wish. Hence, many rules still differ greatly across them (European Parliament 2019). For the 2019 European elections, differences included the exact election day; whether or not there is compulsory voting; whether member states use close lists, preferential voting, or the “single transferable vote” system; the number of constituencies; whether and how voting abroad is possible; electoral thresholds (both legal and mathematical, the latter existing when there is only a small number of seats available in a given constituency); whether there is any form of a gender quota; and the minimum passive and active voting age (ibid.). Hence, parties compete in very different environments in different parts of the EU. For instance, smaller parties can realistically obtain seats in some EU member states, whereas legal and mathematical thresholds mean that they stand no chance in others. These separate and different thresholds across the EU also mean that many votes will be lost. Votes cannot accumulate across the EU because they are filtered out early on through thresholds, creating a representativeness issue. Different election days also mean that earlier voters might influence later voters and thus cause distortions (through the publication of polls). Next, differences in the passive and active voting age mean that parties who target younger age groups are at a disadvantage in some parts of the EU. Finally, differences regarding the possibility of voting abroad make it more difficult to vote for some EU citizens than for others, given that voting in the host Member State is not always simple (see, for instance, Art. 5 of Directive 93/109). All these examples illustrate how EU citizens are treated differently across the EU even though they vote or run for the same EU institution, namely the Parliament.

The following part of the brief examines to what extent the assessment based on these three criteria differs if the Proposal for a revision of the electoral law were to be adopted.

The European Parliament’s 2022 proposal for a revised electoral law

Accountability and transparency

Article 15 of the Proposal seeks to establish a Union-wide constituency for a total of 28 Parliament seats that are elected via transnational lists. EU citizens would then have two votes – one for the national constituencies like before (Art. 14) and the other for the newly established Union-wide constituency (Art. 15). Starting with the second European elections after the entry into force of the Proposal, the European Council is meant to decide the size of the Union-wide constituency

through a “[d]ecision establishing the composition of the European Parliament” (Art. 15(1)). It can be said that regarding these 28 seats, a high level of accountability and transparency is established. This is because the European electoral entities (EEEs), as they are called in the Proposal, that would be up for elections in the Union-wide constituency would each need to put forward one list that is the same everywhere in the EU and can be elected by all EU citizens (Article 15(4)). Thus, the EEEs will likely have one electoral programme that is the same in all member states. Although the EEE could still emphasise certain aspects of its electoral programme more in some parts of the EU than others, real contradictions are highly unlikely. Compromise-finding among the different members of the EEE must thus take place before and not after the elections, addressing a key issue of the current electoral law. However, the Proposal cannot solve the accountability and transparency issue, because 28 of a total of 733 seats (around 3.8%) can, of course, not reliably determine the outcome of plenary votes. The vast majority of Parliament seats would still be elected via national parties.

That said, the Union-wide constituency might have a larger impact in combination with other provisions. Article 17(2) of the Proposal stipulates that “[electoral] campaign materials shall include the logo and a reference to the manifesto or programme of the [EEE] to which the national party is affiliated”. This creates an incentive to harmonise the electoral programmes among all members of an EEE because national parties might not want to reference an electoral programme that disagrees with their own. Furthermore, Article 17(4) requires that ballot papers give equal visibility to the names and logos of national parties and those of the EEE when affiliated with any of them. Again, this increases the visibility of the EEEs and incentivises the creation of a single electoral programme per EEE across the EU. If this happens in practice, it would mean a significant increase in accountability and transparency. There is a risk, however, that national parties would see these requirements as mere box-ticking exercises and not change anything in substance. They might rely on the fact that EEEs are simply far less well-known among the national electorate than national parties. National parties, after weighing the costs and benefits, might conclude that the scenario of voters looking up the programme of the relevant EEE and potentially finding contradictions with the national party’s programme is less likely to occur or will have less adverse effects than giving up the freedom to tailor the electoral programme precisely to the national electorate. Due to their limited number, the 28 seats that can be won via the Union-wide constituency will probably not provide enough of an incentive for national parties to truly push the EEE’s electoral programme during the campaign.

