



RENEWING SOCIAL DEMOCRACY
CONTRIBUTIONS TO A EUROPEAN-WIDE DEBATE



Models of (s)electing a pan-European Leading candidate

Foundation for European Progressive Studies ©

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The paper *“Models of (s)electing a pan-European leading candidate”* was elaborated within the Next Left Project of FEPS – Foundation for European Progressive Studies, which has been run for over a year in cooperation and with the support of Renner Institute, Austria.

This particular study was concluded as a research on possible mechanisms of nominating, selecting and deciding on who and how could become so called “top candidate” for the next European elections. The concrete setting that was chosen for explorations was PES – Party of European Socialists, which political resolutions and statutory solutions were examined.

What is important to underline is that the paper provides simplified models, analysing eventual impacts of one or another method, without an ambition to recommend any strategy in particular. Choice of the most feasible one is a decision of a political nature and hence can only be taken by the political actors within the PES.

The motivation to present the paper is to fulfil the FEPS core mission, which is to initiate and enhance the debate on the European issue. This is why, the crucial questions that this study points out as the one that needs exploration are the ones on the future of the participatory democracy, evolution and perspectives for the party political system and the understanding of what citizenship means on the EU level. And this debate will be continued within FEPS and its broad network of academics, researchers and experts.

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1. Introduction

1.1 Why to have a top candidate in the EU elections?

1.2 What is to be considered, why selecting a method?

PES – Party of European Socialists departed from its 8th Congress¹ with a *Mandate for Change*. Its most detailed content can be found in the Congress Resolution Number 2 “*A new way forward. A Stronger PES*”². This resolution provides an assessment of the contemporary political reality, enumerating causes of the unsatisfying results of the European elections, as also the instruments and strategies that could be applied in order to radically improve the situation. For the content of the below concluded desk study, the points 6 and 7 of the resolutions quoted above remain of valuable indication. In short, point 6 identifies the absence of a *leadership personality to embody* the PES programme as a weakness and a reason for the vulnerability of the PES campaign versus the EPP one, which was lead by their Commission’s President candidate José Manuel Barroso^{3, 4}. Conclusion of that is that *giving a face to a political platform is imperative in today’s politics* and therefore PES makes a commitment of *choosing a PES candidate for the European Commission Presidency for the next European elections*. Point 7 underlines the role of the political party in a democratic system, emphasising the need to strengthen the PES. This broad process of re-organizing, re-defining and re-shaping is in the light of this resolution *fundamental for the future of European social democracy*.

These two elements – on one side the challenge of democratisation of EU politics through personalisation of the elections, and on the other a question of the future of the political party system on the EU level constitute the motivation of this study. Its objective is to explore models on how a leading candidate of a pan-European party such as PES could be elected or selected.

The paper provides simplified models of electing and selecting top candidates. It explores the eventual impacts of choosing one or another method; however it does not have an

¹ 8th PES Congress *A New Direction for Progressive Societies*. Prague 07 – 08 December 2009. <http://www.pes.org/en/node/36273>

² http://www.pes.org/en/system/files/Resolution2_adopted_EN.pdf

³ See also: FEPS (Foundation for European Progressive Studies) *10 observations on the outcome of the 2009 European elections*, <http://www.feps-europe.eu/index.php?id=376>

⁴ The Lisbon Treaty is the first one in the history of the Communities, which mentions that the President of the Commission shall be chosen from among the largest political group in the EP (thus he or she does not need to be an MEP at that point). Until now, it has been always repeated that the Commissioners and their officer are apolitical. [por. M.Cini, *European Union politics*, Second edition, Oxford University Press 2007]. This is a very significant change and shall be further examined in the context of the evolution of the inter-governmental pillar (the Council, which affirms the Commission’s President) and the pan-European one (from which a candidate is to emerge).

ambition to recommend any strategy in particular. Such a decision, surely, has a political nature and therefore must be taken by political actors within the PES.

Additionally, the paper focuses on the necessary statutory changes that would need to be at least provisionally implemented by the PES in order to enable any of the presented procedures. It is important to underline that the scope of research concerns therefore only the PES statutes, while naturally discussing the institution of a top candidate one would be invited to also analyse how the chosen procedures should be rooted in the national statutes of the respective PES member parties. None less, how it would relate to the domestic practices in electing a top candidate, which vary exceedingly among the European progressive parties⁵.

1.1 Why to have a top candidate in the EU elections?

The elections in 1979 were expected to be a breakthrough. Socialists gathered at the Congress of the Confederation of the Socialist Parties of the European Community in Bonn in April 1973⁶ expected the pan-European elections to be a step towards legitimising new, social objectives of the uniting Europe. It was a historic moment in establishing a European society and a turning point in establishing a true democratic, political union. Though in 1992 the Treaty of Maastricht⁷ brought the dream about a Union alive, in 2010 – namely over 30 years after the first direct elections - one has to conclude that the interest of the population reflected in the turnout during the European elections is decreasing⁸ and the EU has just endured the worst

⁵ In this aspect one could also approach this particular research through analyzing the member parties practices. However they differentiate from one another, as also not all of them are available for a public view (being kept as internal rules) and as such could not be quoted in an open document, which this research paper aspires to remain.

⁶ 9th Congress of Confederation of Socialist Parties of the European Community, Towards a Social Europe, Bonn, 26 and 27 April 1973. PES Archives.

⁷ The Treaty of Maastricht, which is formally named as the Treaty on European Union (TEU) was signed in February 1992. It entered into force on 1st November 1993, creating the European Union. It has been amended by the Treaty of Nice signed in 2001 and entering into force on 1st February 2003.

⁸ http://www.europarl.europa.eu/parliament/archive/elections2009/en/turnout_en.html

Year	1979	1984	1989	1994	1999	2004	2009
Turnout	61,99%	58,98%	58,41%	56,67%	49,51%	45,47%	43%

possible democratic crisis around the ratification of the Constitutional Treaty⁹ from which, despite the progress around the Lisbon Treaty, it has not recovered fully yet¹⁰.

There are many reasons named as causes for the existing democratic crisis in the EU. Some see it in the EU dimension itself, some speak of a general crisis of democracy worldwide. For the purpose of this study it is relevant to name few of the “EU related causes”. Simon Hix calls it *isolation from a real political debate*. In his book *What’s wrong with the European Union & How to fix it*¹¹, Hix states that though the EU is certainly democratic in procedural terms, in substantive ones it is rather closer form of an enlightened despotism. In order to overcome that and make a step towards *full-blown European wide direct democracy*, Hix argues that it is necessary to have a more open battle for Commission President, with rival candidates before the European Parliament elections. He adds that each candidate should have a programme, there should be a public debate and that there needs to be a clear involvement of the European parties in this campaign – however also national parties, especially in case they are in the government should be visibly included.

This argumentation, though formed in less direct manner, can be found also in Jürgen Habermas deliberation on the Impasse of the European Policies¹². Habermas arguments that so far the process of the European integration has been directed by elites and only *for*, never *by* the people. He states that the failure in the two referenda is a proof, as by then the bureaucratically governed project was confronted with the popular public opinion. In order to expose the political nature of the decisions on the EU level, which for the people may seem only of technical nature, a clear political choice must be presented. The debate exposing the lines of division must prove that the consequences are to be shared by all the European citizens, raising

⁹ Rejection of the Treaty establishing Constitution for the EU by the referenda in France (May 2005) and the Netherlands (June 2005), followed by the « Pause for Reflection » period.

¹⁰ See also: Draft Report on the proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976 (2010/XXXX(INI)), Committee on Constitutional affairs, Rapporteur: Andrew Duff, 12.04.2010

¹¹ Hix S., *What is wrong with the European Union & How to fix it*, Ed. Polity, Cambridge UK 2008

¹² Habermas J., *European Politics at an Impasse : A Plea for a Policy of Graduated Integration*, The text formed which formed the basis of the introductory presentation for a conversation with German Foreign Minister Frank-Walter Steinmeier during the cultural forum of the SPD at the Willy Brandt House in Berlin on 23rd November 2007, [in:] Habermas J., *Europe. The Faltering Project*, Ed. Polity, Cambridge 2009 (on the basis of the German: *Ach, Europa*), ed. Suhrkamp Verlag, Frankfurt am Main 2008.

awareness of the European communality and allowing the development of the European public sphere, hence European society. Habermans is sure that this process would call for new actors of pan-European profile (activists, intellectuals), strengthening the role of existing ones, such as parties and interest groups.

To summarize therefore, there are two political and one strategic reason to run in the upcoming European elections with a top candidate. The two political ones are: creating circumstances for progress in a process of strengthening democracy on the EU level¹³ and being a core element in the reinforcement of the political party system at the EU level. The strategic one is to give the political agenda a *face*, who can polarise electorate in so far 'consensual political" setting. Such a candidate would expose the differences among the parties, help voters understand them and provoke emotions, which are necessary for people to go, vote and support.

1.2 What is to be considered, why selecting a method?

The delegates gathered at the 8th PES Congress in Prague in December 2009 agreed that in the 2014 European Elections there would be a leading candidate presented by the PES family as a potential future President of the European Commission¹⁴. Once this decision was being adopted, the delegate of PS France¹⁵ posed a question on how the procedure would look like

¹³ The new setting, in which a leading candidate of a winning party becomes a President of the European Commission would also strengthen the legitimate position of the President, and through that of the entire Commission.

¹⁴ Currently the President designate of the European Commission is firstly nominated by the European Council. Afterwards he/she needs to be officially elected by the European Parliament, as also the entire College does. In 2004 it was for the first time, that it was proposed to follow the results of the European elections and select the nominee from the family of the largest group in the EP. This decision also could possibly lead to further steps towards establishing officially a political character of an approved Commission.

¹⁵ Alain Richard

technically and how large the statutory changes connected with that would be. The newly re-elected leadership of the PES remained with this question to solve.

In answering this question, there are external and internal factors that must be taken into consideration while proposing a solution.

The external one is connected with the rules and character of the European elections. Since 1979 the European Parliament has been directly elected¹⁶. After a long legislative struggle, the final compromise was enabled by the formulation of the Treaty of Amsterdam¹⁷, allowed in 2004 to apply for the first time a 'set of common principles' for the electoral law. This was implemented for the first time in year 2004¹⁸, and laid down the obligations such as creating proportional European elections. Despite it, there are still considerably many differences among the elections: number of constituencies; thresholds; construction of party lists (open or closed); eligibility rules for candidates; permitted dual mandates; procedure of filing in vacancies; voting day; type of proportional calculation. 30 years and the lack of consensus on the electoral procedures¹⁹ is one of the external factors that needs to be taken into consideration, while aiming at establishing a pan-European procedure of selecting a leading candidate for a pan-European party. Sceptics could say that once the elections are fought in a context of the national lists, in which European parties seem a vague concept to the citizens, the idea for establishing a "post" of a leading candidate would be too vague and figurative to have any impact on the voters. To reply to that, one can say that in several countries the candidates are

¹⁶ Despite the provision in the 1951 Treaty of the European Coal and Steel Community that the direct elections to pan-European elections would take place, till 1979 the Assembly and then the European Parliament were composed of the representatives delegated from the national parliaments. The first direct elections were fought under different national legislations – however that does not mean that they were the same rules as for the national parliamentary elections. After many failures, set-backs and blockages in the Council, the Parliamentary own proposal of 1998 to establish "common principles" for the elections was finally approved and enacted in 2002, in order to be the applicable one during the elections 2004.

¹⁷ The Treaty of Amsterdam was signed in October 1997 and came into force on 1st May 1999. It amended the TEU, the Treaties establishing the European Communities and some related acts. It meant a step in terms of civic rights, citizenship, increased powers for the European Parliament; introduced a new title on employment, a Community area of freedom, security and justice, as also gave the basis for CFSP (Common Foreign and Security Policy).

¹⁸ Corbett R., Jacobs F., Shackleton M., *The European Parliament*, Sixth Edition, Ed. John Harper Publishing, London 2005

¹⁹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-412.180+02+DOC+PDF+V0//EN&language=EN> See: Debate on the draft EP Report by Andrew Duff, Committee on Constitutional Affairs, Report: *on a proposal for a modification of the Act concerning the election of the Members of the European Parliament by direct universal suffrage of 20 September 1976* (2007/2207(INI))

chosen on the regional or local level and in fact only their joint efforts in different constituencies gives parties an overall majority allowing to form a government. If one opts for the second reasoning, the establishment of a top candidate position can be easily legitimised. Therefore the second external factor that needs to be considered is that a formal procedure of selecting a top candidate may be a fundament on which in the future a pan-European consensus on the electoral law can be laid. Furthermore, if the new electoral law would by any time envisage also the direct election of the President of the European Commission, the further politisation and also federalisation of Europe would be taking place.

