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## The European Parliament after the 2019 Elections: Testing the Boundaries of the 'Cordon Sanitaire'

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## Abstract

The European elections of May 2019 have been labelled ‘a fateful election for Europe’. Although the outcome was disappointing for Eurosceptic and populist forces, polarisation and politicisation will make life in the ninth (2019-2024) European Parliament (EP) more complicated. The article shows that, while the EP might not be more Eurosceptic after the elections, it is certainly more complicated. First, hard Eurosceptics became the fifth political force in the EP, falling just behind the Greens, which is likely to give them a stronger voice and more leeway in parliamentary life. Second, polarisation makes it more difficult to build stable coalitions, which has a direct impact on the EP’s chances to be effective in inter-institutional negotiations. Third, although mainstream parties continue to use the ‘cordon sanitaire’ to exclude those deemed ‘undesirable’, with the increase of populist forces inside mainstream groups, it has become more difficult to define who belongs to this group. Finally, it considers the implications of polarisation for the role of the EP within the broader political system of the EU, especially now that it has ceased to be a phenomenon unique to Parliament. Polarisation poses a major challenge for the future life of the European Union and prompts us to think in terms of partisan alliances across EU institutions rather than see institutions as monolithic black boxes.

## Keywords

European Parliament; Elections; Euroscepticism; Populism; European Union

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Fears of a surge in Euroscepticism and populism dominated the electoral campaigns for the European Parliament (EP) elections of May 2019. With Italian Lega leader Matteo Salvini fronting a new attempt to reunite radical right-wing forces, there were even speculations that they would manage to form the largest group in the new Parliament (Politico 2019a). Consequently, the 2019 elections were generally considered ‘a fateful election for Europe’ (Euractiv 2019a, 2019b), in which voters had to decide between two very different political designs for the European Union (EU). Right-wing populists, therefore, largely set the electoral debate and pushed topics like migration and security to the top of the agenda. However, the efforts of these parties largely misfired and fell short of expectations. On the contrary, the fear of a populist turn served to mobilise younger and pro-European voters, which gave an advantage to liberal and green parties across the EU.

Therefore, this new EP is not necessarily more Eurosceptic but it is certainly more complicated. The electoral results have left us a more polarised parliament still under pressure from the extremes. This affects not only the way political groups work in the EP but also their capacity to close the democratic gap between the EU and its citizens. This article situates the European elections of 2019 in the longer-term process of empowerment and ‘normalisation’ of the EP. In order to have a point of reference with which to compare these elections, it presents first the main trends that have characterised the previous legislatures. It then looks at the results of the 2019 elections and what these mean for the composition of the ninth legislature. Increased levels of polarisation are particularly important when looking at the process of coalition formation. Therefore, the article focuses on possible alliances under

the current distribution of power. The fifth section discusses the internal working dynamics of the EP under the shadow of Euroscepticism and populism, which becomes particularly apparent with the use of the 'cordon sanitaire'. Finally, the article reflects on the place of the EP in the EU's political system.

### EP EMPOWERMENT UNDER THE SHADOW OF POPULISM

The EP is the EU institution that has changed the most since its inception. Evolving from a 'talking shop' to a full (co-)legislator, it has become a more complex machine that needs to negotiate its ideological and national dimensions of representation on a daily basis. Indeed, the EP is the only directly elected EU institution, but this is still done on a national basis. Therefore, most members of the European Parliament (MEPs) have to learn how to choose between being loyal to their EP political group or to their national party (Koop, Reh and Bressanelli 2018). That is why EP elections have generally been seen as 'second-order elections', meaning that they are fought mostly on domestic issues and are not seen as relevant by most voters (Viola 2015; Reif and Schmitt 1980). This has often served to explain the declining levels of turnout in EP elections and the disaffection of voters towards their MEPs (Clark 2014).

