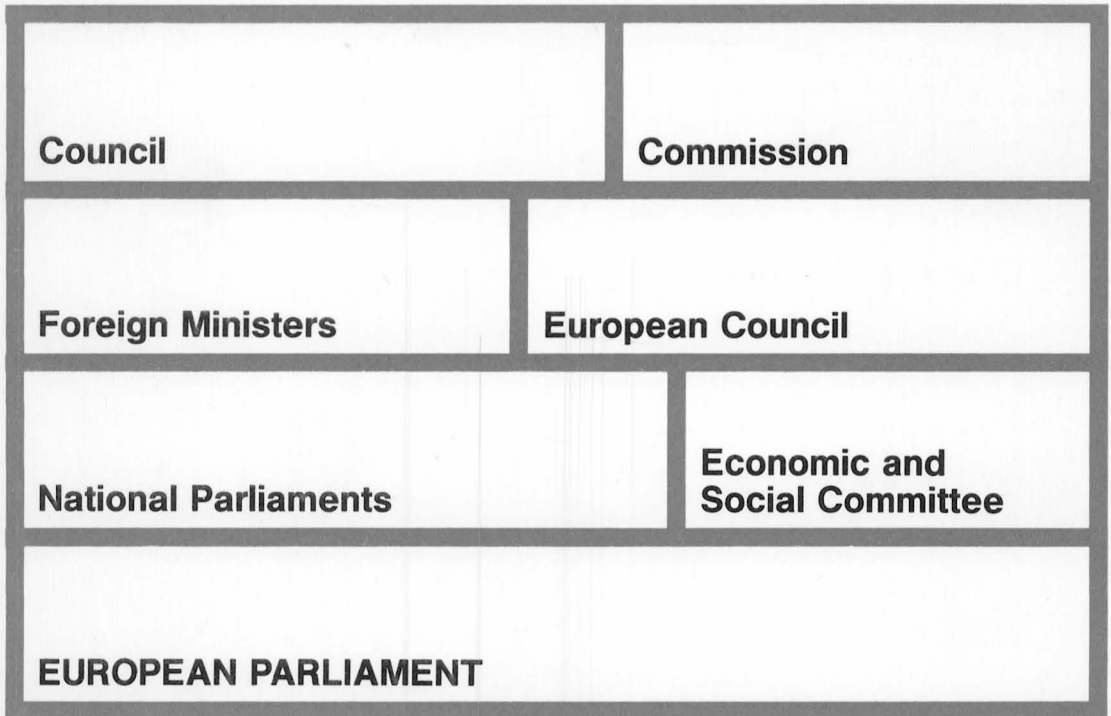


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Foreword

by Pieter Dankert

President
of the European Parliament

I welcome this opportunity to introduce this summary of the resolutions which the European Parliament adopted in 1981 and 1982 on its relations with the other Community institutions and bodies.

I would first like to pay a warm tribute to the common sense approach adopted by the Political Affairs Committee and its sub-

committee on Institutional Questions. Their work was careful in detail but pragmatic in result, and the European electors have every reason to be satisfied with the work of their representatives.

Some have questioned the emphasis placed by the first elected Parliament on institutional questions. I believe their importance is two-fold. The Community cannot function as the Treaties and subsequent legislation intended without a reasonable consensus on the role of each institution and the relationships between them.

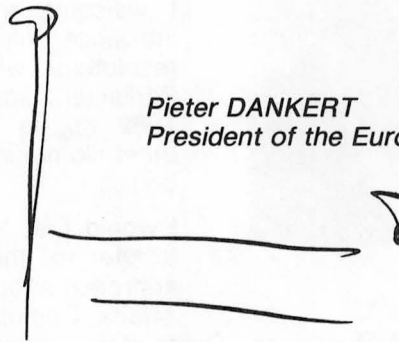
There has never been — and can never be in an evolving and expanding Community — a rigid structure within which each institution occupies a fixed place and plays a pre-determined part. Successive enlargements and external economic and political pressures have *inter alia* militated towards the continued adaptation of the existing loose framework within which inter-institutional relationships can change and develop.

Direct elections have, as was foreseen, acted as a spur to Parliament in this field and the proposals summarised in this document represent its bid to share in the power exercised by the Council, the Commission and the Foreign Ministers, and to increase its influence.

The forthcoming enlargement of the Community is also acting as a challenge to Council and Commission to recast their relations with Parliament and with each

other. Our future Iberian partners wish us to put our institutional house in order before they take their places in it.

I therefore hope that this summary will help as many people as possible to comprehend the proposals made by Parliament and to support its efforts to secure their adoption in the interest of all Community citizens

A handwritten signature in black ink, consisting of a vertical line with a loop at the top and a horizontal line extending to the right, ending in a small hook.

Pieter DANKERT
President of the European Parliament



Preface

by Mariano Rumor

Chairman
of the Political Affairs Committee

As chairman of the Political Affairs Committee, it gives me great satisfaction to write the preface to this collection which marks an important stage in the work done by the European Parliament in the institutional field.

It marks an important stage in that the election of the European Parliament by universal suffrage, by the very extent of the rôle which it

allocated to the representatives of the citizens of our Member States, inevitably had to be linked with far-reaching institutional changes.

This has, moreover, been one of the main concerns of the members of the Political Affairs Committee from its earliest days.

It is important to note in this respect that during the debates which preceded the commitment to institutional reform, the members of this committee concentrated on defining their field of action. Despite their recent arrival on the European scene, they were able to draw on the wealth of experience already gained in this field and had no difficulty in deciding to base the first stage of their work on the existing institutional structure.

In their desire to avoid accusations that the newly elected Parliament was utopic or unrealistic and to reap the full benefit of mechanisms which have frequently and unjustly been subject to criticism which should more correctly have fallen on the governments' lack of political determination, they wisely chose to begin by investigating the relations between the European Parliament and the other institutions as defined by the Treaty and amplified by various acts or in practice.

They were also well aware that the proposals being put forward were underlining the need for appropriate changes in the relations between the other institutions with a view to establishing a more precise and progressive Community process.

In so doing, they did not of course exclude the possibility of the European Parliament examining the basic principles of, or even calling into question the

very structure of the Community institutions. However, they chose to postpone this stage until such time as Parliament was familiar with the tasks allocated to it and had established itself sufficiently to ensure the success of such a vast undertaking.

The members of the Political Affairs Committee felt that the most important task was to ensure that the European Parliament could fulfil its duties as efficiently and as rapidly as possible. In order to prevent their work joining the mass of abortive projects in the deep vaults of the parliamentary archives, they decided to proceed in two stages. The first conceptual stage was to lead to the adoption by the European Parliament of a whole series of proposals, whilst the second stage would be intended to ensure their implementation as a result of a continuous dialogue with the institutions to which those proposals were addressed.