The above listed national differences are rooting the European Parliament in the member states context, but disappear however once the Parliament is already elected – as then the MEPs take seats in the political groups and each MEP's vote is worth the same. This gives parliament this very interesting character in between supra-national powers and the intergovernmental cooperation. So far the campaigns and the elections have been mostly run as second-order or even third-order elections²⁰, in which factors such as if the party is in the government or in the opposition, for how long, what are the main national issues influenced voters' behaviour. National parties, independently from the political orientation, run therefore campaigns under their own banners, debating predominantly domestic issues. Furthermore, the pan-European Manifesto remained a great symbol of parties unity as far as the general vision for Europe is concerned, rather than becoming an electoral tool and a political agenda to win votes. With a leading candidate that would have to change. First of all, it is because the parties would have to explain the meaning of such a candidate on local, regional and national level and thus the sense of the European parties. Secondly, the parties would have to elaborate on what the difference between "their" and the other candidate would be. That surely could not be done with simple PR tricks, as the candidate in question would be a European (in 26 out of 27 cases a foreigner) and personal aspects in one country could be an advantage, while in the other a minus. Logically, there would have to be an assessment on how the Manifestos are constructed and how to build a true European Campaign.

²⁰ Reif K., Schmidt H., *Nine second-order national elections – a conceptual framework for the analysis of European Election Results*, [in:] *European Journal of Political Research*, Volume 8 Issue 1, May 2006

This leads to the third, this time an internal factor. If there are so many different ways of electing representatives on the EU level and at the same time no signs that there could be a compromise on unifying the system, what would guarantee that there could be an agreement on the euro-party – PES level. In fact this challenge should not be underestimated. Arend Lijphart in his essay on the European Union and democracy²¹ states that what unites most of the European democracies is their commitment to parliamentarism and proportional representation. Dominance of these, Lijphart gives as a reason for which a proportional representation is a leading rule in the European elections. These two commitments, he claims to be *optimal in terms of democratic constitutional engineering*, which should therefore allow changing the current arrangements transforming European Commission to an elected cabinet. Same time Lijphart remains sceptic in terms of electing the Commission president in direct popular elections, stating that it would imply less consonant, presidential form of the European government²². Leaving these hypotheses aside for this moment, it is necessary to say that Lijphart brings along the important issue – the methods of selecting and electing the leading candidate. Though it is generally known that all the PES member parties are democratic, the way their structures are organized, the book of rules of each of their congresses', the procedure of electing leadership /top candidates, as also the powers of these elected are truly diverse. It is therefore extremely difficult to identify one way that all members will identify with. While setting up a new method of electing a leading candidate for the European elections one must take these diversities into account also in another dimension. It is precisely where the supra-national / pan-European level (a pan-European face of the party) and the inter-governmental (the national rules for elections, in all of which such a candidate must be presented) meet, and therefore the challenge is to ensure legitimacy not only within the PES, but for both these dimensions.

²¹ Lijphart A., *Thinking about Democracy. Power sharing and majority rule in theory and practice.*, .Ed Routledge, New York 2007

²² Lijphart claims, that the President of the Commission is rather a *Primus inter pares*. As such he/she should not be elected differently than other members of the College. He also states that if the Commission is to be seen as a government, there is no reason to establish its leader in the office (in national circumstances that would be Prime Minister) in a different manner than on the national level (most commonly through a vote in the parliament).

To sum up, which ever model is going to be chosen from within ones elaborated below or any others, it is sure that the new procedure will change the way the PES as the party is organized and perceived by its members. The change of cooperation mechanisms among the parties gathered within the PES, will surely reshape the PES itself, as also possibly strengthen the political party system in Europe and hence also democracy within the EU. Either way it is a decision of a great historical importance.



2. How can a top candidate be nominated?

2.1 PES President

**2.2 PES Presidency and PES Presidency
Nominating Committee**

2.3 PES Leaders

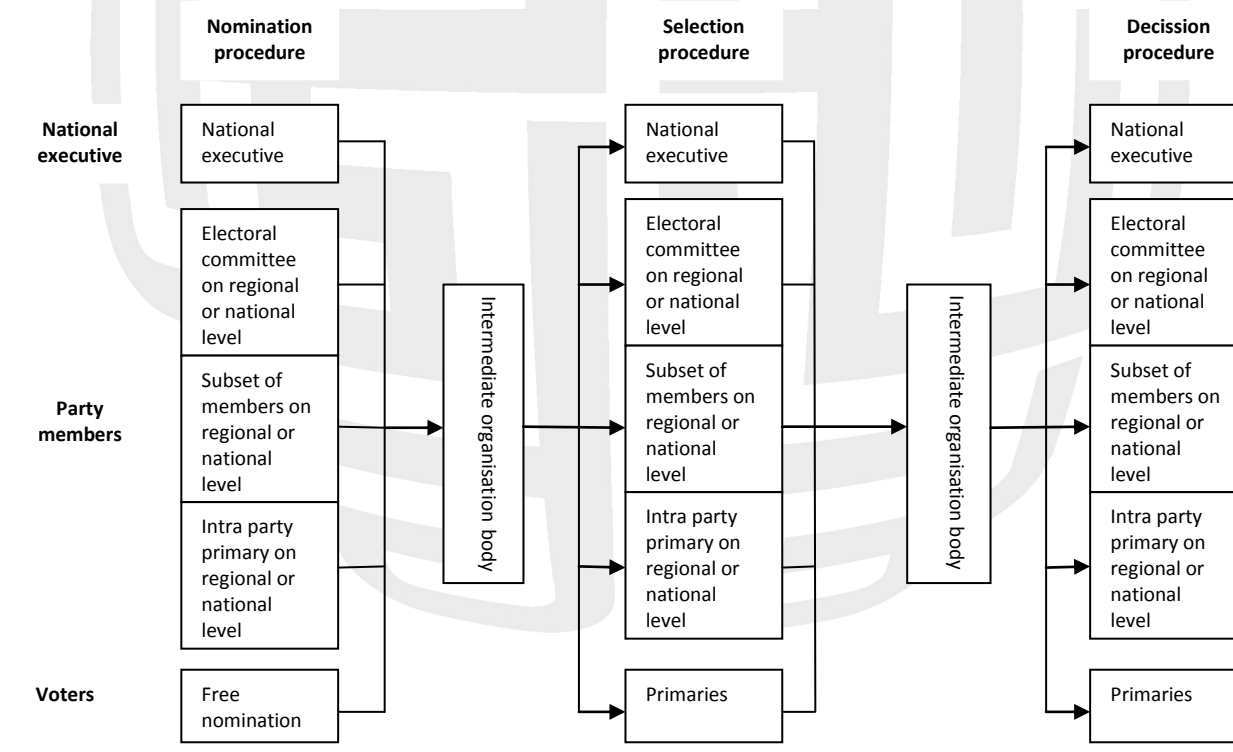
2.4 PES Member Parties / Organizations

2.5 PES activists

2.6 PES Primaries

Until now there have been no statutory procedures established to select the candidates on behalf of any of the European parties. This means that each and every party in each and every member state can decide autonomously on how and according to which criteria they draft and approve the electoral lists for the European elections.

Magnus Blomgren²³ argues that the issue of selecting a candidate is often *an underestimated aspect of democracy*. As the selection process remains an intra-party affair, it is a mechanism in fact incorporating different incentives and strategic considerations. With the obvious motive to win the elections, while preserving cohesiveness of the party, the selection of candidates is not only the way to give voters the “best” candidate, but also an arena for intra-party conflicts. Despite a limited number of studies on the process of candidates’ selection²⁴ and only a few comparative analyses²⁵, Blomgren identified steps in a process and puts forward a following scheme:



²³ Blomgren M., *Cross-pressure and political representation in Europe. A comparative study of MEPs and the intra-party arena*, Ed. Umeå University, Department of Political Science, 2003

²⁴ Blomgren states that party organizations are rather reluctant to reveal their internal rules and practices regarding the selection procedures.

²⁵ Blomgren explains that parties, parliamentary systems, electoral systems and traditions vary among the countries and parties a lot.

The above quoted scheme is naturally a simplification. Nevertheless it provides a valuable inspiration to this particular study, as it allows identifying the three mayor steps that need to be constructed on the European level: the nomination of candidate, the selection procedure and the decision procedure.

The nomination procedure is described in chapter 2 of this paper. It considers, as it models different options, on how a candidate could be nominated and what kind of criteria she/he would have to fulfil in order to become a candidate.

The selection procedure is described in the chapter 3, where the models of 'selection in one step' are being elaborated. It answers the question on who, when and how can decide, who from the nominees becomes the candidate. It can be an internal party exercise; however it can also involve party members and voters. The selection procedure can be binding or non-binding. In case it is binding, the selector is an actual decision-maker. In case it is not, there is a variety of the possible options for the next decision making steps.

The decision procedure is the final step. It is indifferent to a selection procedure, in case the selection body is not the decision making body in the light of the statutes.

The inter phases in between the steps should be monitored and also possibly facilitated. It could be done by an established and entrusted with such a mandate Election Committee. Its role does not change in the light of different procedures, which is why it is not described repeatedly each time. However it is some cases more relevant than in others, and that was emphasized. The Election Committee shall not have any power to nominate, select or decide itself, it shall not be mixed with an Electoral College concepts. It remains only a sort of a *Control and Facilitation* Commission.

What is important in the entire process is that it needs to be a coherent one. Therefore it is advisable to ensure an 'intermediate organization body' that looks after the process and if necessary, ensure smooth transition between the steps and the transparency of the mid-term and final results. This link is often neglected on the national parties level, who are accustomed to the *business as usual*. In case of setting a new model on the EU – Europarty level should however by no means be disregarded.

2. How can a top candidate be nominated?

The European elections till now have been an arena of the arena of national parties, who are effectively the ones struggling to win the electorates' votes. But however the European political parties did not compete at the national levels, they take ideologically distinctive positions on the European one. Jacques Thomassen²⁶, analysing the challenge of representation within the EU institutional set up, states that in fact there is no substantive barrier to bridge between now and the situation in which the Euro-parties present themselves to the European electorate. In order to transform, there are two conditions to be obeyed: cohesiveness and competitiveness.

Cohesiveness assumes an intra-party discipline, which indicates a necessity of its members / representatives to obey the ideological line. As such is therefore a precondition for the party reliability and therefore gaining trust and support of the voters. It therefore links the issue of the programme and the selected candidate. The second condition, competitiveness, in the context of the political party system refers to a situation in which electorate is being offered an actual choice among at least two political parties, who compete with different electoral platform and different candidates. Being distinctive and being better in the eyes of voters, would be, according to Thomassen, a recipe for getting elected.

These two components are necessary requirement towards a process of (s)election of a euro-party leading candidate. He or she must be identified with the party agenda on one side, and on the other must be a personality strong enough to successfully compete with the opposing rivals.

Luciano Bardi²⁷ claims that all the elections produce a change, not only as an direct result, but as an outcome for a party and parties system. Having advocated a theory that the (s)

²⁶ Thomassen J., *Parties and voters. The feasibility of a European System of Political Representation*; [in:] *The European Parliament. Moving toward Democracy in the EU*, ed. B.Steunenberg and J.Thomassen, Rowman&Littlefield Publishers Inc, Oxford 2002

²⁷ Bardi L., *Transnational trends*, ed. B.Steunenberg and J.Thomassen, Rowman&Littlefield Publishers Inc, Oxford 2002

election of the candidate would bring the European parties system, and hence the European Union into a new era of democratisation, one needs to search for a most democratically accountable model. This is why this chapter is devoted to the process of nomination of a leading candidate, perceived as an opportunity for a *New Opening* of the PES and through it of bridging the gap between Europe and its people.

Returning for a moment to the previously quoted (Chapter 1.2) comments of Arend Lijphard, it is relevant to state that there is a certain mayor difficulty in 'unifying the mayor trends from within the PES family' in electing the leading candidate. First of all, every country, every election and every party has a different tradition. Secondly, the national parties have individual direct membership of persons, who can present themselves as party members to stand in internal and external elections. Accordingly to the article 6.1 of the PES Statutes²⁸, the PES consists mostly of parties and organizations²⁹, allowing only one case of individual membership. As it is explained in point 8.7 of the same document, the *members of a political group which is a full member of the PES may become individual observer of the PES, if she/he is not a member of the PES party.*

Consequently, the first decision to be taken, while setting up the nomination procedure is if a leading candidate must be a member of the PES member party or organization, or could theoretically come from outside any of the structures. This last case could be if PES wished to brand its campaign with a personality with an outstanding political achievement and high level of ideological integrity, who, however made his/her career outside of the party structures (i.e. in trade unions). A decision favouring either of the option would have to be a Congress level one. It could in a long term perspective influence the debate on the direct membership within the PES, on the status of the PES activists.

For the sake of this research it is however possible to carry on constructing models without supporting one or another option at this stage.