This perceived democratic gap has been widened by the lack of stable majorities in the EP and the absence of a government–opposition dynamic similar to that of most national parliaments. The EP works on the basis of consensus and compromise, largely determined by the need to find internal agreements that can also lead to a successful deal with the Council of the EU (hereafter the Council) (Ripoll Servent 2015; Costello 2011). The gradual institutionalisation of these norms has strengthened the emergence of 'cartel' politics inside the EP (Rose and Borz 2013). Most legislative procedures cannot succeed without the support of the large political groups, which explains why the European People's Party (EPP) and the Socialists and Democrats (S&D) have formed (formally or informally) a 'grand coalition' that structures the internal life of the EP. The predominance of the 'grand coalition' can be felt in the distribution of top jobs (notably the EP presidency), the formation of legislative compromises and key reforms affecting parliamentary life (like the statute of political parties, the internal rules of procedure and so on) (Ripoll Servent 2018).

The weight of the 'grand coalition' became more substantial in the last (eighth) legislative term due to the increase in Eurosceptic and populist fringe parties (Treib 2014). There was, certainly, a spectrum of Euroscepticism among these parties, ranging from hard Eurosceptics who wished to abolish the EU to soft Eurosceptics who advocated for an alternative political model (Taggart 1998; Szczerbiak and Taggart 2008). This also translated into different types of behaviour once they joined the EP: from those who were never there, to those who used the EP as a tribune to propagate their Eurosceptic ideas, and a large majority who took a more pragmatic view and participated in parliamentary life like any other mainstream MEP (Brack 2015, 2012). However, the rising number of MEPs sitting on the extremes of the ideological spectrum narrowed the field for building compromises among mainstream parties. This was largely due to the 'cordon sanitaire' used to exclude hard Eurosceptics from parliamentary life. In the eighth legislative term, this meant that those who belonged to the Europe of Nations and Freedom (ENF) or Europe of Freedom and Direct Democracy (EFDD) groups were seen as outsiders, or even outcasts, and were generally excluded from legislative work (Ripoll Servent and Panning 2019).

Therefore, although the EP has largely become a 'normal' parliament that has institutionalised legislative working practices and that works on the basis of ideological alliances, it continues to be characterised by high levels of internal contestation directed to its very *raison d'être* (Ripoll Servent 2018).

## A MORE UNSTABLE PARLIAMENT

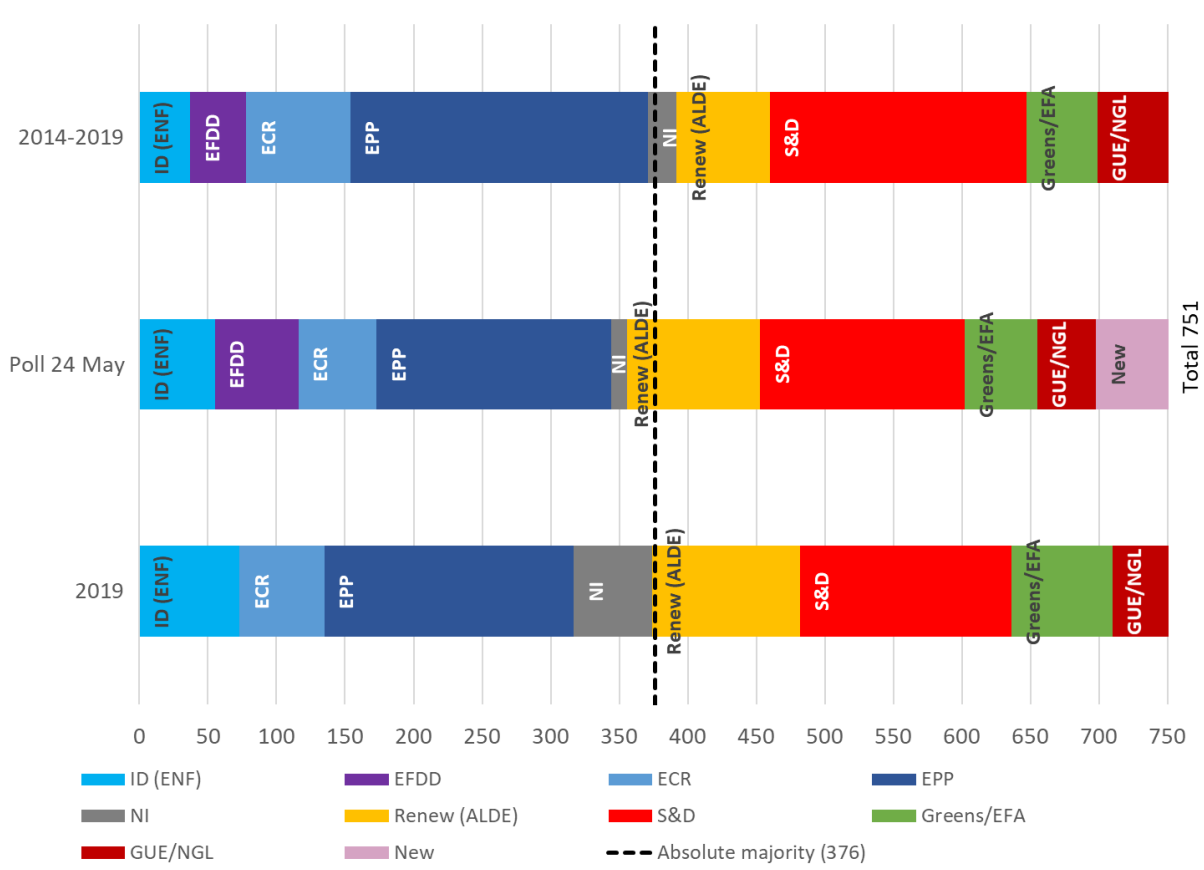
The perception of 2019 being ‘a fateful election for Europe’ served to reverse some of the trends present in previous terms. Turnout increased from 42.61 per cent in 2014 to 50.62 per cent, with notable increases in some of the countries where it had been traditionally very low (Romania, Poland and Hungary). However, the levels of turnout continued to be highly divergent across the EU, with many Central and Eastern European countries (and Portugal) scoring under the average.