Having reached these conclusions, the members of the Political Affairs Committee considered the problem of how to organize their work and in particular what method to apply to ensure its successful completion.

Here again, they wisely sought to take the heat out of the debate which they were to open by refusing to give free rein to the rampant theorising which has always accompanied the institutional question in the Community. It was therefore necessary to create a subcommittee and this was set up on 12 October 1979 under the title of the Subcommittee on Institutional Problems.

Its first chairman was Mr C.F. Nothomb (EPP — Belgium) who left in May 1980 to take up high office in his country's government. His successor was Mr Diligent (EPP — France) and the current members of this subcommittee are as follows:

Full members:

Mr Antoniozzi (EPP), Mr Berkhouwer (L), Lady Elles (ED), Mr Habsburg (EPP), Mr Hänsch (S), Mrs Hammerich (CDI), Mr C. Jackson (ED), Mr de la Malène (EPD), Mr de Pasquale (COM), Mr van Miert (S) and Mr Zagari (S).

Substitutes:

Mr Bocklet (EPP), Mr Croux (EPP), Mr Estgen (EPP), Mr Israel (EPD) and Mr Radoux (S).

I must not forget those who, although no longer members of this subcommittee, have nonetheless made a deep impression on its work: Mr Rey, Mrs Baduel Glorioso and Mrs Macciocchi.

The pragmatism which had marked the work of the Political Affairs Committee was to inspire the work of its subcommittee from the outset. Not only did the subcommittee fully confirm its mandate to restrict its investigations to the existing institutional structure but it also decided to consider relations between Parliament and each of the other institutions separately. In this way, it ensured that its proposals would enhance the role of the newly elected assembly and could be applied easily, particularly since each one could be implemented independently of the others.

Although rational, this organization nonetheless presented considerable hazards in terms of parliamentary work, particularly at the dawn of an experiment unique in the history of the world involving nine and subsequently ten states, a profusion of regional differences and a vast range of political persuasions. Was there not a risk that pragmatism would lead the subcommittee to contradict in one report what it said in another? Was there not a risk that the method chosen for practical reasons would lead to the denial of the close interdependence of institutional factors and that the homogeneity essential to any institutional system would be lost? These difficulties were overcome through the exceptional qualities of the members of the subcommittee and of those who have chaired it.

From the very first meetings, Mr Charles F. Nothomb set the tone and won the confidence of all those concerned by his candour, his amiability and above all his remarkable talent as mediator which has enabled him to play with great discernment a leading rôle in his country's diplomatic service.

Following in the footsteps of his predecessor and applying the qualities of his strong personality and his extensive experience as mediator, André Diligent brought to fruition the considerable task of seeing eight reports adopted, one under his own personal responsibility and all of vital importance for the future of the Community as a whole.

However, this task could never have been completed without the atmosphere of close cooperation which has marked the work of the subcommittee. Despite their political and national differences and the language barriers which divided them, all the members have continually sought conciliation in order to achieve their common goal rather than impose their own opinions. I should stress that rapporteurs who were working on related topics went so far as to join forces in reviewing the text of their documents in order to submit homogeneous and perfectly complementary proposals to the subcommittee and later to the Political Affairs Committee.

There is another area, perhaps even more important, in which this spirit of cooperation prevailed, i.e. in the relations between the Political Affairs Committee and its subcommittee:

- between the chairmen first and foremost: I was personally consulted on every stage of the subcommittee's work and was fully able, together with the Bureau of the Political Affairs Committee, to prepare for and carry through the adoption of its reports by substantial majorities within the committee and subsequently in the European Parliament. I also gave an outline of these reports on behalf of the Political Affairs Committee before they were discussed in detail in order to underline the consistency of their contents;
- between the two groups: Each decision was discussed and adopted within the Political Affairs Committee. Whether it involved a decision to draw up a report or the appointment of rapporteurs, who were rapporteurs of the Political Affairs Committee first and foremost but were chosen from among the members of the subcommittee, or the broad guidelines to be followed, this committee remained in control of the whole of the process for which it was responsible to Parliament.

It was this combination of sterling qualities and good will which enabled the Political Affairs Committee to complete the monumental task reflected in this volume. Before turning my attention to the future, I would thank those whose names will surely become bywords in our Community institutions. They are, in the order in which their reports were adopted: Mr Rey, Mr Diligent, Mr Hänsch, Mr Van Miert, Mrs Baduel Glorioso, Lady Elles, Mr Antoniozzi and Mr Blumenfeld.

I would also like to thank Mrs Simone Veil, under whose presidency this work was carried out, and the chairmen of the political groups who were largely instrumental in creating the spirit of cooperation which marked the work.

But it is time to turn our thoughts to the work which remains to be done and to talk about the present rather than the future, as the second stage in the process formulated by the Political Affairs Committee begins on completion of the first, i.e. immediately. It would be a mistake to regard this collection as the final stage of the Political Affairs Committee's work in the institutional field. This document is not a mere compilation of texts, it is a communication — a living thing. The committee's objectives concerning the implementation of the proposals adopted by the European Parliament are unchanged and have even been strengthened by the creation on 9 July 1981 of a Committee on Institutional Affairs.

The new committee has been allocated a precisely defined task of vital importance. It must formulate the fundamental principle of the Community's institutional structure on the basis of the revision of the Treaties. We can therefore appreciate the specific nature of this mandate, which might be described as a constitutional one, and the need to contemplate a long-term process for its implementation in view of the complexity of the procedures to be applied and the many political, social and even psychological obstacles to be overcome.

Rather than finding itself restricted, greater importance has been attached to the role of the Political Affairs Committee in the pursuit of its chosen goal, having been relieved of the burden of a 'constitutional' revision which it had envisaged at the start of its work and which will be carried out at a later stage. I should add that the division of labour between the two committees will be better understood and respected as the Political Affairs Committee was also involved in this work on the basis of the conclusions drawn up on behalf of the subcommittee by its chairman and in accordance with the demand made by Parliament in its resolution on the setting up of the new committee.

We must not allow the European Parliament to ignore institutional affairs or to neglect its interests in this field for the indeterminate period during which the new committee is engaged in drawing up proposals for the revision of the Treaties. This is why it is time for the Political Affairs Committee to proceed with the operational phase of its work. It will, of course, still be able to submit proposals to the European Parliament on the changes to be made to inter-institutional relations and Parliament is still referring to its motions for resolutions testifying to this need. However, its main concern over the next few

months must be the implementation of proposals which the European Parliament has approved by adopting the reports submitted to it by the committee.

The committee also adopted a pragmatic approach in its deliberations on the procedure to be followed.