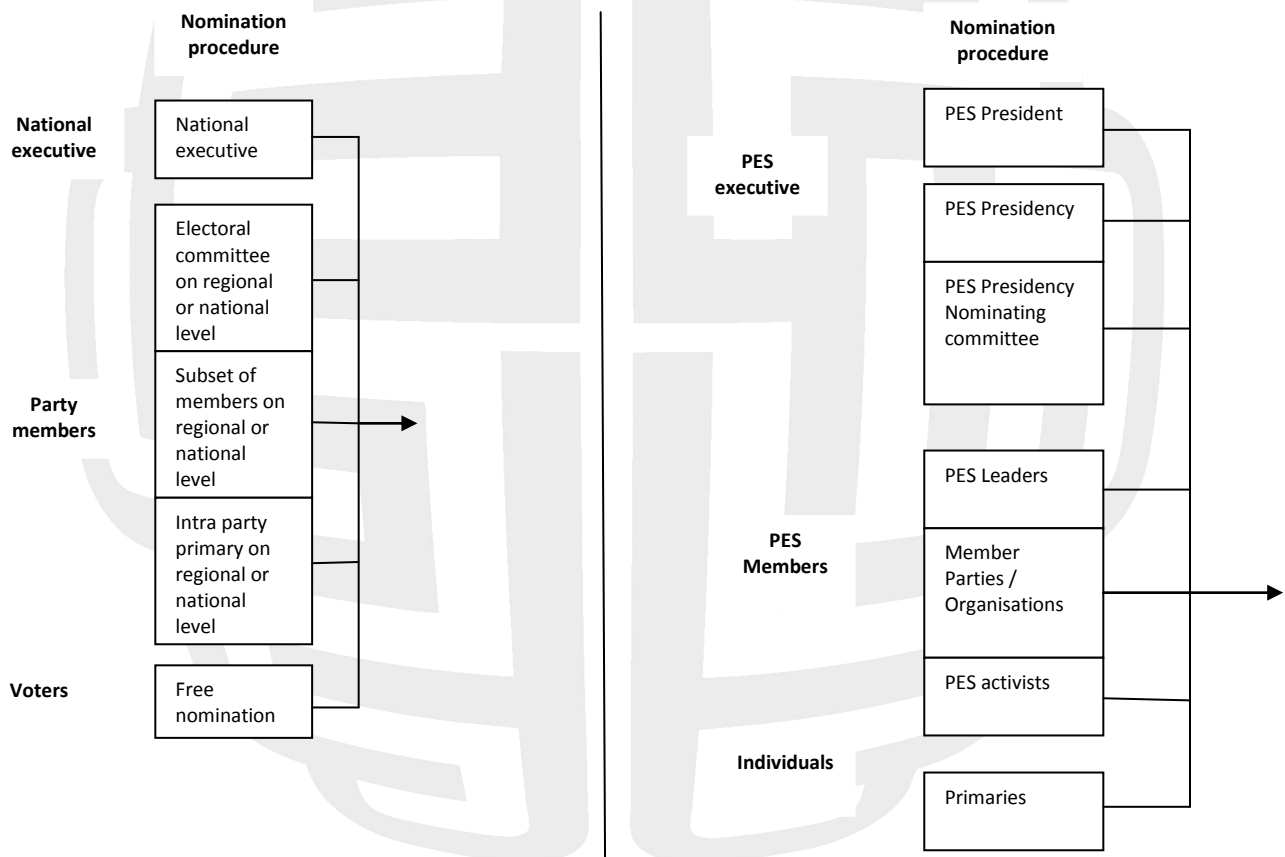
²⁸ *A new Direction for Progressive Societies, PES Statutes*, Adopted by the 8th PES Congress, Prague, 07 – 08 December 2009

²⁹ Article 6.1 *The PES consists of :*

- *Full Members: Full member parties and full member organizations*
- *Associate Members: Associate parties and associate organizations*
- *Observer Members: Observer parties, observer organizations and individual members*

What is the purpose of the simulation on possible nomination procedure is to observe what impact they would have in terms of both making the European political party system more open and inclusive with highly mobilised electorate, and on the other on the structural changes that PES would have to undergo for its sake.

Too identify the building blocks of the models' of the nomination process of the candidates, it is helpful to return to Blomberg scheme from page 12 and transform it into the European/PES reality. It could possibly look then in a following manner:



2.1 PES President

Looking at the European political parties' electoral tradition, it has been very often the case that the top candidate is in fact the same person as the party leader. Here below, the analyses focus on the two possibilities of nomination: nomination by default (PES President is the leading candidate him or herself) and nomination issued by the PES President.

In the light of the PES Statutes³⁰ the power to elect the PES President is the first among the powers of the Congress³¹. Rules of procedure³² clarify in the articles 12 and 14 that the election of the PES President requires reaching by a candidate a simple majority of the votes, which are cast by secret ballot. Elected PES President has, according to the article 30.1 of the PES Statutes four main powers: administrative (*the day to day administration of the PES and the preparation of the meetings of the Presidency*); execution of decisions (*implementation of Presidency decisions and any general or specific instructions given by the Presidency*); liaison (*liaison between the PES and the parties, the group in the European Parliament and the Socialist International*); and representation (*representation of the PES in any organization or institution, in particular the institutions of the European Union, European trade unions, professional organizations, co-operatives and associations.*) The last of the four statutory granted powers could therefore imply that the PES President him or herself is in the light of this statute the top candidate by default.

If to accept this interpretation, accepting that the PES President is the leading candidate this would not cause any major statutory changes. In practise that would translate to the understanding the election of PES President, as also the election of a leading candidate for the following European elections.

However, one must bear in mind the additional elements that were political bases for reform of the Statutes to a form it has nowadays. The PES Council's decision in Vienna³³ in 2005 gave a space for linking the PES and the rhythm of its work more with the EU agenda. This ambition was articulated in the "Proposal 3", calling for "A more democratic and effective PES". It introduced *a coherent cycle for Congress / Council meetings, ensuring effectiveness, timeliness and party democracy, synchronised with the EU's five-year political term from one European Parliamentary election to the next.*

³⁰ PES Statutes adopted at the 8th PES Congress in Prague, 07 – 08 December 2009.
http://www.pes.org/en/system/files/Statutes_EN.pdf

³¹ Article 18.2

³² Roles of procedure of the 8th Congress, Adopted by the 8th Congress – Prague, 07 – 08 December 2009.

³³ Reform of the PES: The Council adopts 15 proposals for a stronger PES, PES Council, Vienna, 24 – 25 June 2005;
<http://www.pes.org/en/content/reform-pes-council-adopts-15-proposals-stronger-pes>

The same article however states that in the year 4 of the cycle *would elect the President (...) and define and launch the Election Manifesto process (the themes/issues and the methodology)*, while in the year 5 only the *Pre-Election Council would adopt the manifesto for the coming year's campaign and lay down the main elements for the campaign (themes, events)*. If then the PES President would, as the statutes state, remain being elected by the Congress³⁴, in a new understanding that he / she is also the leading candidate towards the European elections from that point, he / she would be officially known before the message and the campaign are outlined.

This sets out two challenges. The first one is that the candidate would be presented before the mission is, which is rather unusual, to say least, in terms of member parties tradition. Commonly the logic there is a different one, namely that there is a program first and then the candidate, whom party entrusts to carry it out, is named. If this model of nomination and then subsequently the selection and decision was chosen, PES would find itself in a situation of having a candidate without the message. Surely one can argue that the PES policies are known and debated all the time around, however the fact remains that the Manifesto is the symbolic ideological platform that united all the PES parties every five years and this meaning shall not be underestimated.

The second one is that in the spirit of the PES statutes and tradition, the PES President is the one, who is in charge of liaison between the PES and parties. Understanding that in conjunction with the article 17.1 of the statutes, that calls for decisions being *taken with the broadest possible measure of agreement following a full consultation*, that would require a reflection how an elected PES President can then ensure a consensus around the Manifesto, while being then its face across Europe. Surely, the common belief supported by a proud record is that the PES President is objective and represents all the parties in a spirit of respect and equal treatment of all of them, nevertheless if deciding on the PES President to be also the leading candidate this matter cannot be overlooked. Especially in the light of the first concern, socialists and social democrats cannot afford to appear as a party that builds a manifesto for a personality, not a manifesto for the people.

There is also an additional political question that concerns the internal party democracy. In case the PES President's candidate was to be at the same time elected as also the top candidate by the Congress – one shall reflect on the impact of such a process towards the parties' members. The candidates for the position of PES President are nominated by the PES full members. They are elected by

³⁴ In the PES Document "PES Strategy 2010 – 2014 – Mandate for Change", which was adopted by the PES Presidency on 4th February 2010, it was agreed that the 2013 Council will elect the candidate and adopt the Manifesto (point 3.2). The Congress option is being discussed within this fragment of the paper, as also in several others – as the aim of the paper is research of possible models.

the Congress, where the PES full members are the only ones to have a right to vote³⁵. This could eventually lead to questioning both the role of the party members and their influence over the decision, as also it could affect the party members' individual motivation to campaign for a leading candidate that is elected indirectly. As such it may be seen as a step not big enough in enhancing the democratic and political character of the European Union towards the citizens and be then evaluated that the European party democracy uses weaker mechanisms than the EU itself (with introduction of the Citizens' Initiative in the Treaty of Lisbon).

Assuming that these doubts would be overruled, and in fact the PES President would be the leading candidate and would win the seat of the European Commission's President, the subsequent situation would require him most likely to resign from the PES President's post. Even if he or she continued till the post-electoral Congress, that would leave a party on a practical level with no main leader figure on everyday bases. In this way also any further negotiations around the key positions in the EU could be weakened.

The second option for PES President would be to nominate a candidate or candidates and submit the proposal to the PES statutory body, PES activists or to primaries for selection procedure. In the light of the PES Statutes quoted before, the role of the PES President is an executive one – and therefore the power of nomination would have to be granted either by Congress (via a necessary statutory change) either by Presidency (as a decision to execute). Entrusting however an individual (even if the person is the highest ranking party official) with this kind of a mission, could again pose questions as far as party internal democracy is concerned. Moreover, unless a unique and thus unlikely situation would occur, in which all the parties would potentially had the same candidate on mind – whichever role the PES President would play to unite majority behind this key nomination for the sake of selection step, would weaken him / her politically.

To summarise, it is naturally possible to consider the variant in which the PES President is the top candidate him /herself. Statutory wise this would require certain changes, which then would have to be accorded and result in modification of the previous PES political decisions (i.e. from Berlin Congress in 2001 or Vienna Council in 2005). The two biggest challenges in choosing that nomination path are: the

³⁵ The 5th PES Congress in Berlin, Germany on 7th – 8th June 2001 urged the national parties to institutionalize the way the members on behalf of the member parties' delegations to the PES Congress / Council are (s)elected. Despite this requirement (included in the document "Strengthening the Party of European Socialists), it is still not the case. Even though the lists of the delegates shall be submitted to the PES Secretariat 2 months prior to the Congress, this is in practice hardly ever the case (due to national circumstances such as elections, congresses etc.). Additionally to that, still in majority of cases the delegations are composed ad hoc and not always voted by any of the respective party's statutory bodies.

implementation of the demand for more democratic Union (and hence more democratic European parties); and consequently, the possible negative impact on identification of the grass root members of the member parties with the nomination (hence lowering their motivation to bring the campaign from the EU to the local level of theirs).

2.2 PES Presidency and PES Presidency Nominating Committee

Article 18.2 gives the PES Congress the power to confirm the list of the PES Presidency members, as indicated by the full members. The PES Presidency is *the highest organ for the management of the day-to-day business of the PES and for the execution of the tasks as set out by these statutes*³⁶. Its powers are executive (implementation of the Congress and Council decisions) and political ones (*fixing the political guidelines in between Councils and Congresses*). It is empowered, after consulting the full member parties following a proposal from the PES President, to appoint, among the others, *other office holders for specific mandates*. It can also *organise special conferences or meetings, nominate rapporteurs and set up committees and working parties, in respect of which it shall appoint the chairs and the secretariat and lay down the terms of reference*.

In the light of the articles 26 and 27 then, it could be stipulated that PES Presidency could become the organ to not only to nominate, but also to select and decide on the proposal of the leading candidate. It could also use its power to establish a nominating committee. Both the possibilities link with the person of the PES President, who would have to initially form the proposal and both would require drafting an additional set of provisions to guide the process.

The first option, to have Presidency decide on the candidate(s) proposed by the PES President, has been partly elaborated upon in the part 2.1. of this paper. The major challenge herewith is the transposition of such a decision making process to the national and consequently regional and local levels of the party.

The second would bring along additional questions, such as: what criteria should be used to form such a selection committee? And if a committee of that nature was to be established, wouldn't that lead to double-indirect democracy – and hence enlarging the distance between the party members, who are to campaign and the candidate him / herself?