The results of the elections also show a more polarised and fragmented Parliament (Figure 1). If we look at the ideological (left-right) dimension, the larger mainstream groups (EPP and S&D) lost support in favour of the centrist group Renew (former liberal Alliance of Liberals and Democrats for Europe [ALDE] group), the Greens and the far-right Identity and Democracy (ID) group (a variation of the ENF). As for the European integration dimension, the numbers show that the new Parliament is not necessarily more Eurosceptic. In 2014, 27 per cent of MEPs belonged to a hard Eurosceptic group (ten per cent in the ENF and EFDD) or soft Eurosceptic group (17 per cent in the European Conservatives and Reformists [ECR] and Confederal Group of the European United Left/Nordic Green Left [GUE/NGL]).

The picture in 2019 is more complicated but not dissimilar. If we include non-attached members, 31 per cent of MEPs can be considered Eurosceptics. There are, however, two main differences: the number of soft Eurosceptics (those who are part of the ECR and GUE/NGL) decreased to 13 per cent, while the representation of hard Eurosceptics (former EFDD and ID) became more complex. On the one hand, the alliance between Matteo Salvini’s Lega and Marine Le Pen’s Rassemblement National became stronger as the fifth force of the EP. On the other hand, the new Brexit Party was unable to resuscitate the former alliance between the United Kingdom Independence Party (UKIP) and the Italian Movimento 5 Stelle (M5S) and, therefore, lost an important source of income, the chance to hold offices as well as its main weapon: speaking time during plenary debates (Brack 2012). This opened a window of opportunity for the M5S, which had suffered from its association with hard Eurosceptics and had been treated as an outsider in the previous legislative term (Ripoll Servent and Panning 2019). This is probably why, in September 2019, instead of trying to join the GUE/NGL group they were wooing the Greens to let them join the group (Politico 2019c).

Therefore, when it comes to overall representation, the potential impact of Euroscepticism in the EP is mixed. On the one hand, the hard Eurosceptics are now reunited under a stronger group (ID) and thus have more chances to influence the internal life of the EP. Since Parliament works largely on the basis of the D’Hondt system, they should theoretically be allocated with more top jobs (vice-presidencies, committee chairs and vice-chairs, rapporteurships and so on). On the other hand, a large part of the Eurosceptics remain as non-attached MEPs, decreasing their voice and influence. In the advent of Brexit, most of them (from the Brexit Party) would even disappear from the EP altogether, although this would not substantially shift the balance of power between Eurosceptic and mainstream groups (Ripoll Servent 2019b).

