

Policy Brief

A political enigma

Four open questions about the Conference on the Future of Europe

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The Conference on the Future of Europe remains an enigma just five months before its projected end. This policy brief outlines the four main open questions that will determine the outcome of the conference and whether it will be judged a success: What level of ambition will the conference aim for? Who is calling the shots when it comes to the conference's outcome document? What will happen next after the end of the conference? And how will the conference impact the EU's institutional fabric in the long run?

The Conference on the Future of Europe is now in full swing. All its relevant components – critically, the executive board, plenary and European Citizens' Panels (ECPs) – are up and running and have met several times. One panel – ECP 2 on “European democracy/values, rights, rule of law, security” – has already adopted its set of recommendations for the plenary. The conference has now also been given a deadline: President Emmanuel Macron, the conference's spiritual father, said the French Council presidency wants proceedings to wrap up by May 2022, so after the French presidential election. This leaves just five months to finalise the results.

Two significant factors have complicated the conference's work from the start: First, the infighting between EU institutions – inter alia over its institutional setup and its rules of procedure – led to a serious delay in its start. As a result, proceedings must now be rushed. Second, the pandemic has complicated many of the steps along the way. It looks like the onset of the Omicron wave will hit the conference just when it would really need to get down to business to finalise the results and meet Macron's May deadline.

So, not that long before its projected end, the conference remains a political enigma. Several key political and procedural questions remain so wide open that it is impossible at this stage to hazard even an initial assessment as to whether the conference will be a success or disappointment. Therefore, this policy brief tries to outline these main unanswered questions and indicate what to look out for in the months to come.

These open points can be grouped under four main questions: First, what level of ambition will the conference aim for? Second, who will call the shots in the end? Third, what happens once the conference is over? And fourth, how will it change the EU's institutional fabric?

1. What level of ambition will the conference aim for?

The very title of the conference betrays a grand ambition – no less than shaping the continent's future. Yet, when looking at the first piece of evidence from the actual conference proceedings – the [recommendations of ECP 2](#) adopted on 11 December – it is obvious that shaping the future can take very different forms. Recommendation 3 for example calls for safeguarding “animals' wellbeing and sustainability in farming by amending directive 98/58 EC concerning the protection of animals kept for farming purposes.” Recommendation 7 argues that “entities that process personal data shall be licensed at EU level.” Unlike these somewhat operational suggestions, Recommendation 14 suggests that “in its relationship with external countries, the European Union should firstly strengthen common democratic values in its borders.” Recommendation 18 then calls for “an EU-wide referendum in exceptional cases on extremely important matters to all European citizens. The referendum should be triggered by the European Parliament and should be legally binding”.

Regardless of whether one considers these recommendations to be politically realistic, what immediately becomes clear is that they differ hugely in terms of level of ambition. Some can be implemented by changing a simple piece of European law. Others require a wholesale reorientation of European policy approaches, like a recommendation that seeks to transform the way farming subsidies work in the EU. Some even require wide-ranging amendments to the EU treaties.

This highlights a wider, underlying problem that has plagued the conference from the start: Its purpose is unclear. Is it simply a substitute for the normal legislative process? Is it a vehicle to bring about legislative change in areas where progress has been slow? Is it an opportunity to recalibrate the grand orientations of EU policymaking? Or is it a platform to discuss and decide on changes to the EU's constitutional order, including treaty change(s) and a rearrangement of competences between the EU and its member states?

Answering these questions will be paramount to determine the appropriate follow-up (see part 3 below). But so far, this is nowhere close to being settled. Indeed, in the run-up to the conference, institutional and procedural questions took centre stage, while its purpose was left ambiguous. One could even argue that this is a positive feature, not a bug, as it is up to the conference itself and the citizens taking part to determine the level of ambition. Unsurprisingly, however, the first recommendations from an ECP show that citizens are very much capable of voicing what policies they want to see in place but are less capable of mapping this onto the existing institutional and policy landscape. Yet, it is the latter step that really determines the exercise's ambition level. This work will now have to be done by the plenary at a very late stage in the process – if at all.

2. Who is calling the shots?

The conference's decision-making structure was the subject of a long and protracted inter-institutional fight between Council and Parliament and to a lesser extent the Commission. It has led to a setup where it is not immediately clear who, in the end, will call the shots on the outcome. The outcome document will be a report by the executive board to the conference's joint presidency. The latter consists of the President of the European Commission, the President of the European Parliament and the rotating Presidency of the Council. The executive board is made up of three members delegated by each of the three institutions and decides by consensus. Hence, the final report will need the green light from all three major institutions.

However, the conference's [rules of procedure](#) suggest that the final report will not just be written by the executive board as it sees fit. Three different provisions govern the process leading from the various (national and European) citizens' panel recommendations to the final report:

Provisions in the rules of procedure on how to get to the final report:

Article 7 contains the following provision:

“The Executive Board shall draw-up and publish the conclusions of the Conference Plenary and present the final outcome of the Conference in a report to the Joint Presidency and their three institutions.”

Article 17 determines that

“The Conference Plenary shall debate and discuss the recommendations from the national and European Citizens’ Panels, and the input gathered from the Multilingual Digital Platform, grouped by themes, in full respect of the EU’s basic principles and the Conference Charter, without a predetermined outcome and without limiting the scope to pre-defined policy areas. After these recommendations have been presented by and discussed with citizens, the Plenary will on a consensual basis put forward its proposals to the Executive Board.”