Drawing on the experience gained in the first half of this legislative period, it decided that it would be preferable to proceed by successive stages rather than block the process of reform by submitting vast numbers of proposals of varying importance and risk seeing the implementation of minor proposals delay the implementation of the most urgent ones.

This choice will dictate the future work programme of both the Political Affairs Committee and its subcommittee, which has been renamed the Subcommittee on the Application of the Institutional Provisions of the Treaties to distinguish its role from that of the Committee on Institutional Affairs. They will initially be engaged in evaluating the proposals adopted by Parliament and in selecting those which could be given priority in view of the urgency of the improvements they are designed to produce or the ease with which they could be implemented.

Once this choice has been made, the subcommittee will immediately be able to open a continuous dialogue with the representatives of the institutions concerned. The Political Affairs Committee would be closely involved and could, in the event of difficulty, recommend Parliament to initiate a conciliation procedure. The informal nature of this procedure is explained by the fact that, since these proposals have already been adopted by Parliament, the members of the subcommittee will have a sound and precise basis for their activities.

In any event, this procedure provides Parliament with a number of guarantees that the texts it has adopted will be respected.

In addition to the vigilance of the Political Affairs Committee, which is the source of these documents and which will therefore take a special interest in their implementation, it goes without saying that no changes can be made to the European Parliament's proposals without its formal consent on completion of a conciliation procedure conducted for Parliament by a specially appointed delegation, which would be led by its President and on which the Political Affairs Committee and its subcommittee would be well represented.

Furthermore, each of the proposed major reforms will be the subject of an interinstitutional agreement, as stipulated in the various reports by the Political Affairs Committee. This means that their final stage will be very formal and will require formal acceptance by Parliament.

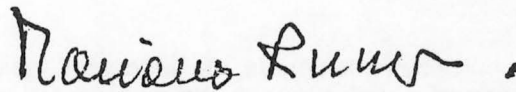
The action taken by the Political Affairs Committee and its subcommittee does not exclude participation by the political groups within the European Parliament concerned to achieve a better balance between the institutions. On the contrary, the two main political groups, the Socialist Group and the EPP Group,

seized the opportunity to put a question to the President of the Council, Mr Tindemans, and the President of the Commission, Mr Thorn, during a debate which was held in Strasbourg on 21 April 1982 (1).

The representatives of these two institutions were asked in simple terms what practical measures had been taken or were to be taken as a result of the eight resolutions adopted by Parliament.

Parliament thus demonstrated that it is determined to follow with extreme vigilance the process which it has set in motion.

These are the steps we must take without further delay so that the proposals contained in this collection do not remain a dead letter and so that Parliament can find its rightful place among the Community institutions, pending completion of the task of revising the Treaties which it has only just begun, and comply fully with the mandate given to each of its Members by almost 115 million electors.



Mariano Rumor .

Mariano Rumor
Chairman of the Political Affairs Committee

(1) Oral Question by Mr Hänsch and others on behalf of the Socialist Group and by Mr Rumor and others on behalf of the EPP Group.

Resolution on the relations between the European Parliament and the Commission of the Community with a view to the forthcoming appointment of a new Commission (1)

1. The internal operation of the Commission

The second recital of Parliament's resolution on its relations with the Commission in the light of the appointment of a new Commission recalls its earlier studies, in particular the 1975 report on European Union and its examination of the report by Mr Tindemans, who was instructed by the European Council in 1974 to produce a study on European Union, published in December 1975 (third recital).

It also states that Parliament has studied the report, published in September 1979, of the review body chaired by Mr Spierenburg and the report of the Three Wise Men: Mr Biesheuvel, Mr Dell and Mr Marjolin, dated October 1979 (fourth recital).

The documents produced by Mr Tindemans, the Three Wise Men and Mr Spierenburg contained a number of criticisms of the Commission and its working methods whilst outlining its essential political rôle.

It should also be stressed that the Commission's task has with time become more and more difficult, often for reasons outside its control. Thus, over the years there has been a weakening of Community spirit within the Council which has been reflected in its abuse of the unanimity rule. Economic conditions in general have become more difficult. The number of Member States has risen from six to ten and there has been a considerable increase in the Community's tasks.

For this reason the European Parliament 'shares the view expressed in the afore-mentioned documents that the Commission plays and must play a key rôle in the Community, not merely at the administrative and technical level, but above all at the political level' and consequently considers it essential for Parliament to encourage the Commission 'to give priority to the political aspects of its activities' (Paragraph 1) (2, 3).

Parliament considers the Commission's advisory bodies in the same light.

(1) OJ No C 177 of 12.5.1980, p. 53

(2) Doc. 1-71/80

(3) OJ Annex No 1-255, Debates of the European Parliament, April 1980

Throughout the history of the Community, a large number of advisory bodies have been set up to maintain contact between the Community administration and national administrations.

Parliament therefore stresses the fact that these bodies 'must under no circumstances acquire powers other than the advisory powers assigned to them, which would involve transferring to the Council the executive responsibilities of the Commission; (it) therefore demands not only that this practice cease in the future, but also that a general regulation be issued as soon as possible to restore the existing bodies to their purely advisory capacity' (paragraph 6).

The rapporteur, Mr Jean Rey, pointed out that the Spierenburg report proposes an improved method of coordinating the work of the various departments and hence the Commission's policies. It suggests that in future 'the Commission should have a single vice-president with special responsibility for conciliation and coordination to give full-time assistance to the President in this important task.'

Parliament, for its part, declares that it 'considers it most important to improve the system of coordination within the Commission and its Directorates-General; approves, therefore, the proposal henceforth to appoint a vice-president of the Commission with special responsibility for coordination, to give full-time assistance to the President in this task' (paragraph 5).

The resolution also concerns itself with the number of Commissioners with special reference to the enlargement of the Community to include Greece, Spain and Portugal.

In 1980 there were thirteen Commissioners: two members from each of the four larger countries (France, Italy, Federal Republic of Germany and United Kingdom) and one member from each of the five remaining countries (Belgium, Denmark, Ireland, Luxembourg and the Netherlands).

In this connection the resolution states that after the accession of the three applicant countries the number of Commissioners should be determined 'in accordance with the existing rules' and should not exceed seventeen (paragraph 2).

