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## THE CONFERENCE ON THE FUTURE OF EUROPE HAS ITS WINGS CLIPPED

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**The Conference on the Future of Europe (CoFoE) is an effort to involve citizens in EU decision-making processes. But the initial proposal – a conference with the capacity even to agree treaty reform if citizens demand it – has lost momentum and ambition.**

**COVID-19 has delayed and eaten into the time available for the Conference, and it now seems unlikely to be given the scope it needs. The limits on duration and content and the lack of a guarantee that any of the recommendations that emerge from the process will be implemented may end up disincentivising citizen participation.**

**The various EU institutions have all made their positions clear. The Council of the European Union, which was last to respond, is particularly reluctant for the Conference process to elude its control, and has attempted to lower expectations and circumscribe the possible final outcome.**

**T**he European Union has not found the way to bridge the gap between the desire to encourage greater citizen participation and the practice of democratic reform processes. The Conference on the Future of Europe (CoFoE), which is meant to begin on the symbolic date of May 9<sup>th</sup>, risks being another missed opportunity, despite the grandiloquence with which it was announced. In July 2019, before the European Parliament and EU citizens, the newly appointed president of the European Commission, Ursula von der Leyen, launched the idea of a major participatory process to reform the EU: “People need to be at the very centre of all our policies. My wish is therefore that all Europeans will actively contribute to the Conference on the Future of Europe and play a leading role in setting the European Union’s priorities. Only together can we build our Union of tomorrow”.

But what was meant to be the Commission’s flagship policy and packaging for the EU’s new political cycle has been diminished even before it begins. Mainly, this is because of the restrictions on face-to-face meetings due to COVID-19. But the pandemic has also meant that successive rotating EU presidencies have been occupied with other priorities, such as negotiating and approving the Multiannual Financial Framework 2021–2027 alongside what has become the Next Generation EU instrument, while agreeing a joint vaccination strategy for EU countries. Nor has the CoFoE at any point had a clear mandate on its objectives. This is to a large extent due to the Council of the EU taking so long to adopt a position that would then allow the Joint Declaration to be negotiated with the other institutions.

The purpose of the CoFoE is threefold: reconnect with citizens, give a democratic veneer to the European Union, and provide hope to Europeans with the promise that the future can be better. So, how did we get here? Will the CoFoE be enough? Does it have the substance and form to be a success?

## The road to the Conference

European leaders were seeking a way to give new impetus to a European project diminished by the United Kingdom's departure. The original plan envisaged that the British would have left the EU by March 2019 and that the Sibiu European Council on May 9th – Europe Day – would be the occasion for European leaders to give the project formal backing. In that sense, Sibiu was meant to be the first step on a new political pathway on which Europeans could show unity and hope. The institutions had invested political capital in generating that **momentum**, but the uncertainties around Brexit ultimately marred the summit and its final **statement**.

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The CoFoE was also meant to provide a moment of democratic reconciliation for Ursula von der Leyen. In electing her as president of the European Commission, the leaders of the EU completely bypassed the *Spitzenkandidaten* process by which the candidate of the most-voted group in the May 2019 European elections would be named Jean-Claude Juncker's successor. So when von der Leyen announced the holding of the Conference to the European Parliament it was almost an act of contrition, and showed an eagerness to demonstrate that the EU still considers citizens a central part of its political activity. The Conference thus represented a renewed attempt to bring the Brussels bubble closer to the citizens.

After some disagreement, the wheels of the Franco-German axis began to turn. Chancellor Angela Merkel followed Emmanuel Macron's lead and the veto was lifted on discussing certain potentially necessary reforms to the EU. In November 2019, the French and German governments drafted a **non-paper** providing a kind of mandate for the Conference. The document explained that no issue should be taboo in the CoFoE, even the possibility of treaty reform. An interim timetable was also proposed

that suited both countries. For Germany, that meant the second phase of the Conference – for discussing political priorities – would take place during the German presidency of the Council of the EU in the second half of 2020; for Macron, it meant concluding the CoFoE in 2022 during the French rotating presidency and in the midst of a presidential election campaign. Macron could thus tell his electorate that the EU reform process with which he first introduced himself in 2017 was underway. However, the emergence of COVID-19 has affected not only the timetable, but the degree of commitment of European governments worried by the health, economic and social emergency of a pandemic that has changed European priorities.