**Fig 1: Comparing the composition of the European Parliament**



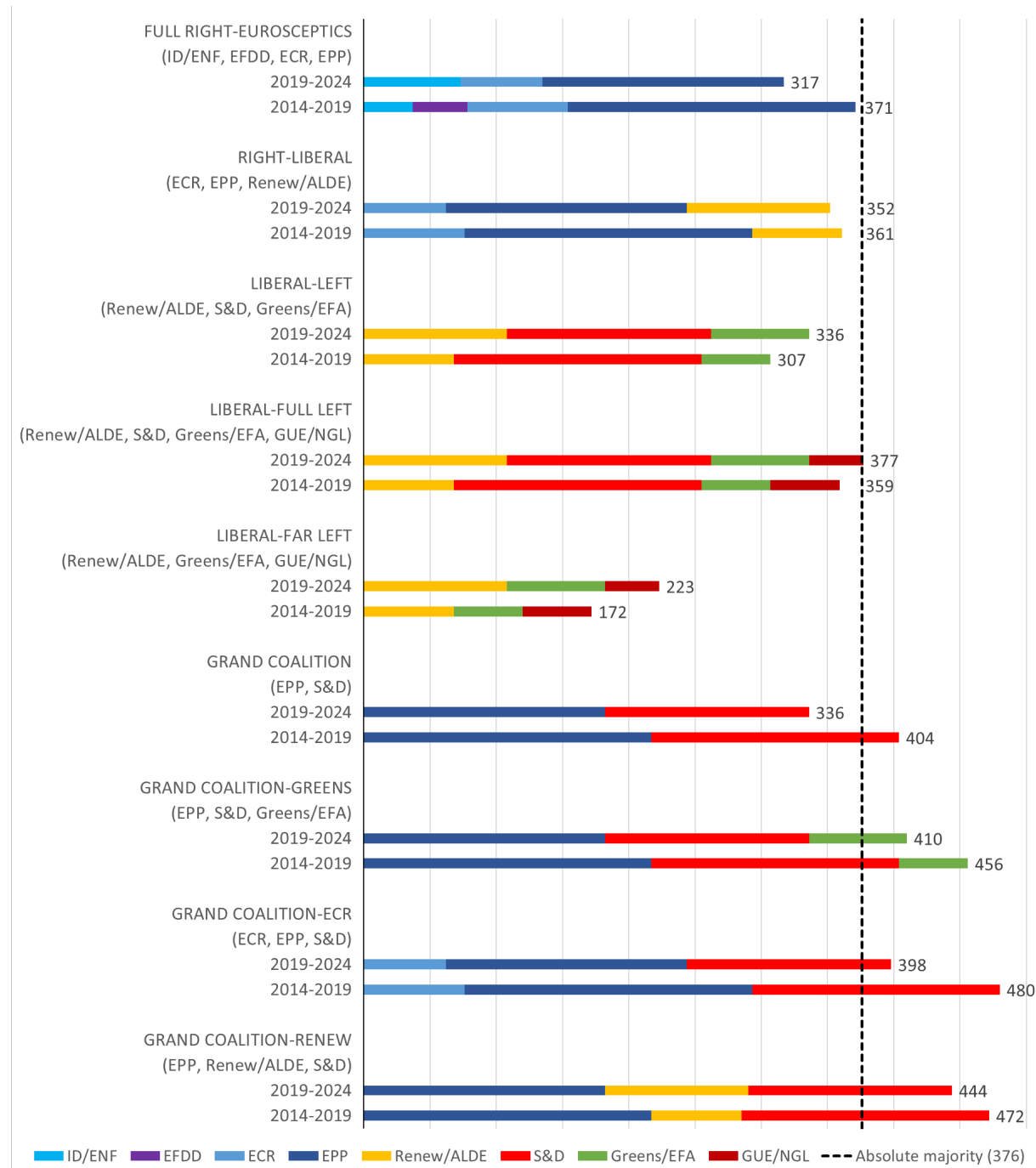
Sources: European Parliament (2019a) and Financial Times (2019)

**TOWARDS A POLITICAL IMPASSE?**

Therefore, the presence of Eurosceptic and populist forces on the wings of the EP continues to put pressure on mainstream groups. If anything, the process of forming coalitions has become even more arduous than in the past (Ripoll Servent 2018).