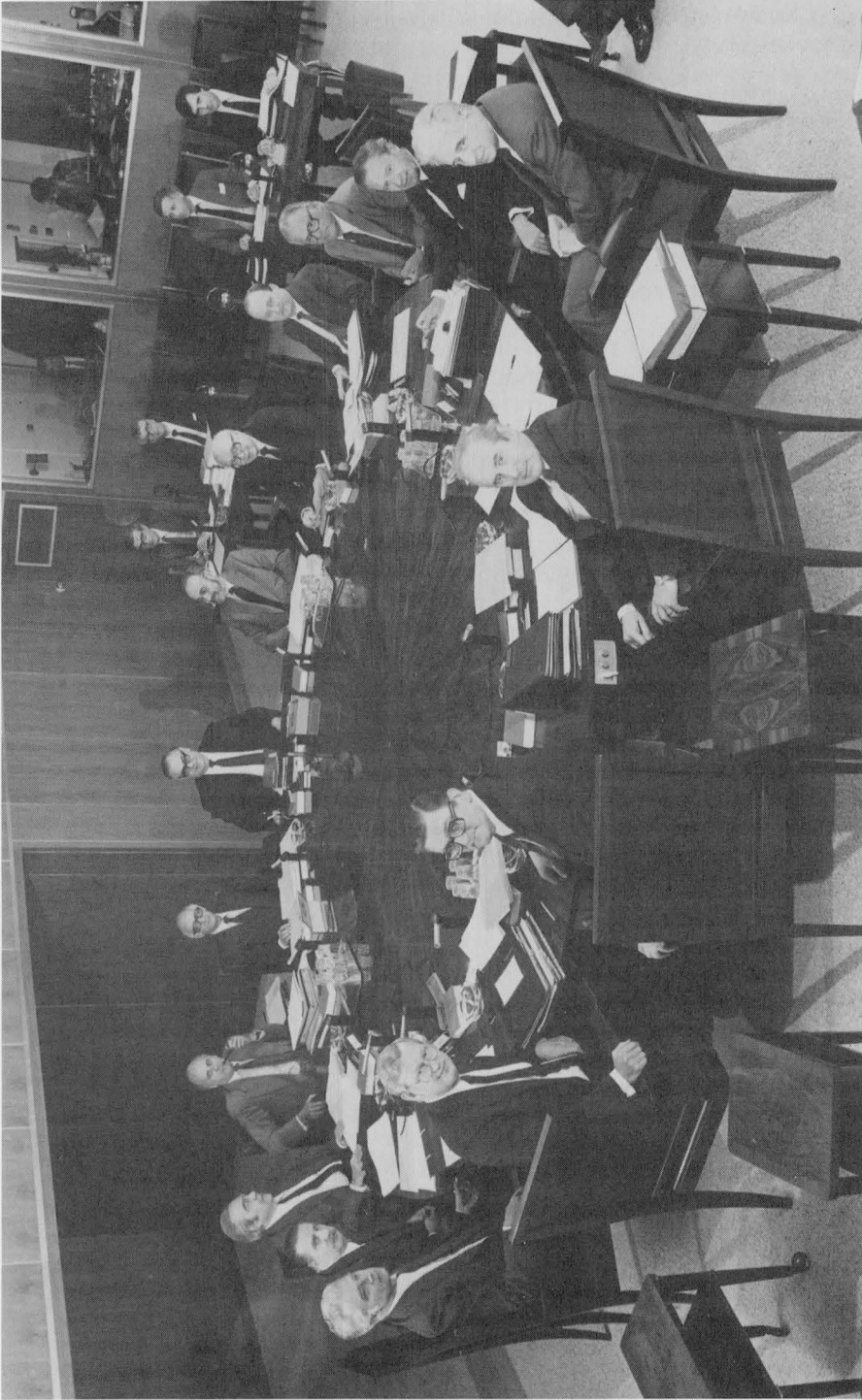
Greece, which was the first of the three applicant countries to join the Community, was therefore granted one member in accordance with the rules laid down in advance.

No woman has ever been appointed as a Commissioner in the history of the Community although women are involved in the political life of most countries of the world.

The resolution therefore considers that it is 'essential for women to be adequately represented on the Commission as from 1 January 1981' (paragraph 4).

2. Relations between Parliament and Commission

Under the Treaties Parliament has the right to censure the Commission and may force its resignation by a two-thirds majority of the votes cast representing



A Meeting of the Commission of the European Community in Brussels (January 1982). — Photo: CCE, DG Information

a majority of the Members of the Assembly. Its power is therefore considerable.

However, Parliament has no power to appoint a new Commission or to insist that it be consulted by each Member State on the appointment of Commissioners.

In order to increase its powers, Parliament therefore feels that it should be consulted by the Member States 'when the mandate of the President of the Commission is renewed and that it should hold a public debate in his presence ending with a vote of confidence ratifying his appointment' (paragraph 3).

Parliament also hopes 'that its Political Affairs Committee will have the opportunity of holding a general exchange of views with the President-designate of the Commission on the programme outline before the Commissioners are appointed; once the Commission has been officially appointed, Parliament will hold a public debate with it ending with a vote ratifying and expressing confidence in its appointment' (paragraph 8).

These two paragraphs are based on the fact that the President of the Commission is appointed first and consulted on the membership of the Commission. In private general talks with the President of the Commission, therefore, the Political Affairs Committee could, where appropriate, influence his programme or at least express an opinion before holding the general debate with the new officially appointed Commission ending with a vote ratifying its appointment.