## Institutions and civil society take positions

### The view of civil society and think tanks

The CoFoE announcement was well-received by sectors of civil society and the think tank community that were eager to give a boost to the European Union following Brexit and years of overly technocratic management without a shred of vision of the future. Researchers at the German Institut für Europäische Politik, for example, **argued** that the European Union had met every crisis with absolute pragmatism for at least a decade. Certainly, the EU has survived all predictions of its dissolution so far, but it cannot be denied that its strategy has been one of muddling through. In other words, as crises rage it finds a way to solve immediate problems without addressing structural causes for fear of provoking explicit rejection of the EU. It is a strategy that certain sectors of discontented civil society also oppose. Among the problems that need addressing are respect for the rule of law, the validity of the Stability and Growth Pact and how to address growing inequalities within and between member states without destroying the single market. Hence the fact that civil society and other stakeholders reacted positively to the idea of a Conference on reforming the EU. However, while awaiting clarification of the institutional position, their contributions were limited more to format than substance and ensuring the Conference process had sufficient legitimacy.

According to their proposals, the process should be long enough for all the topics put on the table to be discussed and compared. Two years seems to be the minimum time desirable for an exercise of such magnitude. EU institutions should back the process but in a way that accompanies its development from the bottom up. As such, officials and representatives of the institutions should also

be present in the citizen debates, but without replicating formulas like the **citizens' dialogues** (Gutiérrez-Peris et al., 2018), which ended up being a conference at which representatives of institutions spoke and citizens listened. These institutional representatives should include elected officials from the national, European, regional and local levels and representatives of the European Economic and Social Committee and the Committee of the Regions. Some even argue that candidate countries to join the European Union should be involved, particularly those of the **Western Balkans**.

The CoFoE should be organised so that the outcome of each debate, discussion and focus group can be gathered, translated (even if only into a common language like English) and shared with other Europeans: a digital platform seems an appropriate solution. As such, while some citizens will not have the opportunity to be directly involved in the process, they will be able to stay informed and even make written suggestions.

Citizen participation will be one of the variables by which the CoFoE's success will be measured. Logically, then, participation should be as high and as diverse as possible. This will mean considering the balance between genders, ages, levels of education and a range of socio-economic conditions, between inhabitants of capital cities and those that are not, between regional capitals and rural populations and between minorities. Above all, it must involve citizens who do not normally get involved in politics and among whose everyday priorities the EU's future does not figure. Random selection could be a good way to ensure as much diversity as possible. The participation of a hard core of citizens in key events could ensure some coherence in the outcomes of the discussions and throughout the process.

Consensus exists between civil society and think tanks that the Conference should have both national and transnational components. To this end, ensuring that meetings benefit from the participation of citizens of different member states is crucial to strengthening both the outcomes and the narrative that the CoFoE is an exercise conducted by European citizens. These meetings would generate inputs that would feed into the final result. National inputs will be generated through at least five types of dialogue: (1) dialogues involving randomly selected citizens;

(2) dialogues exclusively for young people; (3) an interterritorial dialogue between elected representatives; (4) a dialogue between experts on each thematic area; and (5) a national dialogue that includes representatives of the previous four dialogues. At least one debate should be devoted to imagining a medium- and long-term strategic vision for the EU's future, and all should meet the diversity criteria described above. The transnational input should also include these five types of dialogue, and should be formed of the participants in the randomly selected national dialogues. The five types of dialogue should take place at least twice a year and a final conference should be held for the results to be presented and for a follow-up strategy to be agreed for their implementation, which might take the form of an implementation plan.