Figure 2 presents some examples of potential coalitions, chosen for their ideological proximity or likelihood based on past coalition patterns. Only a Liberal-full left coalition (made up of Renew, S&D, Greens and GUE/NGL) or a combination of the grand coalition with either Greens, ECR or Renew would manage to breach the absolute majority threshold of 376 MEPs. Certainly, an absolute majority is not needed in most cases as legislation passed at first or early second reading only needs the support of a simple majority. This is particularly relevant, now that most legislation does not reach the second reading stage; in the period 2019–2016, 89 per cent of files were passed in first reading and ten per cent in early second reading (European Parliament 2019b: 3). However, we know that despite, it being a rare occurrence, the shadow of second reading weighs heavily on MEPs and that, despite not needing it, they always try to reach broader majorities than those strictly necessary for a simple majority. This is because a broader support for the EP’s mandate puts the rapporteur in a stronger position when negotiating with the Council and the Commission in trilogues. Therefore, tight majorities might make it more difficult for the EP to be successful in inter-institutional battles, since rapporteurs are often afraid of losing the necessary support in committee and plenary and are, therefore, less effective in negotiations (Ripoll Servent 2018).

Fig 2: Playing the coalition game



If we compare the coalition patterns of the eighth (2014–2019) and ninth (2019–2024) legislatures, we see three specific trends. First, it has become very difficult to build clear left-wing or right-wing coalitions, especially if mainstream groups wish to continue using the ‘cordon sanitaire’ to exclude hard Eurosceptics like the ID group. Indeed, only the left-wing groups could reach an absolute majority, but to do so, they would need to include both the liberal (Renew) group and the soft-Eurosceptic GUE/NGL (Liberal-full left coalition in the figure). In comparison, if the EPP tried to form a right-wing coalition, it could not do so while maintaining the ‘cordon sanitaire’; an ECR-EPP-Renew coalition would only reach 352 out of 376 (Right-liberal in the figure). Only by accepting the votes of Renew and the ID group could they form a right-wing coalition. Therefore, the 2019 electoral results reinforced the trend towards the centre and the blurring of the left-right divide. Second, it became almost

impossible to build coalitions without the larger groups. Despite having lost significant support in the elections, the EPP and S&D groups are still indispensable to form stable coalitions, which means that the smaller groups are still dependent on them. For instance, a liberal-left coalition that excluded the S&D would fall very far from the absolute majority with only 223 seats (Liberal-far left coalition on the figure). Finally, despite the necessary support of the larger groups, the ninth legislative term offers a chance to break away from the 'cartel' system that dominated previous legislatures. Indeed, contrary to the 2014-2019 term, a 'grand coalition' of EPP and S&D would not be sufficient to ensure an absolute majority any longer. The 'grand coalition' in the ninth legislative term only reaches 336 seats compared to the 404 of the previous term. This gives more power to smaller groups like Renew (444 seats in a Grand coalition-Renew alliance), the Greens (410 seats in a Grand coalition-Greens union) and the ECR (398 seats in the case of the Grand coalition-ECR joining forces), since they might become king-makers in many decisions. At the same time, they may turn into the 'squeezed-middle', since they will always need to rely on the wishes of the larger groups, which often derives into a 'tyranny of the majority' (Ripoll Severt 2015; Hausemer 2006).

In sum, these patterns show that, when it comes to coalition dynamics in the 2019-2024 Parliament, we can expect stability rather than change. The shift towards the centre has been reinforced, which potentially strengthens the role of Emmanuel Macron's 'neither right nor left' vision of European politics. If EP groups wish to form either right-wing or left-wing coalitions, they will need to continue counting on the support of soft Eurosceptics like the ECR and GUE/NGL.