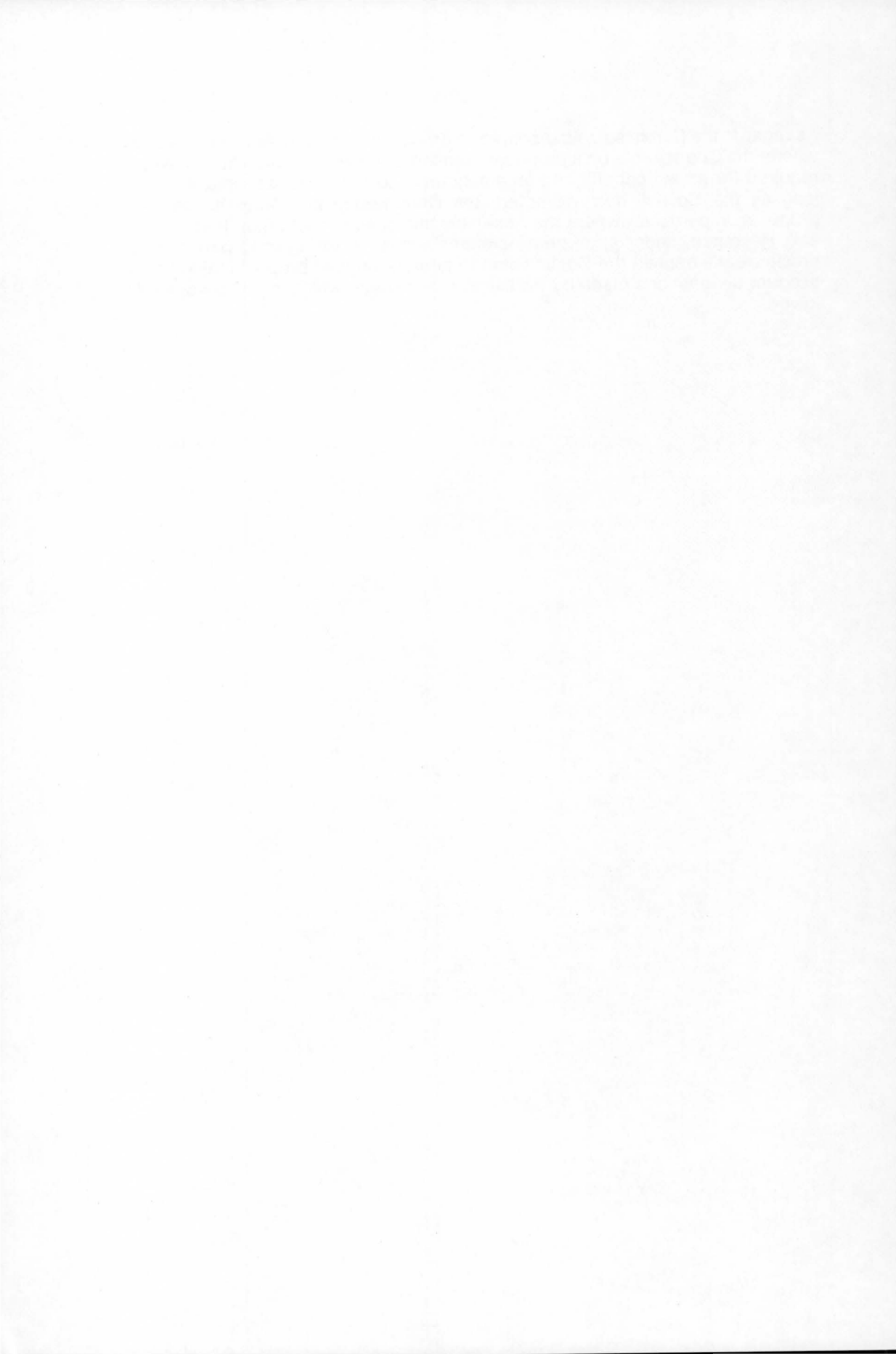
It should be pointed out that when the new Commission presented its programme in February 1981, Parliament adopted a resolution in which it reaffirmed 'its determination to express confidence or non-confidence in the Commission, as proposed in the Rey report' and, 'having regard to the conclusions of the debate on the programme submitted by the Commission', approved 'the appointment of the Commission' and reiterated 'its request to participate in future in that appointment'.

In order to maintain its annual control over the Commission, Parliament affirmed its desire to 'reserve the right to express its opinion each year on the Commission's programme, in the form of a vote' (paragraph 7).

Finally, Parliament 'requests that as soon as the Commission has been appointed, it conclude with Parliament an inter-institutional agreement to be used as a basis for selecting the procedures to be adopted to give effect to the undertaking to consult Parliament on all preliminary draft Commission decisions and not to prepare definitive texts for submission to the Council until agreement on the fundamental points has been reached with Parliament; requests the Commission, also, to make more correct use of the powers assigned to it by Article 149 of the EEC Treaty' (paragraph 9).

Thus in asking to be consulted on all the Commission's preliminary drafts, Parliament is asking to be allowed to participate in the legislative process of the Community.

As regards the Commission's recourse to Article 149, this article stipulates that where 'the Council acts on a proposal from the Commission, unanimity shall be required for an act constituting an amendment to that proposal' and that 'as long as the Council has not acted, the Commission may alter its original proposal, in particular where the Assembly has been consulted on that proposal'. Recourse, under appropriate circumstances, to the second part of this article clearly entitles the Commission to alter its original proposal taking into account suggestions made by Parliament, a practice which is not always followed.



Resolution on relations between the European Parliament and the Council of the European Community (1)

1. Introduction

The resolution adopted on 9 July 1981 by Parliament was based on a report drawn up by Mr Klaus Hänsch on behalf of the Political Affairs Committee. (2) (3). In his Explanatory Statement, the rapporteur states that 'Parliament's potential influence in no way corresponds to its autonomous democratic legitimation', and that 'the Community makes decisions affecting society with such scant Parliamentary legitimation as would be inconceivable in the case of national decisions of the same type'. In his view, the European Parliament should be given the authority to carry out functions which National Parliaments cannot or do not choose to exercise in regard to the Community.

Nevertheless, the rapporteur draws a distinction, which was also clearly recognised by the Political Committee, between Parliament's rights of participation, which could be increased by amending the Treaties, and its influence, which could, within the existing Treaty structure, be strengthened on the basis of inter-institutional agreements. He therefore believes that joint declarations in specific terms by the institutions concerned are an appropriate means of strengthening Parliament's influence, rather than proposals by Parliament for amendments to the Treaties to increase its formal powers.

In its resolution, Parliament states in the preamble that Community interests are now represented by the directly-elected Parliament and the Commission and those of Member States by the Council, but the political and institutional development of the Community in the last 20 years has reduced the overall capacity of the Council and the Commission to operate and to take decisions. On the one hand the virtual suspension of the system of voting by majority laid down in the Treaties has both given to the Council a dominant position not thereby intended and reduced the influence of the other institutions on the legislative process. On the other hand, although its election by direct and universal suffrage has endowed Parliament with direct democratic legitimation and greater political influence, it is still not adequately involved in Community decision-making.

(1) OJ C 234/52 of 14.9.81

(2) Doc. 1-216/81

(3) For debate see Annex 1-273 to OJ, Debates of European Parliament

Framework for relations with Council

Parliament first renews the claim to the right to participate in decisions on all matters relating to the European Community, in particular in respect of the legislative process and the appointment of the Commission, which it had made in its resolution of 17 April 1980. (1) This resolution had sought to include Parliament in the process of decision-making both as regards the appointment of the Commission and its President, and as regards the formulation of its major policies. (paragraph 1).

In the second paragraph of its resolution, Parliament asserts its right to a share in the decision-making process of the Community. It accepts that amendments to the Treaties would be required before it could acquire the right of co-decision which is due to it by virtue of its democratic legitimation; nevertheless it believes that it is possible, within the present provisions of the Treaties, to increase its influence on Community decisions (paragraph 2).

In order to achieve this, full advantage must be taken, first, of every opportunity afforded by the Treaties to increase Parliament's influence on the Community decision-making process, e.g. via the budgetary procedure, by recourse to the European Court of Justice, and by Parliamentary proceedings. In the second place, Parliament urges the Council to take, in particular through joint declarations with Parliament, the practical steps which are outlined in the report towards a more balanced Community decision-making process which is legitimated democratically, not only at national but also at Community level.