³⁶ Chapter VI: The Presidency, Articles 26 – 29; PES Statutes adopted at the 8th PES Congress in Prague, 07 – 08 December 2009. http://www.pes.org/en/system/files/Statutes_EN.pdf

Additionally, there is another question that must be posed, which also concerns the nature of democracy that PES and the other European parties would like to enhance, by nominating the leading candidate for the European elections campaign. If Presidency or Presidency selecting committee were empowered to make a decision already in the 1st phase of the process – namely the nominating phase – it is very likely that only a certain and limited amount of candidates would be named, made their way to a short list and effectively stood for the nomination. This would be connected with a tradition that the leadership within the international political structures is more likely to be entrusted in hands of an already experienced leader – a former State-person or a Chair of a party.

This can be illustrated by the personalities, who led the PES since its establishment in 1992³⁷: Willy Claes³⁸, Rudolf Scharping³⁹, Robin Cook⁴⁰ and Poul Nyrup Rasmussen. The choice of the candidates, whom member parties proposed for the PES President's position so far, illustrates therefore their shared belief that in order to lead the European party successfully one has to have an outstanding record of political achievements and be, what can be described, a widely known name. This can result from, among another, a condition that indeed to obtain the support of the foreign parties for their candidate, a party in question must run an effective campaign in a very short time and in an entire party political space of the EU. Additionally, the person – once elected – will represent the PES on the EU level, having to effectively operate in its two governance pillar (pan-European and inter-governmental) and challenging the leaders from the other parties (also most likely ex-states-persons). Though there are no advanced studies on the leadership (and leadership styles on the EU level), it could be assessed that the European parties are closest to believe in and wish for implementation of the "Trait Theories" of the leadership⁴¹.

³⁷ S.Hix, U.Lesse, *Shaping a Vision. A History of the Party of European Socialists. 1957 – 2002*, PES Brussels 2002, s.111

³⁸ Willy Claes, born 1938, from SP-B, presided PES between November 1992 – October 1994. Before 1992, he had served in Belgian government (as minister of education, three times as minister for economic affairs and five times as deputy Prime Minister). Parallel to his function as PES President, he was a Foreign Affairs Minister of Belgium, after which time he served for secretary general of NATO.

³⁹ Rudolf Scharping, born in 1947, from SPD, presided PES between March 1995 and May 2001. In years 1991 – 1994 Scharping served as Prime Minister of Rhineland-Palatine, becoming in 1993 chairman of SPD (which position he held till 1995) and in 1994 a member of Bundestag. Between October 1998 and July 2002 Scharping served as minister for defense.

⁴⁰ Robin Cook, 1946 – 2005, from the Labour Party UK, presided PES between May 2001 – April 2004. He was a member of Parliament since 1993 and served as UK's Foreign Secretary from 1997 – 2001.

⁴¹ In classic social psychology there are 8 main theories of leadership named : « Great Man » theory, « Trait » theory, Contingency theories, Situational Theories, Participative Theories, Management Theories, Relationship theories.

This cannot be used as an argument pro- or against the nominating committee or the Presidency having a say as the only one in the nomination process. It is simply an additional issue while speaking about the criteria that these two bodies would most likely take into consideration while searching for a candidate to nominate. It however poses a very interesting question. Assuming that the European elections were to resemble the American ones, which especially after the election of President Obama are referred to as a model, would such a mechanism within a European party really give a chance to anyone to become a leading candidate?

If there were the criteria to be set up and adopted, one additionally would have to think about the political demand for gender balance. PES Statutes⁴² states that *neither gender should make up less than 40% of a delegation of a member party or organisation*. Taking into account that in the history of the PES and its predecessors since 1957 there has never been a woman presiding, one would have to make a strong commitment to make this statutory regulation a binding one for composing any short list of nominees.

2.3 PES Leaders

Having analysed in points 2.1 and 2.2 the PES executive pillar in the light of their possible role in the first phase of the process of selecting the leading candidate for the European elections, it is necessary to examine the option of giving a role to the PES Members in a nomination procedure. The first exposure of that to analyse would be the PES Leaders' Meetings.

The proposals of the reform of the PES of the Vienna Council 2005, which was already quoted above, was based on an intention of giving *PES Leaders a stronger and more focused role*. Proposal 1 elaborates the different tasks that PES Leaders meeting would serve to, assigning the Spring meeting to be devoted to *economic, social and environmental issues*; the June one to allow preparations to the EU Council and set up the annual priorities for the following year; the autumn one to elaborate on the execution of the next years' PES priorities (and possibly take place in conjunction with the PES Congress or Council). Furthermore, the Prime Ministers alone or also with the opposition Leaders could meet additionally to the scheduled EU Councils.

⁴² Article 19.4

2.4 PES Member Parties / Organizations

The nomination procedure could also be concluded by the PES member parties and member organizations.

In accordance with the PES Statutes (Chapter II, Articles 6 – 15) there are following members: full members (parties and organizations); associate members (parties and organizations), observer (parties, organizations and individual members). Full member parties are the parties from the European Union member state or states which have signed the accession treaty with the EU (article 8.1) . Full members (article 11) are the ones, who have the right to participate in the meetings of PES with the right of initiative and the right of vote. Due to the territorial limitation of the European Parliament elections to the EU member states, it is therefore obvious that the full members from the EU member states are of the primary consideration for the sake of this study.

There are several possible scenarios for the full members to take part in the nomination procedure. It is easy to imagine that as in the case of any other internal elections each full member has a right to nominate a candidate.

If such a scenario was to be fulfilled, parties would propose a personality, who then would together with other candidates stand for the selection and decision making process. The interesting question here would be: would PES members be able to nominate only their own members, their compatriots or also nominate someone from another member state.

Assuming that a full member would be able to nominate only a member of them, this would effectively disable the full members not being parties from participation in the nomination procedure. Furthermore that procedural choice would mean a necessity to reflect if this is really a mechanism enhancing building a new kind of demos – the European one, which the entire idea of having a top candidate declaratively serves to. James A. Caporaso advocated in his article *The emergence of the EU supranational polity and its implications for democracy*⁴³

⁴³ Caporaso J.A., *The emergence of the EU supranational polity and its implications for democracy*, [in:] *Democracy and Federalism in the European Union and the United States. Exploring post-national governance*, ed. S.Fabbrini, Routledge New York 2005, pages 57 - 73

that if the European Union was to be democratised it would, as any state, require '*a demos*'. Caporonso states that in case of Europe there is no '*unique and autonomous European ethnïe*', which on national level ties people together in a "*we-group*". He risks a theory that the European demos should be defined therefore in civic rather than in ethnic terms. *Such a civic definition of the people would emphasize their shared ideas, especially in the areas such as social democracy, organization of economy and polity, and exposure and participation in very similar constitutional republics (...)*. Accepting his argument, that a European demos should be created on the bases of shared project, one has to question if nomination by member parties with the restriction that they can nominate only their own members would not be in fact therefore constraining. It is very likely that in such a case a struggle for a nomination would end up as a competition between the parties and therefore could rather enhance the organisational patriotism of its members, who in the most natural manner would campaign for their party candidate in the nomination round.

Secondly, one could however assume that the parties could nominate a candidate, who would not need to be their member or support a nomination by another party.

It is difficult to envisage the process in which a candidate in question would enjoy a support from a foreign party, but not from her/his own one⁴⁴. In the spirit of transnationalism it could surely be imagined, however in the political reality it would be difficult to see that accepted. In many of the PES member parties, in order to become a delegate to a general assembly (congress) of the party in question, you need to be elected firstly from your local branch to the regional congress and then from the regional congress to the national one, before you even can become a candidate for any position in a board of that party. The process in which a candidate is supported by another than his or her own party could be compared to running to be a delegate of a national congress from another than one's own local branch. Supposedly, as much as that could be contested by both one's and the other local branches, it could surely lead to many tensions between the parties involved.

The second of these two solutions seems more interesting – namely that there is a procedure in which a party nominates a candidate, who gets a support also from the other

⁴⁴ It can also be imagined that the candidate is no longer or simply is not a member of the national party. In this text for a reason of simplification 'his or her party' refers to the party in his or her state of nationality.

parties and hence becomes a European not a national candidate. It could follow the logic that has already been on a theoretical level described by Robert A. Dahl as an answer to the question *Is international democracy possible? Critical view*⁴⁵. He suggests that the current operating mode of the EU and its institutions is a way of governing *by limited pluralistic elite*, who are limited by treaties, agreements and the ultimate threat of national rejection. Dahl says that this is where the roots of the democratic crisis are, as citizens are unlikely to be deceived for a long time that their consent has not been asked for directly for the different decisions taken – as they do not even make it to be the issues at stake during the general elections. If the parties were therefore the only ones to nominate the candidates on the PES level, once again it is likely that they would handle the process on the level of the party elites involved internationally. This would then fall to what Dahl describes as one of the four basic socio-political processes for arriving at collective decisions, namely *bargaining* (control among leaders). This, as Dahl suggests, would not necessarily enhance the democracy.

In the context of the nomination by several parties, one could also seek to set a limit on how many parties would have to support the nomination to have a candidacy valid. This is a variation of the process described above. As the question of proportional vote and transposition of the system of the votes in the European Council is included in the Chapter that deals with selection procedure, these details will be consciously skipped from this paragraph.

2.5 PES activists

The idea of the PES activists was introduced into the PES upon the PES Council in Vienna in June 2005⁴⁶. In the chapter III “A PES involving its members” it is outlined in the title of the proposal 8 “*The PES will invite members of PES parties to become PES Activists. It is left to the discretion of each party whether to give that possibility to their members.*” Furthermore it is explained that *national party members should have the opportunity of being involved in the life*

⁴⁵ Dahl R.A, *Is international democracy possible? A critical view*, [in:] *Democracy and Federalism in the European Union and the United States. Exploring post-national governance*, ed. S.Fabbrini, Routledge New York 2005, pages 194 - 204

⁴⁶ Reform of the PES: The Council adopts 15 proposals for a stronger PES, PES Council, Vienna, 24 – 25 June 2005; <http://www.pes.org/en/content/reform-pes-council-adopts-15-proposals-stronger-pes>

of the PES. It would include such mechanisms as: using a space within the PES website; organize exchanges in between the branches; participate in a yearly activity. It was clearly stated that it was not a question of creating an additional membership to PES, as also that PES Activists will have no voting rights in the PES and will not adopt any statements.

Since 2005 there have been many developments, as far as both the idea of the PES activism, its statutory formulation and the logistic support is concerned. There have been 20.000 national parties members, who signed in as the PES activists; there have been two activists forums and two pre-Congress/pre-Councils reunions organized; there have been numerous exchanges and campaigns organized; as also there is now a fixed amount of the PES budget approved to support the PES activists and none less at least one political officer in the PES secretariat, who is solemnly in charge of this initiative.

These all needs to be named as a background to understand the new article 16 in the PES Statutes: *All members of PES member parties are automatically members of the PES. Those who wish to be active in the PES can register as PES activists. PES activists must be members of their national party. PES activists can set up city groups. The PES Presidency adopts operating rules for PES activists*⁴⁷. One must add that also prior to the Congress there was a debate if to admit the activists a right to vote and in what proportionality, but it did not reach any conclusive agreement⁴⁸.

The political scientists are not in agreement if the political parties with a large membership base are the past or the future. Some are proving that the question of upholding the massive membership is an issue of being able to unite people in the name on ideology and poses therefore a strategic organisational power. And therefore even if nominal numbers are declining, one has to find new forms of active civic participation in the party political world⁴⁹.

This reflection is significant in the contemporary developments within the EU institutional system. The new Lisbon Treaty is a step towards building a true political will⁵⁰. In

⁴⁷ Chapter II: Members, Article 16; PES Statutes adopted at the 8th PES Congress in Prague, 07 – 08 December 2009. http://www.pes.org/en/system/files/Statutes_EN.pdf

⁴⁸ Amendment of PvdA to the Draft Statutes, 8th PES Congress in Prague, 07 – 08 December 2009.

⁴⁹ Jun U., Niedermayer O., Wiesendahl E. (ed.), *Zukunft der Mitgliederpartei*, ed. Verlag Barbara Budrich, Opladen & Farmington Hills MI 2009, pages 11 and 25.

⁵⁰ Vannahme J.F., *Neue Maßstäbe für das politische Tun. Der Vertrag von Lissabon stärkt die EU*, [in:] Neue Gesellschaft – Frankfurter Hefte 1 / 2 2010; pages 17 - 20

order to succeed a true active participation of citizens would be needed. This is undoubtedly a great opportunity for the PES, who now could use the momentum to enhance its work around redeveloping the PES activists. Such an understanding would lead to a conclusion that the PES activists could play not only in the campaign, but above all within the party internal processes, hence in the selection and nomination part of the process to elect a top candidate.

There are two interesting mechanisms one could analyse as applicable in order to give PES activists a place in the nomination process. One would indeed mostly connected with the Lisbon Treaty, and thus be a partisan form of the citizen's initiative. The other would be the procedure known as primaries⁵¹ (which are elaborated in details upon in the paragraph 2.6 of this article).