Finally, think tanks and civil society have argued for a simplified form of governance in which an ad hoc authority handles the day-to-day running of the CoFoE and is able to catalogue the inputs it receives. This authority

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should also be able to organise and agree on the topics of discussion so that after citizen consultation they are duly collected in order to produce the final outcome. This outcome should not be limited in advance, even if it includes treaty change. This is the only way to prevent the process from appearing predetermined.

### **The view of the European institutions**

The European institutions also began to imagine what form the CoFoE should take in line with their own interests as soon as the Commission president proposed it.

Being directly elected by European citizens through universal suffrage, the European Parliament (EP) is

theoretically the most democratic or most legitimate EU institution and it was the first body to take a position on the CoFoE, through a resolution on **January 2020** that was later amended due to the pandemic in another resolution in **June 2020**. These resolutions expressed a desire for the Conference to last two years in order to find permanent mechanisms for citizens to be able to actively participate in the EU's decisions, to make the Union more democratic and to identify what the EU is doing well and what else it should do. But above all it was emphasised that the Conference process should be a bottom-up exercise. As in the Franco-German non-paper, the European Parliament did

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not want to leave any form of debate out and placed particular emphasis on addressing the *Spitzenkandidaten* process and transnational lists. It also sought to involve as much of civil society and as many citizens as possible, particularly young people. The Parliament wanted all the institutions to be involved in the governance of the Conference, albeit under its leadership. It also expressed its views on the various options for managing the Conference on a day-to-day basis, the frequency of the meetings, the different thematic areas into which the Conference should be divided, the profile of the participants and the need to hold both national and transnational dialogues. Finally, it said that the outcome of the Conference should be open to any conclusion, from legislative initiatives to treaty reform.

The European Commission (EC) followed with a Communication to the Parliament and the Council (also in **January 2020**) in which it too addressed the need to attract citizens to the EU's new political drive. To strengthen participation it proposed a multilingual digital platform on which all the documents produced by the Conference would be available. The Commission's statement mentions the importance of reaching the silent majority that is not usually involved in such exercises but which is key to giving legitimacy to both the CoFoE process and outcome and to the EU itself. The Commission also emphasised that the involve-

ment of all possible levels of representation should be guaranteed, including civil society. It also hoped that pro-European organisations, universities and think tanks would organise discussions on the Conference, as well as member states. With regard to governance, the Commission appointed three commissioners – Dubravka Šuica, Věra Jourová and Maroš Šefčovič – to support the Conference's work: perhaps to smooth east-west divisions, all three are from newer member states. Finally, like the Parliament, the Commission warned that the CoFoE must produce more than a mere evaluation of the state of affairs – citizens should be able to see their efforts and participation transformed into concrete political recommendations and actions.

The Council of the EU has been in less of a hurry, with the emergence of COVID-19 meaning its priorities have necessarily laid elsewhere. The Council made its official position clear in **June 2020**, only to correct it in **February 2021**, when expectations for the Conference were significantly lowered, starting with its duration, whose end it foresaw in 2022. The issues proposed for discussion are similar to those listed by the Parliament and the Commission but the ambition appears to be lower. Giving citizens

an opportunity to express themselves (Council of the EU) is not the same thing as describing a bottom-up exercise and advocating for an instrument of permanent citizen participation (EP) or encouraging citizens to participate actively in EU decision-making (EC). By the same token, seeking to “underpin the democratic legitimacy” of the EU (Council) is not the same as making the EU “more democratic” (EP) and proposing a “New Push for European Democracy (EC). The Council advocated limiting the debate to the implementation of the **EU Strategic Agenda agreed for 2019–2024**, although citizens “could” bring other topics to the table. At first, the Council wanted to hand the governance of the Conference to an “eminent European personality”, which has been a source of dispute with the other two institutions. But the Council's main difference from the Commission and the Parliament is the scope and ambition of the end result. The Council of the EU made it clear that the exercise does not fall within the terms of article 48 of the Treaty on European Union (TEU), meaning any change to the treaties was ruled out. Given the Council's total opposition, it is difficult to see this changing. The Council also argued that the results should be presented in a report to the heads of state and government in 2022. Institutions would then commit to exploring potential changes, but always within the bounds of the treaties and in accordance with the competences of each institution.