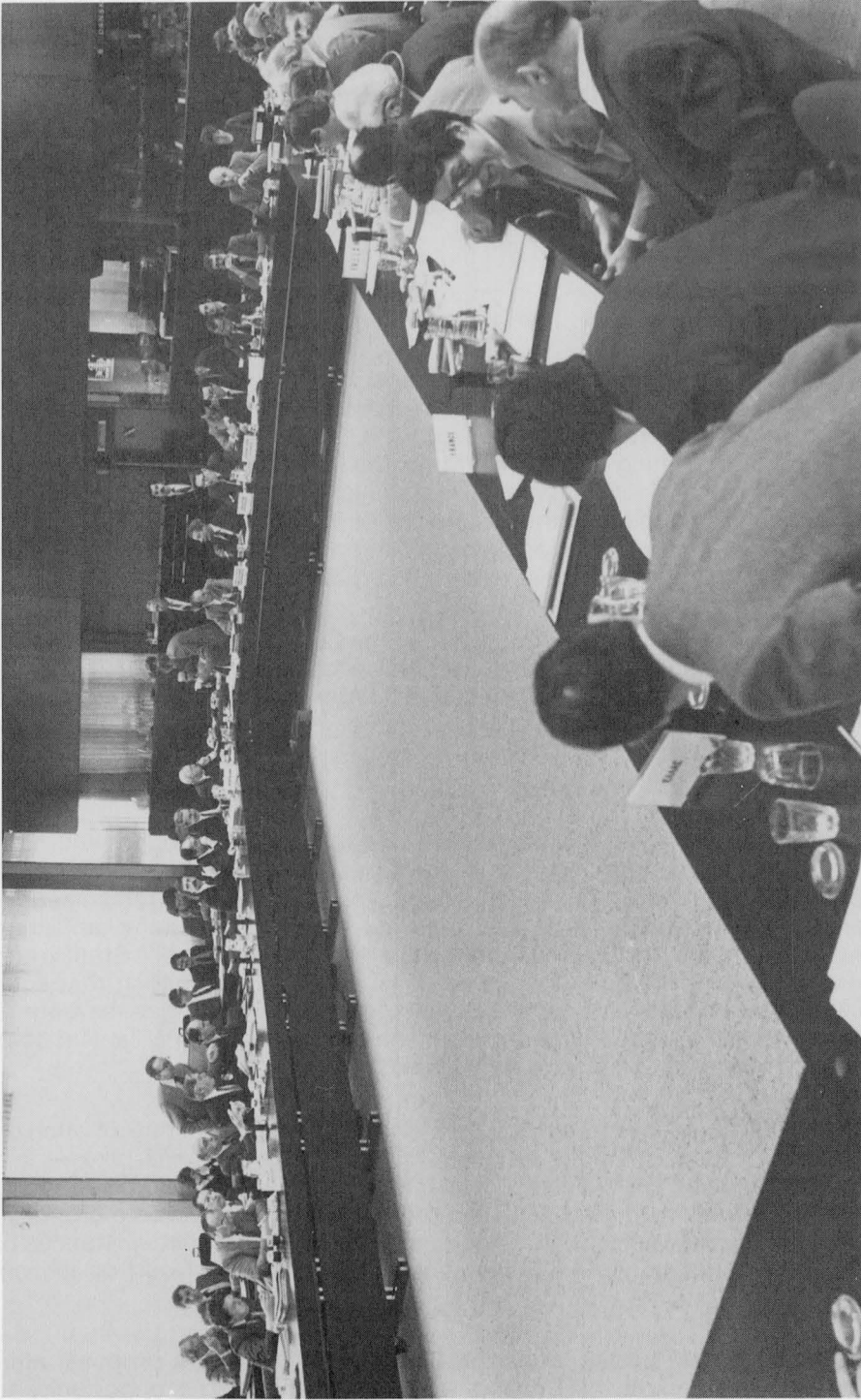
Information

Parliament then addresses itself to the need to obtain fuller information from the Council on the various aspects of its activities. It welcomes the practice whereby, at the beginning of his six-months' Presidency, the President-in-office of the Council delivers an address to Parliament, detailing the particular objectives which he is seeking to attain during it. Parliament asks, however, that the address be made available in writing prior to the debate, and sufficiently in advance to ensure that, after a brief oral introduction by the President-in-office, a prepared debate could be held on the statement. (paragraph 3)

In its second request for further information, Parliament regrets that the Council's answers to Members' questions are frequently not sufficiently informative. Parliament therefore asks that in future the Council should give more informative answers, and further requests that such answers should not necessarily be limited by the provisions of Rule 18 of the Council's Rules of Procedure which states that, unless it is otherwise decided, "the deliberations of the Council shall be covered by the obligation of professional secrecy". If the Council were to provide more information for Parliament, the latter would be better informed in reaching its decisions. (paragraph 4).

Parliament next turns to its relations with the Council at committee level, and seeks regular, formal contacts between its committees and the specialised

(1) OJ C 117/53 of 12.5.80



21 A meeting of the Council of Ministers in Brussels (March 1981). — Photo: CCE, DG Information

Councils, e.g. those comprising respectively, ministers of Agriculture, Finance, Energy, etc. These contacts are envisaged at two levels — first, between a rapporteur, the Committee chairman and the President of a specialised Council, and secondly, at full committee level, when the President-in-office could explain to the appropriate committee the policy to be pursued by the Presidency in that sector. In this, Parliament is seeking to strengthen and extend the growing contacts of this nature between the Presidency and the committees of Parliament, which certain of the latter have found particularly useful since 1979, (paragraph 5).

Consultation

In its resolution, Parliament describes the consultation by Council of Parliament on a legislative proposal made by the Commission as its 'longest-standing and important right'. The resolution demands that it be fully respected by the Council and that existing arrangements for the consultation of Parliament be improved. Parliament also expresses its opinion that the Council's present practice of going beyond the strict provisions of the Treaties and of consulting Parliament as a matter of course before taking a legislative decision must be continued and should be formally established (paragraph 8).

Parliament next turns to consultation of it by the Council in certain cases under Article 228 of the EEC Treaty before the Council concludes Community agreements with third countries, groups of states or international organisations. The resolution asks that this form of consultation be extended to all agreements concluded on the basis of the Community Treaties before such agreements are signed. (paragraph 9).