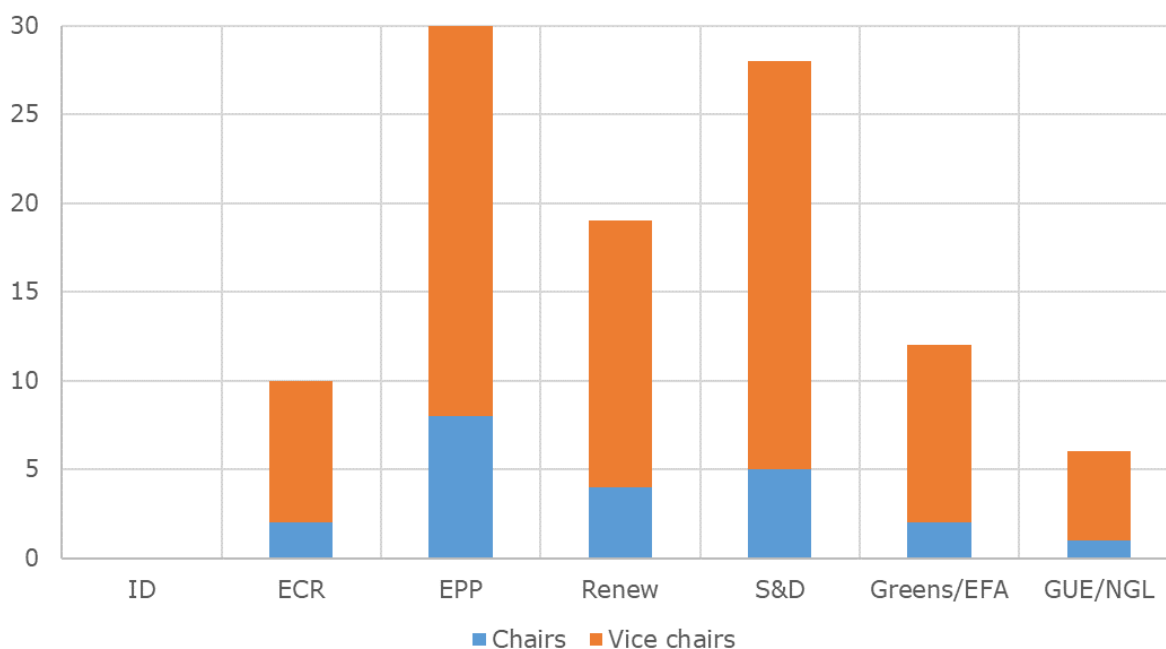
#### **SANITISING THE INTERNAL WORKINGS OF THE EP**

These dynamics are made more complicated by the use of a 'cordon sanitaire' in the daily life of the EP. In the eighth legislature, we saw how the use of the 'cordon sanitaire' applied particularly to those that were perceived as hard Eurosceptics (Ripoll Severt and Panning 2019). This hid a wide range of Eurosceptic types: from those who refused to participate in the legislative work of the EP (for example UKIP) to those who were seen as insiders and included fully in the daily life of the Parliament (for instance the United Kingdom Conservatives as part of the ECR group). The 'cordon sanitaire' was particularly harmful for MEPs who wanted to participate but were often prevented from doing so because they were members of a hard Eurosceptic group. This affected first and foremost M5S MEPs, who were keen to participate but were seen as outsiders by mainstream groups due to their affiliation to the EFDD, considered a hard Eurosceptic group.

Only a few months into the ninth legislature, it has already become clear that the use of the 'cordon sanitaire' continues. Mainstream groups have already used it to exclude Eurosceptics from getting key positions in the new parliament. First, the EPP, S&D and Renew concluded an informal agreement so that neither the candidate proposed by the ID group (Italian Lega MEP Mara Bizzotto) nor by the ECR (Polish MEP Zdzisław Krasnodębski) managed to get elected as vice-president. Surprisingly, for the first time ever, a non-attached member of the M5S (Fabio Massimo Castaldo, who had already served as vice-president between 2017 and 2019) did manage to win enough support and became the fourteenth vice-president (Euobserver 2019a). This signals that M5S MEPs might be drifting into acceptability and are not seen in the same light as other Eurosceptics anymore. For the ID and ECR groups, it means that the former will not sit in the Bureau (responsible for organising the political life of the EP) and the ECR will only do so because one of its members (Polish MEP Karol Karski) acts as a Quaestor (responsible for the EP's administration and working conditions). Although this might seem a technical detail, the Bureau is responsible for decisions on the funding for political parties, appointing the Secretary-General and issues of internal organisation such as harassment. In addition, vice-presidents have other tasks, such as coordinating inter-institutional relations, relations with the press or national parliaments. Therefore, the absence of vice-presidents affects the ability of these groups to be kept in the loop and have their say on matters that might have direct implications for them.