When it comes to the LDC, the Proposal does not make it binding but expresses a strong preference for it in recital 8 and makes a proposition on how it could be implemented in practice. The Proposal would likely facilitate the (re-) establishment of the LDC because the transnational lists would show the lead candidate in the first position, visible to all voting EU citizens. This, in turn, would provide an incentive to national parties to campaign with their Union-wide lead candidate. Whether this incentive would be enough to revive the LDC is uncertain.

In summary, the highlighted provisions of the Proposal have the potential to considerably increase accountability and transparency within the EU's electoral system. However, these effects come with a high degree of uncertainty because they would require actions from the EEs and national parties.

Representativeness

In terms of representativeness, the Proposal barely brings any immediate change. The OPOV principle would generally be respected within the Union-wide constituency, but given that the MEPs elected this way only make up 3.8% of all the MEPs, the current problem is not solved.

Non-discrimination of actors participating in the elections

In relation to the differences between member states illustrated above, the following harmonisations are foreseen in the Proposal: election day (9 May for all member states, Art. 19(1), whereas member states may declare that day a national holiday, Art. 19(5)), the minimum age to stand as a candidate (18, see Art. 5(1)), and a postal voting option (Art. 8(1)). Electoral thresholds are only harmonised for the Union-wide constituency, where there shall be no minimum threshold according to Article 13(5). For the national constituencies' electoral thresholds, the Proposal establishes certain requirements but does not fully harmonise (Art. 13). Article 13(4), which foresees an exception to the electoral thresholds, does not alleviate the problem that votes are filtered out before they can accumulate because it does not allow votes to accumulate within an EE but only within "political parties or associations of voters". In the field of gender quotas, the Proposal sets certain requirements in Article 10(1), although the language leaves many open questions as to the precise content of the obligation. In any case, if the provision is interpreted as stipulating obligatory zipped lists or quotas, it is unlikely to effectively harmonise member states' electoral laws. For instance, zipped list requirements were judged unconstitutional in the German states of Thüringen (ThürVerfGH 2020) and Brandenburg (VerfGBbg 2020). A challenge of the judgments of Thüringen's constitutional court before the German Federal Constitutional

Court (GCC) was unsuccessful (BVerfG 2021). Against this background, it can be doubted whether obligatory zipped lists or quotas at the EU level would withstand legal scrutiny of the GCC. While the GCC does not review EU law based on the entire German constitution, it could make use of its "identity control" (established in BVerfG 2015), declaring the provision on obligatory zipped lists or quotas inapplicable in Germany (Polzin 2023).

Thus, there are some minor improvements in establishing a level playing field, but in certain areas, actors participating in the same European elections are still subject to different rules, opening the door to distortions in the process of translating voters' preferences into the composition of the Parliament.

How the Proposal sets the scene for major future improvements

The above analysis of the Proposal focused on the immediate effects it would have on the three criteria. Apart from these immediate effects, however, the Proposal's requirements on geographical balance for transnational lists stipulated in Articles 15(9) through 15(11) can set the scene for major future improvements. This is because these requirements provide a solution for the main argument against the introduction of transnational lists, namely that less populous member states would no longer be able to send as many MEPs to the Parliament. The Proposal's requirements on geographical balance entail a classification of member states into three different categories based on their population. Every section of the list would need to include one candidate from each of the three categories, whereas a "section" refers to a group of three consecutive candidates on the list. This applies to the first half of seats elected via the Union-wide constituency (14 if the total number is 28), as per Article 15(10). With these requirements on geographical balance, the Proposal opens the door to the introduction of transnational lists for the election of all MEPs, which would bring significant improvements for all three criteria, further discussed in the concluding section.

Conclusion: recommendations for a future reform of the electoral law

Building on the above, this section makes two proposals as to how an electoral law that scores high on all three criteria could be designed. First, the remaining discriminatory rules should be harmonised to level the playing field, thus bringing improvements for the third criterion. Second, and this is the essential element to bring major improvements for all three criteria, all MEPs should be elected via transnational lists in a Union-wide constituency. Regarding accountability and

transparency, transnational lists would shift the phase of compromise-finding from after to before the elections, giving considerably more clarity to voters on which political group will ultimately support which policies in the Parliament. As explained, they would also provide a favourable environment for the LDC, which would in turn greatly enhance accountability and transparency. Regarding representativeness, transnational lists would naturally incorporate the OPOV principle, whereas requirements on geographical balance could ensure that smaller member states are still able to send enough MEPs to the Parliament. With the OPOV principle respected, the Parliament could convincingly claim to represent EU citizens. Transnational lists elected via a Union-wide constituency would also allow votes to accumulate across the EU before a potential electoral threshold might apply, bringing improvements for criteria two and three.