There are two main reasons why it is worth to analyse the functioning of the Citizens' Initiative within the context of the selection of the top candidate by the party members (PES Activists). The first one is that it is established through the same Treaty that states that *Every citizen has a right to participate in a democratic life of the Union – decisions shall be taken as openly and as closely as possible to the citizen*. And that the *Political parties at European level contribute to forming European political awareness and to expressing the will of citizens of the Union*.⁵² The second is that PES member parties generally welcome the Citizen's Initiative and deliberate on using that already in a different context⁵³.

How could that work in practice? According to the Lisbon Treaty it is *not less than a million citizens, who may take the initiative of inviting the European Commission, within the frameworks of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Treaties*. On the bases of that the European Commission issued a Green Paper "On a European Citizens' Initiative and opened the public consultation process, which was finalised on 31st January 2010. Briefly the questions that were put forward for the consultations were (among others):

⁵¹ Description "primaries" is used as a general one and does refer to all the kinds of primaries (closed, open, semi-closed, semi-open and run-off), as also to the caucus vote.

⁵² Article 8A of Treaty of Lisbon, Official Journal of the European Union C 306, Volume 50, 17 December 2007.

⁵³ Context of the Campaign for « Financial Transaction Tax ».

minimum number of states from which citizens must come; minimum number of signatures per country; eligibility to support (i.e. minimum age); form and wording; time limits; examination⁵⁴.

If PES would like to apply a similar mechanism in order to organize the nomination procedures with the participation of the PES activists trying to mirror the citizens' initiative, it would have to start with mandating the appropriate body (perhaps the PES Presidency) to fulfil the role similar to the one assigned to the European Commission – namely verification of the process. One could call such a body an *Electoral Committee*. Such a Committee would have to supervise the entire process, primarily also ensuring that it is a pan-European one (from highly political level to the last technical solution, such as translation to equally enable all the potential candidates to be able to address all the parties' members).

Subsequently PES would have to clarify: who is eligible to start such an initiative (as setting up signatures collection as a candidate or for a candidate), what is the minimum number of parties whose members need to sign and what is the minimum amount of the party members' signatures; how the signatures will be verified; what the time limit is and what methods (i.e. electronic) can be used.

The Commission proposal to the European Parliament on the regulation on the Citizens' Initiative⁵⁵ states that on the bases of the consultation on the Green Paper a minimum number of member states from which citizens supporting citizens' initiative shall be 1/3 and that the threshold for each country should be 0,2% of the population. There is a strong disagreement on these high numbers from many organizations, who argue that this is by far too high, especially that the Citizens' Initiative is introduced into legislation of only 12 countries of the EU⁵⁶.

The number 1/3 or even ¼ is a very difficult threshold for the candidates on the pan-European party level. It could limit the choice to only few (if any candidates). Perhaps therefore, as PES has 32 full member parties, reaching a level of signatures gathered among the activists

⁵⁴ GREEN PAPER on a European Citizens' Initiative, Commission of the European Communities, Brussels, 11.11.2009, COM (2009) 622 final.

⁵⁵ European Commission, Proposal for a regulation of the European Parliament and of the Council on the citizens' initiative, {SEC (2010) 370}, Brussels, 31.3.2010, COM (2010) 119 final, 2010 / 0074 (COD)

⁵⁶ Berg C., *The European Citizens' Initiative process*, [in :] C.Berg, P.Carline , B.Kaufmann, J.Leinen and D.Wallis (ed.), Initiative for Europe. Handbook 2008. The guide to transnational democracy in Europe, Ed. The Initiative & Referendum Institute Europe, Brussels 2007.

within 6 PES full member parties and remain, as The Initiative & Referendum Institute Europe suggests with a requirement of 0,1% of the party membership could be a feasible solution⁵⁷.

If it was to be accepted, one would have to however solve another issue. According to the philosophy of the initial PES activists' proposal from Vienna Council in 2005, the member parties could, but did not have to provide their members with an opportunity to become the PES activists. In the light of the statutory amendment, all the member parties' members are PES activists and they can register as such. One would have to therefore decide if before the nomination procedure each party was to open a procedure 'a sign to vote in the PES nomination process', which would define the total number of activists of which 0,1% should be counted or would the number 0,1% be of a total sum of all the members that the international secretaries would have to submit to the PES Electoral Committee. This however may be the data that any member party may be reluctant to disclose⁵⁸.

Last but not least, the international secretaries would bear then the enormous responsibility to enable equal access to all the party members for all the potential candidates seeking nomination and then also perhaps to verify the signatures from their respective member party (assuming that due to data protection members' data base would not be submitted to the PES).

One could think about a modification and set up, as a trial, just a minimum number of signatures that a potential candidate would have to collect to become a candidate seeking to be a top candidate of the PES in the European elections. A system as this however would unfairly promote the candidates from large member states.

⁵⁷ The requirement of possessing signatures from within only ¼ Member States and of 0,1% of the populations seemed to have been favored also by participants of the debate « Wake up Brussels : How a million people can change Europe », which was organized by the S&D Group in the EP on 15th April 2010 and of the experts' working lunch that FEPS organized on the same topic that day.

⁵⁸ There is a "PES activists initiative" already existing. It was established by the PES Presidency on 4th February 2010. According to it, *2,5% of all PES activists (500), who are members of at least 15 different PES parties or organizations may invite the PES Presidency to respond to a policy issue raised in their PES activists initiative. The minimum threshold can be reviewed and changed at any time by the PES presidency.* This research does not take this particular tool into consideration as an option to nominate / select / elect the candidate, due to two reasons. First of all, this would drastically limit the constituency to only already registered activists. Secondly, number 500 is a relatively a small one. Hence this could raise again questions on legitimacy of the PES activists on one hand, and also would be too weak in itself – as the tool to only 'invite the Presidency' to discuss.

To summarize, application of the Citizens' Initiative as a logic to frame the nomination process enabling the PES activists would be a very interesting one and could be a very successful one too, if the member parties were ready to take the next step in terms of tighter unification of the parties and foreseeing to move from the party which is a federation of parties to a party of direct members all over the continent.

2.6 PES Primaries

It is said that the US electoral system is, at least at first sight, open and democratic. One of the reasons is that the candidates are chosen by all the voters themselves in primaries, not by party leaders or committed activists themselves. The principle is that any citizen can run for office⁵⁹.

To outline that mechanism briefly, the presidential candidate is chosen formally by a majority vote at a party's national convention. Since March 1853 presidents have been drawn from either Republican or Democratic party. The delegates to the conventions are selected by state primary elections, or by state Caucuses and some are chosen for their prominence in the party. The apportionment of district-level delegates within the state is based on the rules decided by the party chair. In 2008 rules for Democratic National Convention the formula gave: equal weight to total population and to average of the vote on the Democratic candidates in the last presidential elections; to the most recent presidential and gubernatorial elections⁶⁰.

There are 5 different types of primaries: closed (only party members can take part in the primaries); semi-closed (registered party members can vote within their parties, but additionally independents can join on the Election Day); open (a registered voter may vote in any party primary regardless of his party affiliation); semi-open (a registered voter does not need to publically declare which political party, but once they do to the election officials they get one or another party ballot); run-off (a primary ballot is not restricted to one party and the top two candidates advance to the general election regardless of party affiliation; unless one candidate

⁵⁹ Ashbee E., *US politics today*, Manchester University Press, USA 2004, page 209 and next ones.

⁶⁰ DNC – Democratic National Committee, Delegate Selection Rules for the 2008 Democratic National Convention, Issued by the Democratic Party of the United States Governor Howard Dean Chairman, as adopted by DNC August 19, 2006. Article 8 page 9.

attains the majority and thus wins in the first round). There is also a possibility to decide upon the vote in caucus system (namely the voters gather and publically discuss their support). It is worth underlining that in the most famous primaries – the US presidential ones, this remains in the competence of a respective state to decide which kind of the primaries they apply.

Surely one could think of organizing the pan-European open primaries for the PES nomination of a top candidate, using the existing European experience⁶¹. This however may not have an impact of reassuring both the member parties and the relatively newly created PES activists. The optimal therefore would be perhaps the closed or semi-closed primaries (with an eventual exploration, how to see semi-closed as an opportunity to involve so called ex-pats groups of the sister parties in the process). One could also assume that if the primaries were to be the mechanisms for nomination, PES member parties could agree that as in the US, each of them determines the sort of the primaries they chose to put in place within their party.

What would need to be also taken into consideration, while deliberating on primaries are the ways to ensure that the financial aspect does not limit chances of potential candidates. Within the US system there is a long tradition of fund raising, that is perhaps not in the same way established in Europe. Hence the funds at disposal of potential nominees could determine the list of runners, potentially excluding less wealthy ones or coming from less wealthy states / parties. This remark is relevant and shall be looked into as an issue for PES in terms of possibilities to finance the pan-European campaign.

The practical side would have to begin, as in case of the application of the Citizens' Initiative (2.5) with establishing a specific *Electoral Committee* to monitor the process and to collect the results of the primaries. The Committee would have to lay down the general rules and the time framework for the primaries, as also which of the nominees qualify for the final selection procedure. The general character of these regulations (as it is in the US) would enable all to participate in the process, while still being able to freely decide on actual organizational aspects accordingly to the criteria of efficiency and feasibility.

If to take the example of the US primaries again, perhaps what the rule could be is to assume that the total number of electoral votes to be gained within a party equals to the votes

⁶¹ Of the Italian Democratic Party

of their respective member state in the European Council. The votes will be distributed accordingly to the percentage of the votes gained by the nominees, making it possible to set up a ranking of the candidates at the end of the process. One could say that the top two enter the selection procedure that is then concluded by the body, such as PES Council or Congress, where the parties then vote using the internal PES voting system.

The primaries could be an effective way to both mobilize the party members, as also to start a new way or running a pan-European campaign. With an idea that anyone can submit his or her name to a hat and anyone can fight for activists votes in the primaries, the actual selection done afterwards would be much more well-rooted in the member parties.

Of course, one could also hope that this would also lead to re-freshing the older proposals, according to which the PES Congress delegates could be in fact elected within their respective parties. If that was to be applied parallel, could indeed significantly strengthen the internal party democracy within the PES.

3. (S)electing a candidate

3.1 PES Presidency

3.2 PES Leaders

3.3 PES Member Parties – PES Council / Congress

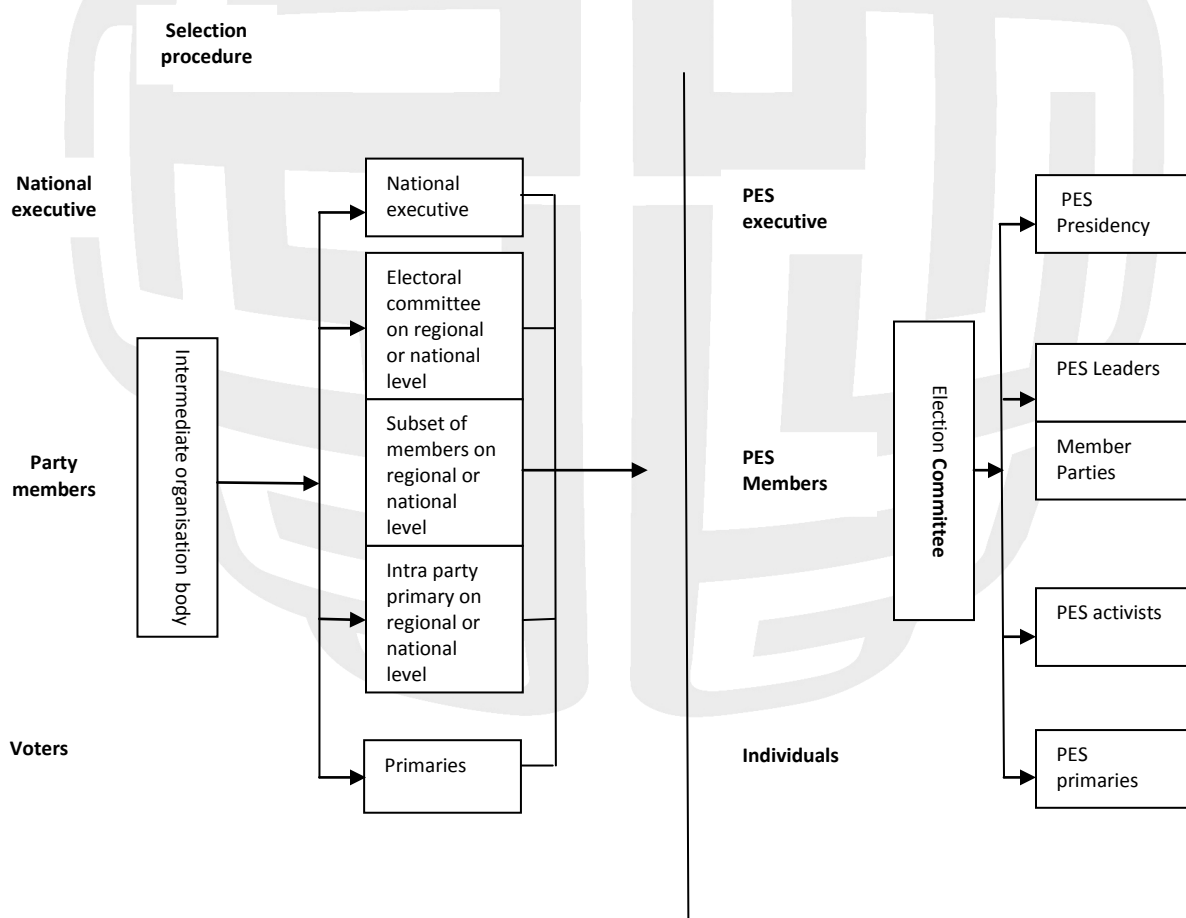
3.4 PES activists

3.5 PES Primaries

The following chapter will focus on the selection procedure. It assumes therefore a situation in which there was a nomination procedure chosen and hence the task is to select an actual candidate from among the nominees.