Finally, Article 18 states that

“Based on the Conference Plenary’s discussions and proposals, the Executive Board, acting on a consensual basis, shall draw-up a report, in full collaboration and in full transparency with the Conference Plenary, which will then be published on the Multilingual Digital Platform.”

Therefore, the rules of procedure imply that there will be a multi-stage process leading up to the final report. In a first stage, the plenary will discuss the recommendations coming from the national and European citizens’ panels. It will then formulate proposals and decide on them by consensus. The plenary is made up by representatives of five groups: 108 MEPs, 108 national MPs, 54 Council representatives (two per member state), three Commission representatives and 108 citizens chosen by the citizens’ panels. Interestingly, the rules of procedure define “consensus” as consensus between MEPs, national MPs, Council and Commission representatives. Citizens do not need to agree. If their views diverge from the institutional representatives, the executive board report is supposed to make that transparent.

It is hard to overstate the importance of this consensus provision. It means that any proposals coming from the plenary must have the blessing not only of the three major EU institutions, but indeed, if taken literally, of every member state, of every political group in the EP including the Eurosceptic ones and of all national MPs represented in the plenary. This means that everything that makes it into the final set of proposals will have powerful backing. It also means that it seems rather unlikely that anything very concrete and new will make it onto that list.

But, as we have seen, the plenary is not the end of the story: It is for the executive board to take the proposals of the plenary into account – but nothing in the rules of procedure precludes it from then changing or supplementing the plenary proposals, e.g. by taking directly into account the recommendations from the citizens’ panels. This gives extraordinary power to the board’s nine members: EPP group president Weber, S&D group president García Pérez, Renew MEP Verhofstadt; Commission VPs Jourová, Šefčovič and Šuica plus the European ministers of state from France, Slovenia and the Czech Republic representing the rotating presidencies in the second half of 2021 and in 2022. In the end, it will be formally up to them to decide what will be in the outcome document and what will not.

Even so, we know that political dynamics rarely stick to formal procedures. And so it will be very interesting to see whether the plenary will somehow muster the consensus required by the rules

to force the executive board's hands – or whether the latter will in the end simply take matters in hand and decide on the outcome on its own. In any case, it seems fairly clear that, whatever the outcome, it will already have strong backing from all major institutions and across the political and geographic spectrum.

3. What follow-up?

The most discussed open question in recent months has surely been: How will the conference be followed up in active terms? However, this question is arguably overrated when looking at the conference setup set out above. The procedures all but guarantee that the content of the final report will have the endorsement of the Council, of a majority of the Parliament and of the Commission and thus will have to be followed up by these institutions.

Hence, this is not so much a question of whether the outcome will be implemented but, rather, whether the proposals in the conference final report will be sufficiently concrete to be capable of being enacted at all or simply be general lines or statements of intent that do not require concrete action.

Therefore, the main test for the conference report will be whether it contains recommendations or proposals that can be translated into active policy either by the Commission and the co-legislators through the legislative process or by a convention if treaty change is involved. Otherwise, the follow-up will likely remain superficial regardless of any pre-commitments from the institutions themselves.

4. What will be the lasting impact?

A final open question is what imprint the conference will leave on the EU's institutional setup over and above the policy outcome. The conference is not only an enigma, but also a big experiment. For the first time, citizens – albeit only a very small number – are directly taking part in an institutional deliberation process at EU level. The normal procedures of European legislation were never designed for this kind of inclusive decision-making: They are built around the idea of twin representation via member states and directly elected MEPs.

The unanswered question that truly matters now is whether this conference will represent an anomaly in EU institutional development or the start of a shift towards new forms of decision-making and deliberation at the European level: The conference can have a transformative effect on the institutional structure by its mere existence. But this effect should not be taken for granted. Rather, the key determining factor will be whether the conference manages to develop a dynamic where proposals emanating from the citizens' panels are not just brushed aside or instrumentalised in debates by the institutional representatives in plenary and on the executive board but taken seriously for what they are. This does not mean that they must be copy-pasted directly into the final report without any debate. After all, the citizens' panels are not and cannot be a substitute for representative democracy. But it means that they need to get a fair hearing. This, however, in turn requires that the policy recommendation themselves can be taken seriously and are linked to adequate descriptions of problems they are supposed to solve.

The first plenary sessions did not exactly bode well in this respect: Institutional representatives as well as the observers from the social partners and civil society organisations talked a lot about the importance of listening to citizens but at the same time talked about citizens rather than engaged with them.

Thus, the coming months will not only determine how the conference can change EU policies but also whether it can impinge upon the EU's underlying institutional fabric, including by changing the dynamics between the EU institutions.

Conclusion

The conference remains a political enigma. Its purpose is unclear, its procedures are both ponderous and fuzzy, its outcome still very nebulous and whether its lasting impact will be a boost or a blow to citizens' participation in EU processes remains to be seen.

The conference is a non-negligible risk for the EU. If it does not find convincing answers to the open questions outlined above, it is bound to disappoint. The title alone has created high expectations. EU institutions would be well-advised to make up their minds quickly, especially when it comes to the level of ambition targeted, and to manage expectations accordingly.

Yet, the conference is still a big opportunity to advance the discussion if it manages to agree on tangible policy proposals that can change the trajectory of EU policymaking in a few key areas. This requires member states and the Parliament alike to be ready, willing and able to spend some political capital on clearing the way for compromises within a very tight time frame. After all, if a week's a long time in politics, five months can be a lifetime if spent wisely.

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