It is submitted that these proposals could be implemented without Treaty amendment. As to doing away with the remaining discriminatory rules, this could be achieved via legislation using the legal basis in Article 223(1) TFEU, which allows for stipulating “the provisions necessary for the election [of MEPs] ... with a uniform procedure in all Member States”. Regarding the transnational lists, a combination of Article 223(1) TFEU and Article 14(2) TEU could be used. The latter allows the European Council to adopt “a decision establishing the composition of the European Parliament” on the Parliament’s initiative and with its consent. The number of seats elected via transnational lists would likely need to be determined using Article 14(2), as this is related to the composition of the Parliament, whereas the procedure could be laid out via Article 223(1) TFEU.

The introduction of transnational lists for all MEPs is also not barred by Article 14(2) TEU. Article 14(2) TEU does not prohibit transnational lists per se; what matters is that the

PODP enshrined therein is respected. This is where the Proposal’s geographical list requirements come into play. These could be set out similarly to what the Proposal foresees in Articles 15(9) through 15(11). However, an additional corrective step in the allocation of seats will be necessary. This is because infringements of the PODG proportionality are possible even if all EEs respect the geographical balance requirements. For instance, a more populous member state might end up with fewer MEPs than a less populous member state or a member state might end up with more than 96 MEPs. The solution could be a system that will at some point skip certain candidates on an electoral list and instead allocate those seats to candidates from other member states further down the same list if this is necessary to comply with the PODP. This means that the EEs would still get the exact number of seats they are entitled to according to, for instance, the D’Hondt system, but it is ensured that degressive proportionality is adhered to. This adjusted D’Hondt system has three key benefits: first, it can be implemented without Treaty change; second, it would significantly increase the electoral law’s score for all three criteria; and, third, it would ensure that smaller member states can send enough MEPs to the Parliament. Furthermore, the candidates ranking sufficiently high on their respective electoral list would always be allocated a seat in the Parliament (provided, of course, the EE received enough votes) because the adjustment mechanism would only take effect once many Parliament seats have already been allocated.

These recommendations are meant to provide helpful input for future reform efforts. It is hoped that an agreement on the Parliament’s electoral law can be reached in due time and well before the 2029 European elections. A strong input legitimacy will be key in ensuring that the EU can withstand future crises, including those threatening its very existence (Weiler 2017, 366-368).