Parliament then considers a class of decisions taken by the Council which do not find their place among decisions of the types formally laid down by Article 189 of the EEC Treaty, i.e. regulations, directives, decisions and recommendations. These 'outline decisions' may take the form of resolutions or 'action programmes', which have no legally binding effect on the Member States, and on which Parliament has no right to be consulted. While admitting that such 'outline-decisions' may have certain advantages, Parliament urges the Council not to use them to replace formal decisions, on which of course Parliament does have the right to be consulted (paragraph 10).

Parliament also examines three specific problems in the field of consultation on Commission proposals. On the first the Council is asked to undertake — in a joint declaration with Parliament — to take full account of additional views expressed by Parliament after it has adopted its formal Opinion on a proposal. These additional views might be rendered necessary by new circumstances or legal developments (such as a judgement by the European Court of Justice) which affect the original proposal (paragraph 11).

The second problem occurs when the Commission amends a proposal after Parliament has delivered its Opinion, and Parliament has no opportunity to

consider the Commission amendments. In this case, Parliament asked the Council to seek a fresh opinion of Parliament on the amended proposal. (paragraph 11). The third problem arises when Parliament makes amendments to a Commission proposal. At present it is not informed by the Commission whether an amended proposal, incorporating Parliament's amendments, has been submitted to the Council, nor are any reasons given if such a course has not been followed. Parliament therefore asks the Council not to take a decision in such cases until either an amended proposal has been submitted or reasons for the rejection of Parliament's amendments have been given (paragraph 12).

As a corollary to this request, Parliament asks the Council to comply with undertakings given in 1970 to Parliament that the Council would inform Parliament of the reasons for which it failed to act upon Parliament's Opinion, whenever this is the case. Equally, Parliament asks that the Council should examine all decisions of Parliament addressed to it, in addition to Opinions on proposals, within an appropriate period (paragraph 15).

Conciliation

The next section of Parliament's resolution concerns the conciliation procedure, adopted in March 1975 in a joint declaration between Council, Parliament and Commission. The procedure applies to "Community acts of general application with major financial implications". Defects in the operation of the procedure led the Committee of Three to recommend in 1979 to the European Council that certain improvements should be made to the procedure; the resolution takes up some of these recommendations on the machinery of the procedure (paragraph 17). Principally, however, Parliament urges the Council to extend the conciliation procedure to all Commission proposals "to which Parliament attaches especial importance", including legal acts on the constitutional development of the Community and decisions on specific Community policies. Parliament then repeats the demand made in a resolution of 17 April 1980 that it should be consulted formally and in the early stages of negotiations on the accession of applicant states to the Community. It also demands that, where the Council "has already agreed to conciliation on a matter in the Community's internal legislative procedure", it should also agree to conciliation when it acts on the same matter in the context of external relations. This demand is based, as the rapporteur shows in his Explanatory Statement, on a judgement of the European Court of Justice (paragraph 16).

Budgetary Procedure

Whereas the Budgets committee is responsible for detailed questions of budgetary procedure, the Political Committee remains competent to consider the budgetary procedure within the framework of inter-institutional relations. The section on the procedure thus sets out Parliament's "main views on the protection and necessary extension of its legal status as an arm of the budgetary procedure" (paragraph 18).

Parliament first urges the Council fully to respect Parliament's right of decision over non-compulsory expenditure in the budget. It further insists that the Budget "must be seen as a document reflecting the political decisions on Community measures and policies and not as a mere accounting record of decisions taken outside the budgetary authority"; adequate information is therefore necessary so that each policy can be implemented (paragraph 19).

Parliament next urges the Council to allow the Commission freely to exercise its responsibilities for implementation of the budget. Only in this way can Parliament itself exercise its functions under Article 206b of the EEC Treaty of monitoring the implementation of the budget by the Commission and of granting a discharge (i.e. certifying that the Commission has acted satisfactorily in ensuring that the money has been spent on the subjects for which it was voted) (paragraph 20).

Difficulties in relations between Council and Parliament as regards the budgetary procedure are highlighted in the next paragraphs of the resolution.

Parliament calls for the settlement, by means of the conciliation procedure, of differences arising on the structure of the budget; the inclusion or exclusion of all instruments of financing (e.g. loans); the distinction between "compulsory" and "non compulsory" expenditure; and the treatment in the budget of appropriations devoted to projects covering a period of years (paragraph 24).

Improvements in the Council's work

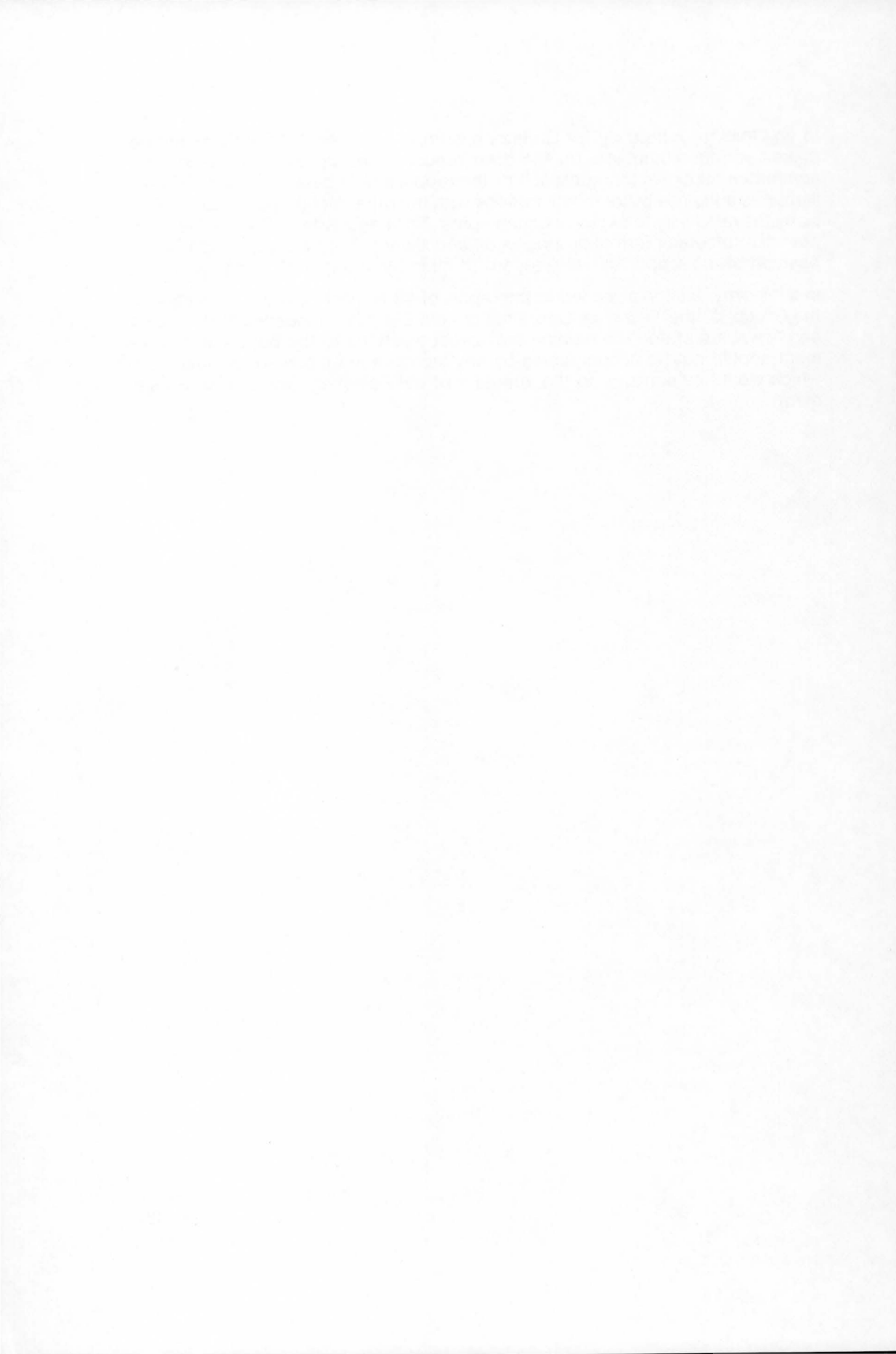
In a final section of the resolution, Parliament brings a spotlight to bear on the internal structure and working of the Council, and asks that the reforms proposed by the Committee of Three (the "Wise Men") in 1979 be applied. It emphasises that Article 148, paragraph 1, of the EEC Treaty is mandatory, and obliges the Council to act, except where otherwise stated, by a majority of its members (paragraph 27). Parliament thus once again raises the issue of the 'Luxembourg Compromise' of 1966, whereby the Six undertook to seek decisions by unanimity, rather than by applying the provisions of the Treaty that decisions should be reached by a majority, except where unanimity was expressly called for under certain Articles.