The chosen methodological approach is a logical consequence of the research concluded in the Chapters 1 and 2. Therefore it follows the schemes, as presented on the pages 12 and 16, as also it bases itself on the assessment and academic references that already had been quoted and elaborated upon previously.

Consequently, it could be assumed that for the selection procedure the scheme would look like in a following manner:



In comparison with the scheme on the page 16, there is one element less in this plan. The building block “PES President” is not included in the “selection” procedure, while was still considered in the “nomination” step. The rationale of that is that there seem to be no reason to believe that a president of the PES would be holding a power as an individual to select the candidate on his / her own. The decisions on mandating one or another person with a specific, highly relevant political task are taken collectively, which reflects democratic nature of an organization.

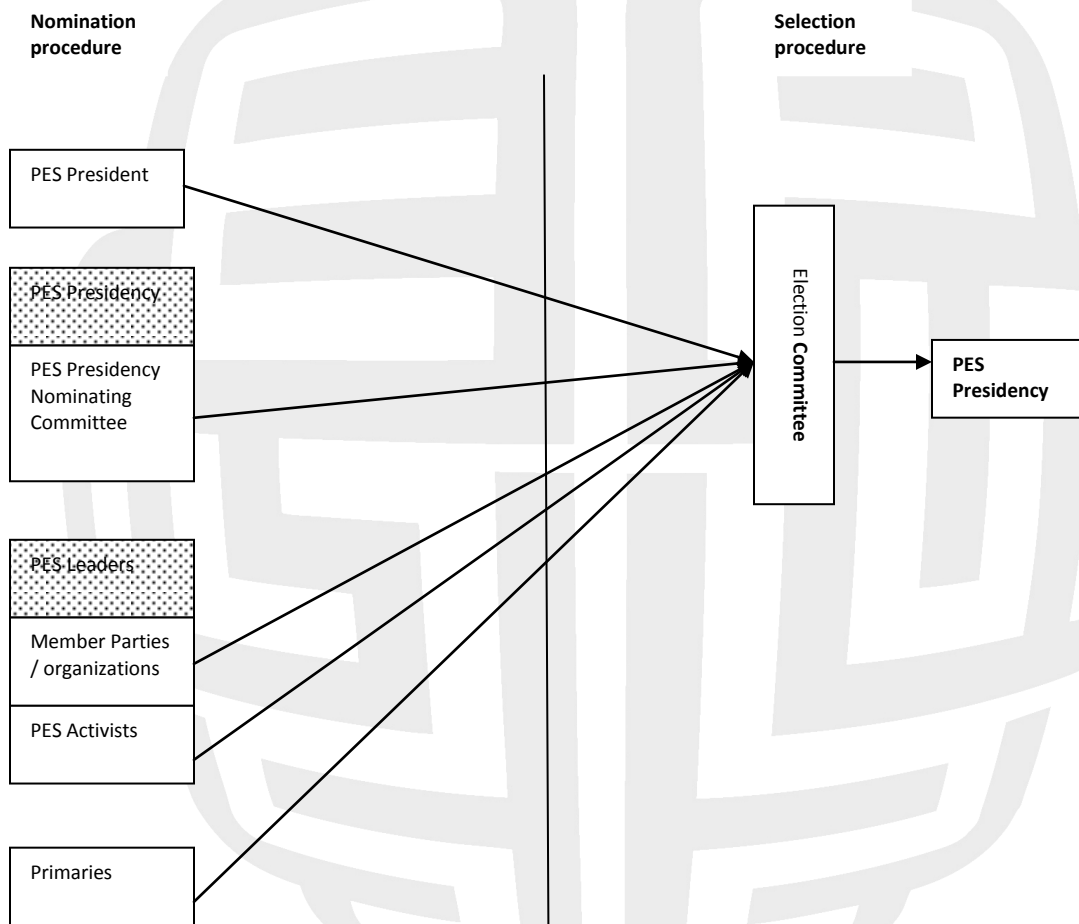
The subsequent 5 sub-chapters will elaborate on specific setting of the selection process for each of the building blocks. Each of them will present a number of possible inter relations between the different respective actors of the nomination procedure and the selection procedures.

The “Election Committee” as mentioned in the diagram is not broadly elaborated further. It is to be understood that the role of the Election Committee (which comes in between nomination and selection, as also selection and decision parts of the process) does not change. It remains the supervisory body, that is to monitor and facilitate the process as such.

3.1 PES Presidency

The first possibility is to assume that it is the role of the Presidency to make a selection from among the nominated candidates.

The diagram would therefore be composed of 7 elements originating from the scheme of the nomination procedure and one on the selection procedure side.



There are two building blocks that are greyed on the side of the nomination procedure and thus not considered as feasible – which are PES Presidency and PES Leaders. The reason is that it would be extremely unlikely to see any of these particular two combined with a selection procedure completed by the PES Presidency.

If PES Presidency was to be the nominating actor and also a selecting one – then in fact the nomination and selection would merge as one step. It is possible to envisage, would be contradictory to an ambition of making process inclusive, participatory and thus engaging for anyone else but the PES Presidency members. That could make a process appear as a purely internal within the PES bodies and hence risk a danger of being called elitist. What is more, it would then be an enormous challenge to make a true campaign and motivate the grass roots members to stand enthusiastically by the choice that was made so distantly from them.

As for the PES Leaders, it would be indeed difficult to imagine that the Party Leaders submit a list of nominees that afterwards the PES Presidency would decide upon. First of all because of such a procedure would reverse the processes in existence⁶². Secondly the members of the PES Presidency are nominated by the PES member parties⁶³. It would be therefore an awkward situation in which the party leaders would nominate the candidates and then send it back to the Presidency to select the one. One can hardly imagine what procedure technically would have to be then put in place and how it was to be secured that the legitimacy of both the leaders and the PES Presidency members would not be negatively affected.

Among the 5 possible procedures, the first one is that the PES President nominates a candidate / presents a list of candidates to the PES Presidency, which then makes a selection. It would be the procedure that exists already in the PES Statutes and it was broadly elaborated in the sub-chapters 2.1 and 2.2 of this paper. There could surely be a process in which the PES President would nominate the candidate(s), PES Presidency would select (approve) it and send it for a decision to the PES Council / PES Congress. This could also become the least complicated (at least theoretically) and smoothest procedure, which would not require major statutory readjustment. The question is however if that was a process that would unify all the parties and their respective members fully behind the potential candidate, and thus would create a necessary political will to inspire enthusiasm and consequently the mobilisation for the new form of pan-European campaigning.

⁶² Currently the cycle is normally a three weeks long one and the draft resolution that is to be approved by the leaders at the PES Leaders Meeting usually makes its way through: PES Coordination Team, PES Presidency and PES Leaders.

⁶³ While reforming the PES in 2004 and

The second possibility is that the PES Presidency Nominating Committee comes up with a so called short list of the nominees, on which PES Presidency makes a final deliberation and providing a recommendation sends that to the final decision step (most likely Congress or Council). Such a solution would resemble the case of the one in which the PES President is the one to nominate and therefore would have similar advantages (linkage with the statutory tradition and the organizational smoothness), and similar advantages (not being a true new step in the eventual process of progressing party unification).

The third option is to ask PES Presidency to decide on the candidates nominated by the member parties. One could try (hard) to see a grain of federalist thought in this solution. But this interpretation fails, once one thinks of the legitimacy issue. The decision made by the party to nominate a person A, is in fact a mandate entrusted in its representative the Presidency Member / International Secretary to execute on the European level. Therefore in fact the final decision would be taken on the nomination level, as then it would come down to a question on how many parties would nominate the candidate in question and hence support him at the Presidency level or to the nominees in question to seek the support of the big parties (with larger representation in the EP), as the ones having more votes in the Congress / Council context. That would therefore undermine the PES Presidency as an actor of a selection procedure, which would due to obvious reasons not be able to reach unanimity (unless there was just one nominee coming from all the parties, in which obvious case the PES Presidency as the extension of the collective parties' will would have to respond in an approving manner).

In the fourth case, in which PES activists were to nominate and the PES Council was to select, the mechanism would prove to be more participatory than in any of the above described cases. It could then be seen as a progress in a matter for which the Lisbon Treaty in fact calls, namely the *role of the European political parties in building the civic will*. In case this was to be applied, one should pay a special attention that all the issues connected with the data protection and parties' internal information on their membership are well coordinated with the knowledge and verification of the data on the European level, to ensure that the legitimacy of the nomination cannot be questioned. This is where a special role must be envisaged to be played by the Electoral Committee.

Last of the five possibilities, is if to have a primary as the nomination procedure and then the PES Presidency as the selection procedure. If to take this scenario, one could see the role of the PES Presidency as equal with the Electoral Committee in a sense that it would acknowledge the results of the primaries and then verify the nominations. It is however still not really easy to imagine that in case of several candidate the PES Presidency would be able to reach one final solution. Especially that it is unlikely to expect that the European representatives of the respective parties would in fact support a different candidate than the one winning the biggest support for a nomination within their own party. So even if the matter was put under a debate at the PES Presidency level it is easy to assume it would have to be send to the general assembly of members for a final vote (as in the US it is the case of the national convention).

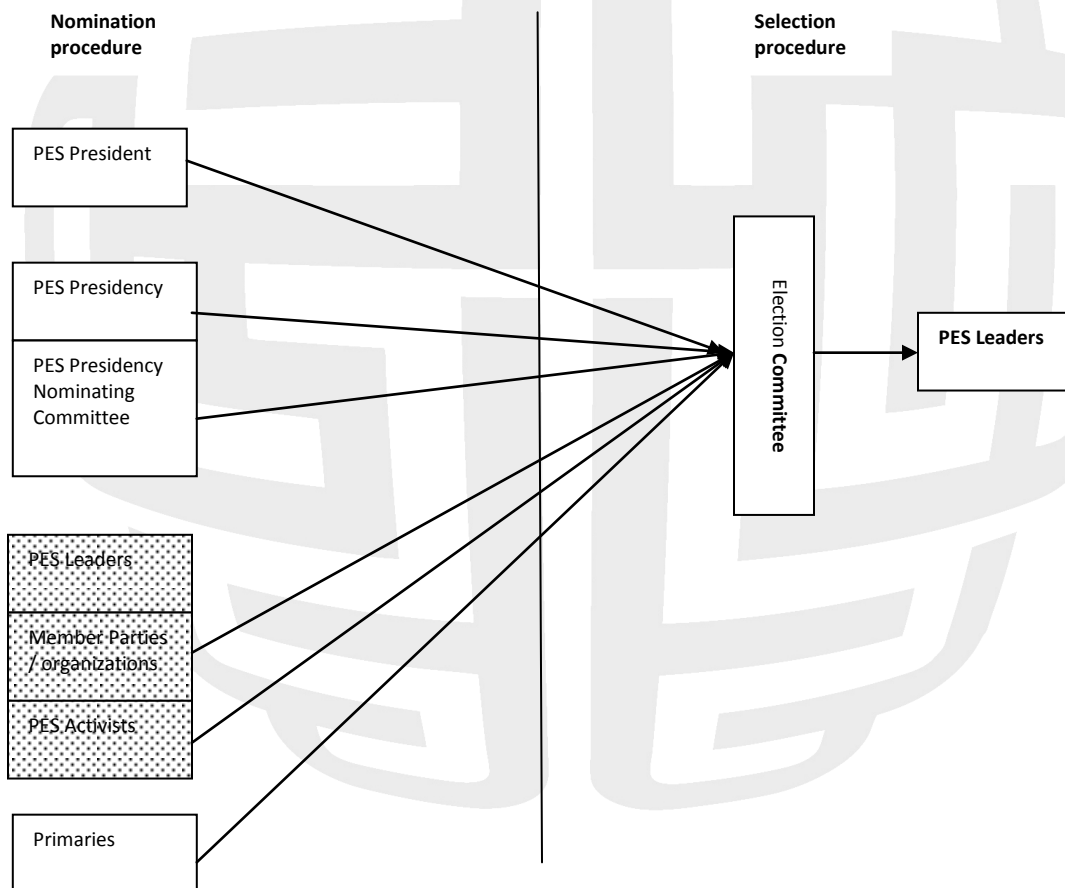
3.2 PES Leaders

If the PES Leaders was the body to select the candidate from among the nominees, it would be unlikely to think that it would also be the body to nominate the candidates. It is possible, but then in fact all would come down to the PES Leaders being both the selection / nomination and decision making body, which process would have an extremely close character. It is improbable to assume that such a move – to gain the name of the top candidate nominated, selected and approved at a Leaders level would take place without any previous consultations and hence there would be then clearly a vast informal selection procedure taking place.