Second, the ‘cordon sanitaire’ has been particularly effective to undo the proportional distribution of committee offices among political groups. Theoretically, chairs and vice-chairs are distributed proportionally following the D’Hondt rules. The choice of candidates depends largely on the preferences of the groups, their size (larger groups have priority) and internal bargains among national delegations. Each chair and vice-chair then need to be voted into office by their respective committee. It is at this point that the D’Hondt rule might be violated. In each election, there are instances of committees deviating from the proportional distribution and voting someone of their choice. For instance, in 2014, the Petitions committee ‘revolted’ against the chair-presumptive (an EFDD MEP) and voted instead for a liberal member (Ripoll Servent 2018: 52). The same happened this time with the two committees that should have been allocated to the ID group (see Figure 3). Mainstream groups managed to apply the ‘cordon sanitaire’ so effectively that the far-right group could not even obtain the vice-chairs they were allocated in several committees (Politico 2019b). To help better understand the effects of the cordon sanitaire, one should keep in mind that, with 73 MEPs, the ID group has only one seat less than the Greens (74 MEPs).

**Fig 3: Number of chairs and vice-chairs per political group**



It did not help that the ID group nominated two French members of Rassemblement National as chairs of the Agriculture (Maxette Pirbakas) and Legal Affairs (Gilles Lebreton) committees. These two committees were seen as particularly sensitive. When it comes to the Agriculture committee, the fact that Rassemblement National wishes to re-nationalise the Common Agriculture Policy was seen as particularly problematic. As for the Legal Affairs committee, since it deals with issues such as rule of law and parliamentary immunity, having a far-right party chairing it seemed to contravene its very purpose. Eventually, Norbert Lins (German EPP MEP) was elected chair of the Agriculture committee and Lucy Nethsingha (British liberal MEP) became the chair of the Legal Affairs committee. The latter case shows how, despite the uncertainty of Brexit, mainstream British MEPs are still perceived to be a better choice than ID members. Obviously, since non-attached MEPs are not considered for committee positions, none of the M5S or Brexit Party members were elected as (vice-)chairs.

The effectiveness of the ‘cordon sanitaire’ is, however, a *trompe-l’oeil*. First, although it was applied to exclude systematically hard Eurosceptics, it was more selective when it comes to soft Eurosceptics. There, it might only be applied in very visible cases, such as Poland’s former Prime Minister Beata Maria Szydlo, who was rejected as chair of the employment committee due to her association with the



Law and Justice (PiS) party's efforts to undermine the rule of law in Poland (Euobserver 2019b). At the same time, other ECR members belonging to far-right populist parties managed to secure vice-chairmanships in various committees. For instance, Mazaly Aguilar, member of the Spanish far-right party VOX, was elected as vice-chair of the Agriculture committee, while Raffaele Stancanelli, who belongs to the Fratelli d'Italia, managed to do the same for the very sensitive Legal Affairs committee. Also, a member of the newly created Dutch Forum voor Democratie (Derk Jan Eppink), a direct competitor of Geert Wilders' Partij voor de Vrijheid, managed to secure support as vice-chair of the highly influential Economic and Monetary Affairs committee. This shows that the use of the 'cordon sanitaire' is often a tool used to signal disapproval towards certain groups or national parties rather than a systematic system to segregate far right and populist parties.

The second shortcoming of the 'cordon sanitaire' is its effectiveness when it comes to Eurosceptic and populist parties inside mainstream groups. The most problematic case was that of Hungarian members of Fidesz, formally suspended from the EPP but still part of it. On the one hand, the election of Fidesz members as vice-presidents or committee (vice-)chairs opened a cleavage between and inside mainstream parties. For instance, the decision to support the candidature of Livia Jaroka for vice-president (a position that she already held in the previous legislature) opened a cleft inside the liberal group, with some delegations defecting from the group's voting directives, and was also openly criticised by the Greens (Euobserver 2019a). Similarly, the choice of EPP Balázs Hidvéghi as vice-chair for the Civil Liberties committee was so heavily criticised by all other groups (the MEP acted as communications chief for Viktor Orbán and had very critical views on migration) that the EPP decided to do a U-turn and requested to postpone the vote to a later date (Euobserver 2019b). This logic, however, did not extend to all candidates, meaning that Tamás Deutsch did manage to win enough support to become vice-chair in the Budgetary Control committee (Politico 2019b).