## The Joint Declaration

While the institutions negotiated a Joint Declaration granting the mandate needed to make a start, discussions continued over how to organise the Conference thematically and logistically. The differing positions delayed the Conference's launch for a variety of reasons. One was the controversy over who should lead it. Surely, when the Council of the EU proposed that it should be led by an "eminent European personality" it did not bank on Guy Verhofstadt (former Belgian prime minister, spokesperson for the Renew group and *Spitzenkandidat* for the liberal group in the 2014 elections) being one of the names to come to the fore. A Europeanist and federalist, his candidacy did not sit well with the many members of the Council of the EU who are less enthusiastic about federalism. Those who feared that a process led by Verhofstadt, and therefore by the European Parliament, could escape their control were also wary, with the EP being the most ambitious institution in terms of the form and substance of the Conference.

The solution proposed in the Joint Declaration published on **March 10<sup>th</sup> 2021** is a double triumvirate. The presidency of the Conference is shared by the president of the Parliament, Italian socialist David Sassoli, Commission president Ursula von der Leyen and the president of the Council of the EU. Meanwhile, an executive triumvirate is formed of representatives of the Commission, Council and Parliament (MEPs), with each contributing four observers so that Parliament's majority ideologies have a place at the table. But what the Joint Declaration defines as simple may appear less so in the eyes of European citizens who will see a Conference with six presidents. The Executive Board will report periodically to the presidential triumvirate and must make decisions by consensus. A secretariat "ensuring equal representation of the three institutions" will assist the Executive Board, which will be responsible for preparing the Conference's plenary sessions and overseeing its progress.

The plenary, which must meet at least every six months (just twice, in other words, if the Conference lasts only one year as appears likely), is meant to ensure that the national and transnational inputs are discussed without a predetermined outcome. However, this is complicated by the limitations the Joint Declaration imposes on the Conference with regard to article 48 of the TEU.

In the Joint Declaration, the institutions undertake to "listen to Europeans and to follow up on the recommendations made by Conference, in full respect of our competences and the subsidiarity and proportionality principles enshrined in the European Treaties". This places a question mark over the implementation of the outcomes of the Conference. An interactive multilingual digital platform has been launched to share the results of the various dialogues and debates, both physical and digital, that will take place throughout the EU. However, the Joint Declaration highlights the importance of face-to-face meetings within the Conference framework – in current circumstances this is also

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in doubt. It recognises the importance of involving citizens of all types, particularly young people. It provides for a "feedback mechanism [that] will ensure that the ideas expressed during the Conference events result in concrete recommendations for EU action" but offers no guarantee that they will be adopted. Finally, it is established that the process will culminate in spring 2022.

The Joint Declaration leaves the form of the national and transnational dialogues to be agreed later, as well as the ways their messages will be conveyed to the plenary. What the Joint Declaration does establish is that the outcomes will be reflected in a report to be forwarded to the Conference's joint presidency, which will study how to move forward with it – respecting as always the limits of the treaties and of the competences of each institution. The Joint Declaration is fairly similar to the positions expressed by the Council of the EU on the scope and ambition of the results and its commitment to their implementation. Thus, intergovernmental logic again prevails in the Conference, with member states refusing to embark on a process they cannot control from the outset.

On the themes, while the need to improve the democratic functioning of the EU is mentioned and the possibility of citizens proposing subjects is left open, no reference is made of the *Spitzenkandidaten* and neither is a possible process of reforming the European elector-

al system to include transnational lists. Although this subject is being considered in the European Parliament, it is an important enough issue in the debate on potential EU democratic improvements that citizens should be able to discuss it, if only to reject it.

With the Joint Declaration the cards are on the table. The Conference will begin on May 9<sup>th</sup> 2021 (to coincide with Europe Day, again) and end in spring 2022 (to fit with Macron's electoral campaign).