Further Reading

- 2 BvE 2/08. *Judgment of the Second Senate of 30 June 2009*. BVerfG, ECLI:DE:BVerfG:2009:es20090630.2bve000208. 30 June 2009.
- 2 BvR 2735/14. *Order of the Second Senate of 15 December 2015*. BVerfG, ECLI:DE:BVerfG:2015:rs20151215.2bvr273514. 15 December 2015.
- 2 BvR 1470/20. *Order of the First Chamber of the Second Senate of 6 December 2021*. BVerfG, ECLI:DE:BVerfG:2021:rk20211206.2bvr147020. 6 December 2021.
- Aranguren Idigoras, I., J. Fernández Arribas, C. Lengeling & F. Redlich. 2022. "Proposal for Treaty Reform within the framework of Prof. Sacha Garben's course "The Constitution(alisation) of EU law".
- Case 6/64, *Costa v. E.N.E.L.* Court of Justice of the European Union, ECLI:EU:C:1964:66. 15 July 1964.
- Case 9/74, *Donato Casagrande v Landeshauptstadt München*. Court of Justice of the European Union, ECLI:EU:C:1974:74. 3 July 1974.
- Case 11/70, *Internationale Handelsgesellschaft mbH v Einfuhr- und Vorratsstelle für Getreide und Futtermittel*. Court of Justice of the European Union, ECLI:EU:C:1970:114. 17 December 1970.
- Díaz Crego, M. 2021. "Transnational electoral lists, Ways to Europeanise Elections to the European Parliament". *EPRS/European Parliament Research Centre*.
- European Council. 2018. "European Council Decision (EU) 2018/937 of 28 June 2018 establishing the composition of the European Parliament". Brussels, 28 June 2018.
- Dobrova A., G. Sabbati & G. Sgueo. 2019. "2019 European Elections: National Rules". *EPRS/European Parliament Research Centre*.
- European Parliament. 2022. "European Parliament legislative resolution of 3 May 2022 on the Proposal for a Council Regulation on the Election of the Members of the EP by Direct Universal Suffrage, repealing Council Decision (76/787/EEC, Euratom) and the Act concerning the Election of the Members of the EP by Direct Universal Suffrage annexed to that Decision (2020/2220(INL) – 2022/0902(APP))". Strasbourg, 3 May 2022.
- Follesdal, A. & S. Hix. 2006. "Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik". *JMCS* 44 (3): 533-562.
- Gozi, S. 2021. "We can strengthen European Democracy by giving the European Parliament more Powers". *Euractiv*, 10 November 2021.
- Grard, L. 2018. "La distance entre Bruxelles et ses citoyens. Retour sur le déficit démocratique de l'Union européenne". *RQDI hors-série* : 181-203.
- Grimm, D. 2016. *Europa ja – aber welches?*. 3rd ed. Munich: Verlag C.H.Beck oHG.
- Habermas, J. 2022. *Ein neuer Strukturwandel der Öffentlichkeit und die deliberative Politik*. 3rd ed. Berlin: Suhrkamp Verlag AG.
- Hoffmann, W. 1961. "Zusammensetzung und Befugnisse des Parlaments der Europäischen Gemeinschaften, Inauguraldissertation zur Erlangung des Grades eines Doktors der Rechte durch die Rechts- und Staatswissenschaftliche Fakultät der Rheinischen Friedrich-Wilhelms-Universität Bonn".
- Pasquino, G. & R. Pelizzo. 2023. *The Culture of Accountability, A Democratic Virtue*. London: Routledge.
- Peuker, E. 2008. "Das Wahlrecht zum Europäischen Parlament als Achillesferse der europäischen Demokratie". *ZEuS* 11 (3): 453-468.
- Polzin, M. 2023. "Episode 221". FAZ Einspruch. <https://open.spotify.com/episode/3OkdpQmldIK84tp1Fngkiv?si=eb69d4aa8c0b40d1> (last accessed on 28/02/2024).
- Scharpf, F. 2017. "De-constitutionalisation and Majority Rules: A Democratic Vision for Europe". *EUIJ* 23 (5): 315-334.
- VerfGH 2/20, *Urteil vom 15.07.2020*. VerfGH Thüringen. 15 July 2020.
- VfGBbg 9/19, *Urteil vom 23. Oktober 2020*. Verfassungsgericht des Landes Brandenburg. 23 October 2020.
- Weiler, J. 2017. "United in Fear – The Loss of Heimat and the Crises of Europe". In *Legitimacy Issues of the European Union in the Face of Crisis: Dimitris Tsatsos in Memoriam*, edited by L. Papadopoulou, I. Pernice & J. H.H. Weiler, 359. Baden-Bade, Nomos/Hart Publishing.
- World Bank. 2022a. "Population, total – Malta". <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=MT> (last accessed on 28/02/2024).
- World Bank. 2022b. "Population, total – Germany". <https://data.worldbank.org/indicator/SP.POP.TOTL?locations=DE> (last accessed on 28/02/2024).

About the Author

Christian Lengeling holds an LL.M. in European Legal Studies from the College of Europe in Bruges. He has worked for the German Federal Parliament's EU Liaison Office in Brussels. Currently, he is pursuing an LL.M. in International Legal Studies at Georgetown Law in Washington, D.C.

This policy brief is based on the author's Master's Thesis at the College of Europe, titled "The New European Parliament Proposal For A Revised Electoral Law: Paving The Way To a More Democratic European Union?", supervised by Prof. Sacha Garben.

Views expressed in the College of Europe Policy Briefs are those of the authors only and do not necessarily reflect the positions of either the series editors or the College of Europe. Free online subscription at www.coleurope.eu/CEPOB.