At the same time, with more populist forces inside mainstream groups, there is more room for games of allegiance and support across these two camps. Here again, Fidesz became the most obvious choice to lend a hand to hard Eurosceptics. For instance, József Szájer, a Fidesz member who chaired the first meeting of the Legal Affairs committee, expressed his support for the ID candidate:

I would like to ask you, as the legal affairs committee, to observe the old traditions of the rule of law of our committees and elections, which is based on agreements by political groups ... We have worked with those rules for 40 years, and if those agreements are not upheld, the consequences are unforeseeable. (Politico 2019b)

These dynamics show that the increased polarisation inside the EP is becoming increasingly difficult to manage, since the 'cordon sanitaire' is not able to neatly differentiate between 'desirable' and 'undesirable'. The pressure exerted by populist parties comes also from soft-Eurosceptic and mainstream MEPs, which opens a door to new cleavages among mainstream parties. It is a good example of how the end of the grand coalition might lead to a 'squeezed middle', forcing groups like Renew to choose between being part of the new 'grand coalition' even if it means sacrificing their ideals or abstaining from participating and run the risk of not being taken into account in future agreements. It might also reduce the chances to build alliances with the Greens, putting them in a similar situation, where they need to choose between upholding their positions and being a partner in coalitions with the EPP and S&D.

## CONCLUSION: THE BIGGER PICTURE

These considerations may sound like unimportant political wrangling, but they do have consequences for the quality of democracy and representation in the EU. First, as we have seen, the 'cordon sanitaire' is effective and also very visible: it excludes those who are seen as too radical or objectionable,

especially if they are well-known or visible figures as in the case of Poland's former Prime Minister Beata Maria Szydlo. This practice helped over the years to keep Eurosceptics and populists in check. For instance, their exclusion from leadership posts allowed for a gradual formalisation of the EP's rules of procedure, making it more difficult to profit financially from EP funding or use the plenary as a tribune. At the same time, these strategies also play into the populists' hands, since it makes it easier for them to portray the EU as being an elitist project detached from its citizens and excluding those who voice non-mainstream opinions. Therefore, with the boundaries of the 'cordon sanitaire' gradually expanding towards the mainstream, there is a need to pay more attention to potential backlashes that might lead to a rebounding of Eurosceptic and populist parties in the future.

Second, Euroscepticism and populism have ceased to be a phenomenon exclusive to the EP. These parties now also sit in the European Council and, to some extent, the European Commission. Therefore, polarisation is not only a challenge for the EP but for the EU's political system as a whole. The difficulties in finding agreements and compromises could already be sensed in the last legislature, especially in highly politicised issues such as migration, where it proved impossible for the European Council to find a common solution to the failures in the EU's asylum system (Ripoll Servent 2019a). The increased polarisation among member states also shaped the selection of candidates for the EU's top jobs, which showed the coordinated efforts of mainstream (centrist) parties to maintain control of the main positions but also the capacity of populist parties such as Fidesz to veto certain contenders like Frans Timmermans (Euractiv 2019c).

Therefore, the pressure of polarisation and politicisation is likely to become a determinant of political life within, but also between, the EU institutions. Over the past years, we have seen how the European Council has made inroads into the legislative game (Bressanelli and Chelotti 2019; Bickerton, Hodson and Puetter 2015). With polarisation raising more conflicts among member states, this activist role of the European Council might cast a long shadow over the other institutions, especially if it stresses inter- and intra-institutional conflicts on the extent and depth of European integration. The new European Commission might then need to navigate different understandings of what the EU stands for, not only in terms of supranationalism and intergovernmentalism, but also in its core values and self-perceptions. It might then be necessary to move beyond past conceptions of EU institutions as supranational or intergovernmental and start thinking rather in terms of partisan alliances and broader coalitions that support the Commission's choice for Europe.

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