It would also be difficult to envisage the scenario in which PES Leaders were the ones to select from among the nominees of the Member Parties or the PES activists. Such a process could create a discrepancy in between the support given by the party members to a nominee and a respective party leader's final consent, which could become a different one – if the consensus was to be reached. This all concerns the situation in which there are more than 1 nominees – in which a selection actually is needed.

Therefore the building block “PES Leaders”, “Member Parties / organizations” and “PES activists” are greyed in the scheme below and there are 4 available options to consider in terms of linkage between the nomination process (as outlined in chapter 2) and the selection that would be made by the PES Leaders.

What needs to be underlined before elaborating in details, is that the PES Leaders meeting’s decision are normally approved unanimously. This is why the PES Leaders’ declaration have such a significance – being simply a symbol of unity of all the parties in the name of an idea, a concept that influences the general policy line of the entire PES. This is why the conclusions below are drafted, while keeping that factor on mind.



The first option is that the PES President delivers a nomination (a short list) to the PES Leaders. It could be possible, but then either one would have to assume that it all takes place at the Leaders' meeting itself – which would leave no space for consultation with the respective member parties (and would resemble the rejected scenario of PES Leaders as nominating and PES Leaders as selecting) or that it does go through the PES Presidency firstly, which then would make in fact the PES Presidency the pre-selection body.

The second and third option, namely assuming that the PES Presidency or the PES Presidency Nominating Committee makes the proposal for nominee(s) towards the PES Leaders could be a procedure that resembles the current process, in which the PES Presidency pre-discusses the documents, which then are approved by the PES Leaders. In such a case however one would have to either ensure that the PES Presidency / PES Presidency Nominating Committee comes up with one single proposal of a nominee – as any other circumstances would make it technically impossible for the PES Leaders to agree unanimously on a candidate – which unanimity, as explained before, is an extremely important political symbol.

The last possible option is that primaries would serve as a nomination step and the PES leaders would then select the candidate from the nominees list. But taking this solution into consideration, it is possible to imagine that if that was more than one candidate it would be very difficult for the PES Leaders to reach the unanimity to back one candidate.

To summarize, it is surely possible that the PES Leaders would play a role in a selection part of the process. However, taking into account on one side a symbolic requirement of unanimity among them and on the other the question of legitimacy and mutual support between them, their international representatives and the ordinary members, it is likely that such a procedure would be a difficult one to implement without any negative setbacks. Especially, once it was to link grass roots and the top level. And this is the principle question how open and inclusive this process generally should be.

3.3 PES Member Parties – PES Council or Congress

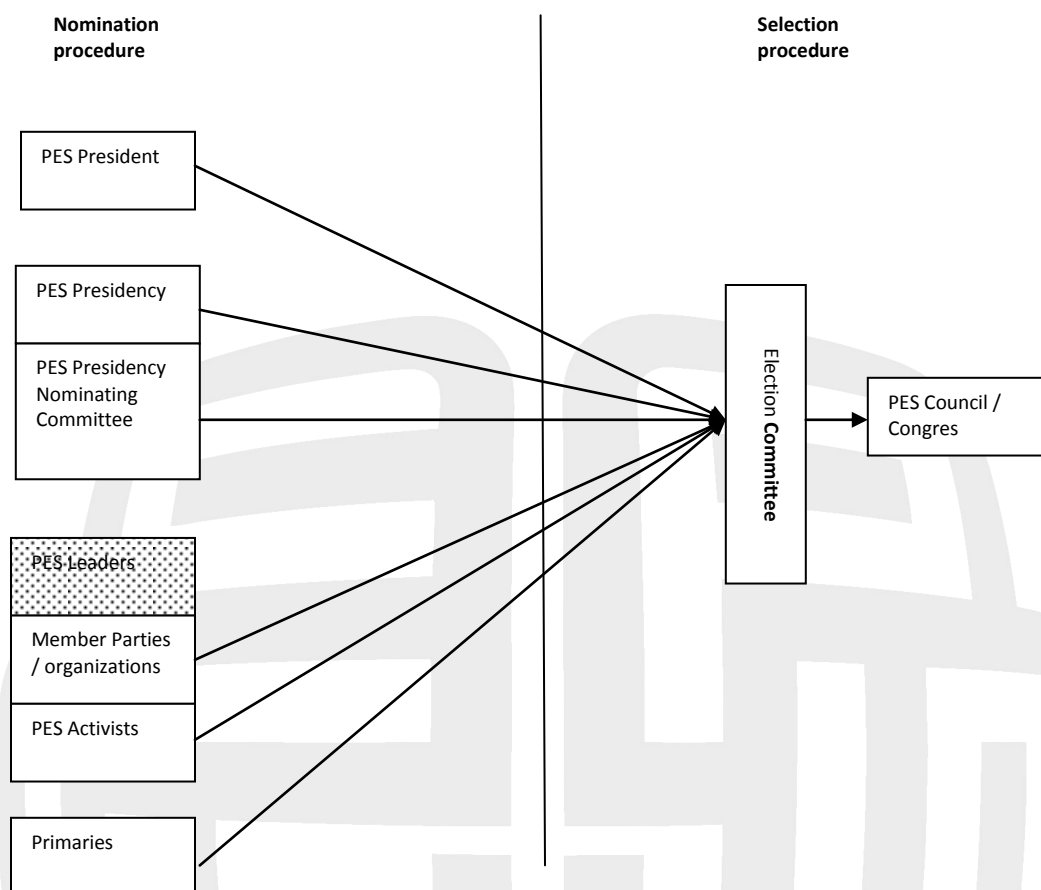
The PES Member Parties should also be considered as a possible actor in the selection part of the process. One could imagine apply the same logic, as was used before while analysed the way the member parties could use to nominate candidates. But already then the argument was made that it needs to be ensured that there is a pan-European process at hand and therefore the parties would need to act collectively. Since this chapter deals with the phase in which the nominees are already names, it is most logic to imagine that a way for the member parties to express their views as member parties (not as respective parties individual representatives in a PES body) is through a vote at the PES Council or at the PES Congress. This conclusion is therefore reflected in a modified title of this chapter.

Consequently it is possible to think of the scenarios in which PES President, PES Presidency / PES Presidency Nominating Committee, Member Parties (as understood in the paragraph 2.4), PES activists and Primaries can submit the nominations to the PES Council / Congress to act as a selection body.

This time the building block “PES Leaders” is greyed, as a consequence of the conclusions on legitimacy and representation within the PES and between different level representatives of the member parties (as outlined fully in 3.2 paragraph).

Using any of these mechanism requires however reaffirming that the PES Congress being a general assembly of members (and in the years when PES Congress does not gather – the PES Council) is the highest body of the PES. Which is why a selection done by this gathering would have to be (politically and legally seen) as the final one – and hence merge with the decision making part of the process.

The possible linkages would present themselves in a following way:



In the first case, the PES President would be the one presenting the nominations directly to the PES Congress or Council. If that was to be the case, one could argue that the parties would have to receive the nomination(s) from the President on advance in order to be able to consult their members and make a decision, whom they wish to see selected. This process would on one side enhance an informal consultation procedure among the parties, and on the other would not really give the parties to influence the list of nominees upon which they would then later need to elaborate and decide. The mixed procedure would have to be applied, in which the PES Council / Congress would not only have a selection /decision power, but also be able to add the candidates from the floor or the PES President would need to consult the list with i.e. the PES Presidency before sending that to the PES Congress / Council (which is now the

procedure with most of the decisions to be taken). Otherwise the process would not be inclusive and one could risk even not democratic.

The second and third option is a reflection of the most commonly known procedure for political documents, in which the issues are pre-debated by the member parties on the level of the PES Presidency and then send for the approval to the Congress / Council. Such a procedure could indeed be smooth and effective, once the PES Presidency / PES Presidency Nominating Committee would compose a list of nominees, who would subsequently present themselves for the PES Congress / PES Council and be voted there. The positive aspect of choosing this mechanism is basing oneself on the already existing mechanisms – the negative, however the fact that entire process would once again took place far away from the grass root level, which as repeated several times already would have an impact on their identification and their enthusiasm for campaigning.

The third, fourth and fifth option would be that the nominations submitted by the member parties and / or directly by their members would make the way to the PES Council / Congress. In such a case it would be rather obvious that the procedure to be applied would be similar to the one that is used while electing the PES President himself / herself. The choice in between the three should be seen as a decision made on a scale of active participation of members – from the level on which the parties' respective bodies make these on behalf of the members to the primaries, which give the widest opportunity for both active (voting) and passive (being voted on) participation. The negative or difficult points with choosing this methods are of legal and logistic nature (as described in details in chapters 2.4 – 2.6).

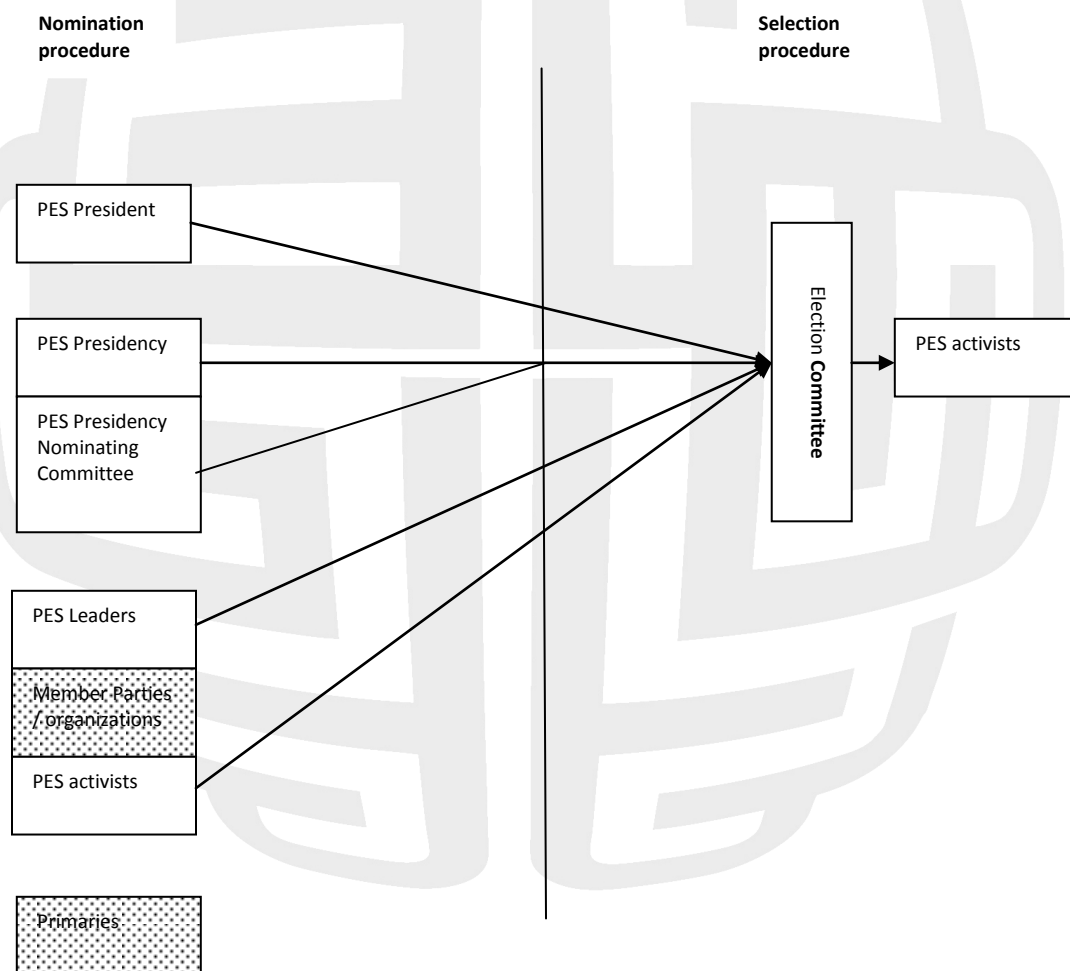
Perhaps therefore for the first time the procedure member organizations (nomination) – PES Congress / Council (selection) with an accelerated effort to make it a pan European one (see 2.4) could be applied – with a perspective to open to the nomination through primaries in the few years perspective. Such a choice could be a safe one, and by the fact that the nominee would have to present a nomination supported by several parties would be a step towards a pan-European character of such a process. In the same time, as stated this would be the most similar to an existing procedures and hence not a big step in creating new model of (s)election

in the party. Once again this decision depends on what vision for a pan-European party socialists and social democrats all over Europe have.