**In the current conditions, the Conference should probably not be held. But as it seems likely to go ahead, states and their citizens must immediately begin to reflect on what they want from the European Union, what they want it to look like in the future and what place it should occupy in the world, because history waits for no one.**

### **What should be expected from the Conference?**

The Joint Declaration fires the starting gun for the Conference. The Executive Board has the difficult task of organising the logistical framework necessary to implement it and must have its conclusions ready in under a year. This means, for example, that there is probably no time for citizen consultations to set the agenda. The debate on policies will therefore once again be imposed from the top down, rather than by ensuring citizen participation from the start.

Member states are reluctant to change the treaties but over a decade has passed since the last major reform of the EU and times have changed. Certain debates have stagnated (migration and asylum, fiscal union), while others reappear periodically but are not on the agenda because many – or all – states take a dim view of them (extending qualified majority to more fields, especially foreign policy). Twelve member states (the frugals and most of the 2004 enlargement) have already published a position paper claiming that the dialogue with citizens need only discuss the priorities of the Strategic Agenda and should under no circumstances touch on institutional reforms. This conditionality not only limits the final outcome of the Conference from the outset; deciding which issues may be addressed and which may not in advance may discourage citizens from participating.

The limited ambition of a Conference whose expected end result is a report and the non-existent guarantee

that some of the recommendations will be implemented leads us to wonder: Is it really necessary to engage citizens in such an exercise, in which some will invest time and effort, if their suggestions will not be implemented? Doesn't this create the possibility of fuelling further frustration and increasing the number of critical voices of the European integration project? States understandably fear that the Conference will go the same way as the **Convention at the beginning of the century**, which gave rise to the failed European Constitution. The rejection of the constitutional treaty in referendums in France and the Netherlands plunged the European project into a lethargy whose consequences still hold it back. But why commit to listening to Europeans only to produce a report?

The haste is also understandable. On the one hand, Emmanuel Macron has the French presidential elections just around the corner, while a desire also exists to implement possible changes before the 2024 European elections. But spending less than a year developing the Conference at a time when the pandemic still prevents face-to-face events will leave the exercise with very little visibility.

The complexity of what is proposed cannot be addressed if the exercise is limited to one year. To make this introspection effort worthwhile, consideration should be given to extending the implementation period. Indeed, convinced pro-Europeans like Timothy Garton Ash **argue** that for the next three years the EU must focus on correctly implementing policies whose importance citizens recognise, rather than falling into an "onanistic orgy of introspection". This leaves us facing the input legitimacy vs output legitimacy debate. Garton Ash argues that in the current circumstances the EU is not in need of legitimacy in the form of a citizen participation exercise, in other words, through the consultation process; rather, legitimacy can and must be gained through concrete results. In the immediate future that means the vaccination campaign and economic recovery. It is a persuasive argument, especially since the little time afforded the CofE and the thematic corset shoved onto it means the initiative is at serious risk of being counterproductive.

While accepting that there will always be reasons or crises that dissuade us from embarking on such exercises, the impossibility of holding face-to-face events and time limitations should make us reconsider postponing the Conference. The rich benefits of face-to-face meetings between citizens of different countries in transnational thematic sessions can never be replaced by virtual meetings.

For all that, the Conference on the Future of Europe is highly necessary. Citizens must be involved in the decisions that will create Europeans' common future. The polarisation caused by inequality and lack of common identity must be tackled through transnational solidarity, while a fundamental need exists to articulate a more united voice on the global stage. The Conference is the right space to meet and discuss this, but there is a great risk that states' fears have already neutered what could have been one of the largest citizen mobilisation exercises in the history of the continent.

In the current conditions, the Conference should probably not be held. But as it seems likely to go ahead, states and their citizens must immediately begin to reflect on what they want from the European Union, what they want it to look like in the future and what place it should occupy in the world, because history waits for no one.

## References

Gutierrez-Peris, Dídac; Morillas, Pol and Sánchez Margalef, Hector. "Europe's Conventions Démocratiques", in: Steven Blockmans and Sophia Russack (eds.). *Direct Democracy in the EU. The myth of a Citizens' Union*. London: Rowman and Littlefield International and Brussels: CEPS, 2018.