3.4 PES activists

It would naturally be possible to envisage the process in which nomination would be submitted to the PES activists for a selection.

The potential options would present themselves in a following manner:



This kind of a scenario would be a very interesting one to consider, as an attempt to get a wider legitimacy for a candidate while submitting the proposal to the PES parties members.

However, the limitation, in case it was PES President, PES Presidency / PES Nominating Committee forming the nominations' list is that as process run from top – bottom it would provide a restricted choice of nominees (see chapter 2.2). Another point is that since the PES activist were not given any voting rights, their role in the process can at this stage be projected to be a consultative one. This is why then there would still have to be a final decision is made by the PES supreme body (Congress / Council). In which case, if the congress still took several candidates under the vote – a result in which it would vote differently than the activists would again put in question the legitimacy of the Congress itself. Therefore, if one wish to use this scheme, the radical decision would be required such as giving the activists the final word.

Furthermore it could be possible that PES Leaders send the nominations' list to the PES activists. In this case it would be a move of a great importance, which would express a willingness to consult their decision. This, as in the case of the PES Presidency making the nominations, has a potential danger in the fact that then it would not be really feasible to take the results of selection in any other manner than as the final one. Also a strange message could be sent to the world if one of the nominees received absolutely zero votes – which could allow the political opponents to question the choice made while nominating.

It is improbable to think of a process in which a nomination procedure is done by the member parties (according to any of the mechanisms described in the chapter 2.4) and the selection by their members registered as the PES activists. One surely assumes that the names provided by the member parties are supported on behalf of their members, so putting that under another vote directly by them at the selection level would be irrational or at least may appear undermining the legitimacy of such nominations. It would also put an enormous challenge on a party board, if it was to firstly nominate one candidate and then help providing same access to all the nominees so that activists can select one freely and fairly. Indeed that could be said on many of the analysed mechanisms, however this particular case seems most unnatural to expect – even with a high control and constant monitoring from the side of the

Election Committee. This is why this building block was greyed and is not to be considered further.

This could be strange to assume that PES activists nomination could be sent to the PES activists to make a selection. Indeed this could be read in that manner, however in case there is no minimum support required to nominate or be nominated it could be as well envisaged. In such a case the nomination would come from activists, would be submitted for a sort of a referendum vote and then would have to be sent to a final decision to be made by the PES Council / Congress to acknowledge the result on the European party level. The question here is if parties, who were clearly not ready to admit votes to the PES activists in the last party Congress, would now be keen to give this massive power to the activists. It is once again a decision that has highly political significance as far as the vision for the europarty future is concerned.

There is another option that is unlikely to be considered as a nomination procedure if the selection step was to be made by the PES activists – is namely the primaries. Since the primaries are the most open and most participatory of the methods, one would imagine that the step further – which is to select the candidate from among all the nominees would have to be done by a collective body, not again by the individuals. This is why this option is not further considered.

3.5 PES Primaries

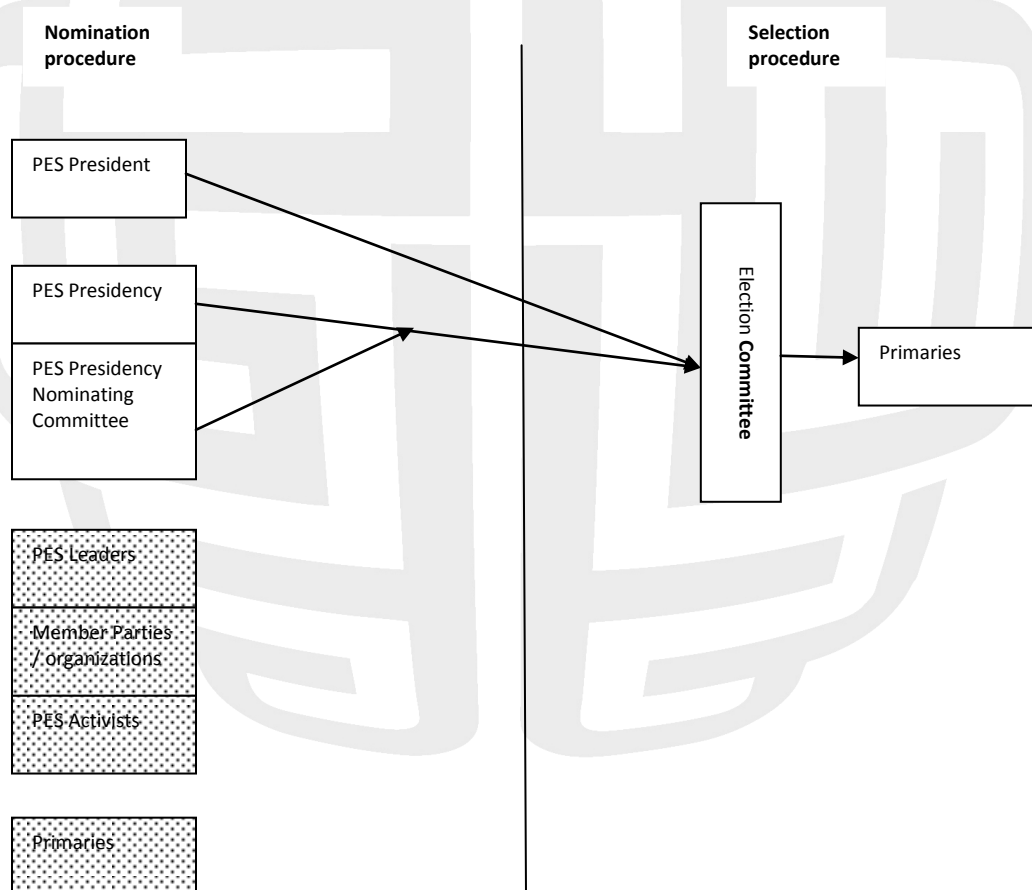
Last but not least, a scenario can be considered in which the selection was to be done via PES primaries.

In such a case the rational expectation is that the nomination step would be completed by the PES President / PES Presidency / PES Presidency Nominating Committee and then submitted for the primaries. It would surely mean that the nominees list is restricted within its choice (see 2.2). But if to accept that nevertheless, one would also have to seriously consider eventual new regulations around this particular selection step, indicating the minimums to be

selected or eventually elected even to be the candidate. The role of the PES body that would then step in for the decision making part of the process would have to remain only to acknowledge the results of the popular vote.

Since the primaries are the most open and the most participatory method, the issue of nomination within other primaries is surely not eligible for being discussed. As for the PES leaders, member parties and PES activists – taking into account the impact of primaries as such one shall perhaps refrain from mixing these three nomination procedures with the primary as a selection one. It would only raise the issues of legitimacy of the formed and submitted proposal.

Following that the scheme could look in a following manner:



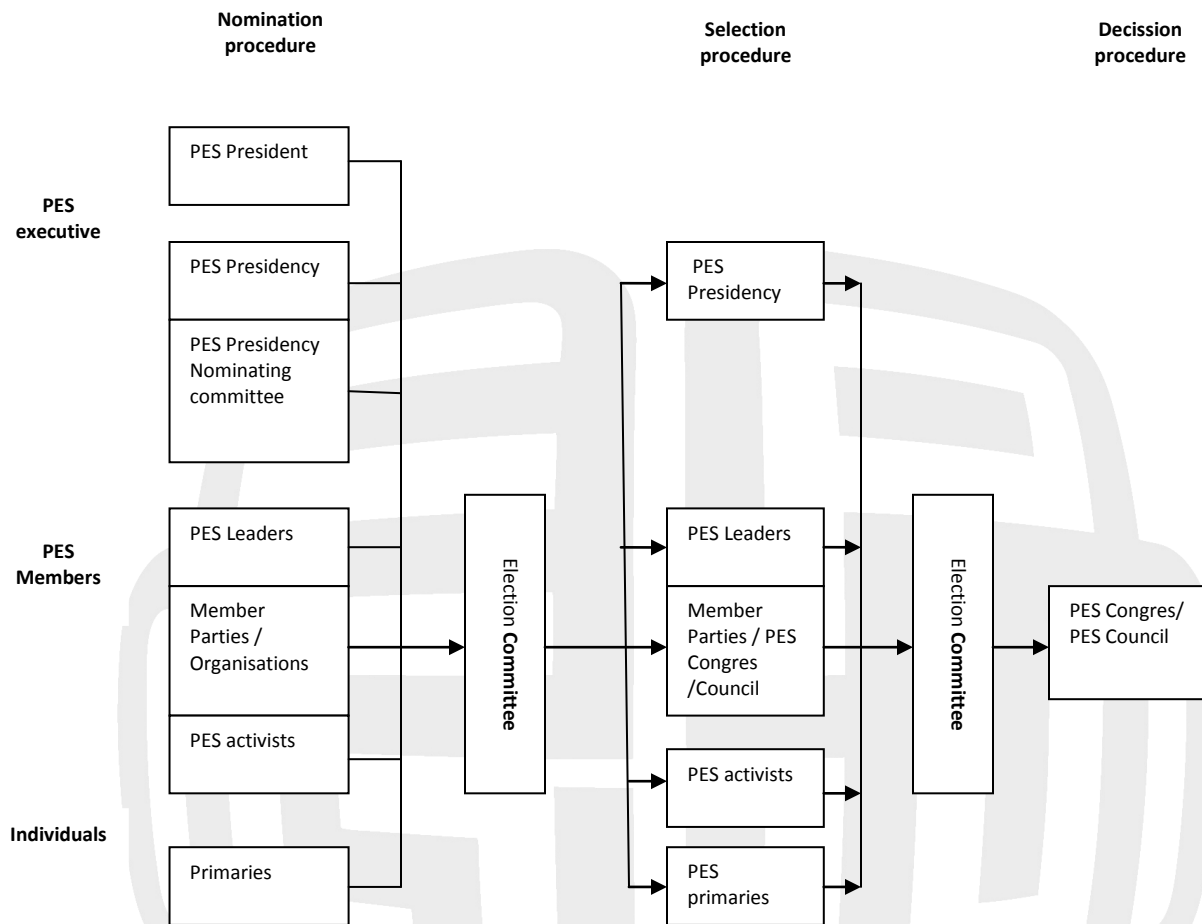
4. Deciding on a candidate

The previous chapters focused on methods to nominate and select a PES leading candidate. There have been several partial conclusions drawn in the end of each chapters, which serve also to formulate final point on the decision part of the process.

In the light of the research it seems to be clear that the selection of the top candidate, once implemented is the process that is to send a powerful message, possibly enhance internal party democracy and change the way the pan-European campaigns are being conducted. The phase of making the final decision is in fact ensuring that everyone is 'on board' and hence that the message is not only of a transformation, but reaffirming strength and unity.

Therefore despite the initial consideration about the more decisive power of the activists or primaries, one has to realistically state that in the context of the current statutes it is legitimate to state that the final decision making power on who the candidate is to be shall belong to the PES Congress / Council.

Therefore the final merges scheme would present itself as shown on the following page:



5. Conclusions

The paper above is a thorough study on possible mechanisms of selecting a so called top candidate to run on behalf of the PES as its nominee for the post of the President of the European Commission in the next European elections.

It is composed of introduction, in which the respective arguments for and against creating such a mechanism are considered; and of 3 subsequent chapters, each of which analyses nomination, selection and decision making stages of the process. In order to reflect on them, the author used, among the others, following sources: the European legislation (Lisbon Treaty), the PES organizational and statutory documents (the PES Statutes, the resolutions of the PES Congress in Berlin in 2001 and of the PES Council in Vienna in 2005); available scientific publication from the field of European studies and comparative studies of European party and institutional systems. One should underline that the research has a pioneer character, as to the best of catalogued knowledge it is the first attempt to scientifically approach this particular question.

The research was concluded as a scientific exercise to serve as an inspiration. It does provides an extensive description of each of the selection / nomination/ decision making methods, assessing cautiously their pro's and con's. Surely none of the methods is perfect. It consciously refrains however from making a judgement which of the mechanisms should be approved as the most feasible one, as this is a verdict of a political nature that shall be made by the PES and its members.

What is however crucial to underline is that the matter of a selection of a top candidate is of a historical significance. The completed research focuses on the tools, while in its light one can say with full confidence that the subject of the debate is in fact if member parties wish to seek more integration within PES, and if yes, what kind of political and organizational objectives this unification process shall have in the context of a changing Europe and hence what vision for the future of a pan-European they envisage.