The resolution therefore calls upon the Council 'to revert to the decision-making procedures stipulated in the Treaties as the normal rule.' As a method of achieving this end, Parliament demands that, if a Member State invokes the 'Luxembourg Compromise' and claims that an issue is a 'vital interest', such a claim should be treated as an exceptional case requiring special justification by the Member State concerned. This should especially be the case where the proposals in question have been endorsed by a large majority of the European Parliament. (paragraph 28). As a further method of re-introducing voting by majority, Parliament urges Council members to make more frequent use of abstention. (paragraph 29).

In the view of Parliament, other aspects of the Council's process of decision-making also require reform. The resolution urges closer coordination of the various specialist Councils, and systematic supervision of Council committees and working groups to this end. (paragraph 30).

In an Opinion drafted by Mr Christopher Prout, the Legal Affairs Committee makes various comments on the draft report drawn up by Mr Hänsch. The committee supports the approach of the rapporteur in seeking to extend Parliament's influence by joint declarations with the other institutions, and emphasises the need fully to exploit existing rights. The Legal Affairs Committee does not wish to submit formal proposals on conciliation, but strongly supports the position of the rapporteur with regard to majority voting in Council.

In a minority opinion attached to the report of Mr Hänsch, a Danish member of the Group for the Technical Coordination and Defence of Independent Groups and Members stated the opinion that direct elections to the European Parliament should not be accompanied by any increase in its powers or influence, which would be contrary to the interests of the Folketing, (the Danish Parliament).



Resolution on relations between the European Parliament and National Parliaments (1)

Introduction

In his explanatory statement the Rapporteur, Mr André Diligent, states that the objective of the report is to strengthen the link between the European and national levels of a 'variable geometry' Parliamentary system which nowadays also comprises regional and even continental levels. (2)

Despite the existence of the dual mandate for all members of the European Parliament until 1979, it did not really give rise to close cooperation between the European Parliament and National Parliaments, although in many respects their functions were complementary. Despite this relationship, the respective roles of the European Parliament and the National Parliaments in the European and National Parliamentary systems differ considerably. The representatives of the Member States in the Council of Ministers have their political roots in their national Parliaments, by which channel the latter are able directly to influence the governments represented in the Council, and therein can advance or baulk the views of the European Parliament.

Close collaboration between the European Parliament and National Parliaments is thus essential, and this need is reinforced by the danger of rivalry between the two categories of Members, who represent the same constituents. Moreover, the gradual disappearance of the dual mandate might result in National Parliaments losing contact with the activities of the Community and of the European Parliament; Members of the European Parliament could equally be totally cut off from national political activities.

Personally-based links between the two types of assembly should therefore be replaced by structural links. In this way Members of the European Parliament should gain a better understanding of the national elements of the European policy of their own country; and the National Parliaments should be better informed of Community objectives and policies.

(1) OJ C 234/58 of 14.9.81

(2) Doc. 1-206/81

Opinion of Legal Committee

In an Opinion drafted by Mr Vié, the Legal Affairs Committee considered that the report of the Political Committee should place greater emphasis on the need for more active cooperation between the European Parliament and National Parliaments in following up secondary legislation of the Community. Better information was required by the European Parliament on progress made in the incorporation of Community law into national law. If this were done, the European Parliament could bring any delays to the notice of the Commission, which is responsible for monitoring implementation of Community law. Paragraph 4 of the resolution is relevant to this point.

Parliament adopted on 9 July 1981 the resolution contained in the report of Mr Diligent. (1)

The preamble recalls that the reduction in the number of Members holding a dual mandate means a loss of personal and direct links between the European Parliament and the National Parliaments, such links being vital for relations between these assemblies and for the functioning of the Community. The resolution emphasises that contacts between the European Parliament and National Parliaments can be strengthened without any need for uniform and inflexible procedures.

The preamble concludes by recalling that the relations between the European Parliament and National Parliaments have been the subject of reports presented to the Conferences of Presidents of European Parliamentary Assemblies in Bonn in 1976, Vienna in 1977, The Hague in 1978 and Madrid in 1980; and also the subject of a report by the Select Committee on the European Communities of the House of Lords.

General considerations

In the text of the resolution itself, Parliament first declares that 'continuous and organic relations' must be developed between the European Parliament and National Parliaments (paragraph 1). It then requests that its Members and those of National Parliaments should be accorded such facilities in all the Parliamentary institutions in the Community as would enable them to obtain the information and maintain the contacts necessary to discharge their duties. In particular, it asks that its own Members should be granted access to services in the National Parliaments and be allowed to make use of them (paragraph 2).

The resolution then recommends that serious consideration should be given to setting up — possibly within the framework of the existing inter-Parliamentary organisations — an association of Members of Parliaments in Europe; such Members would enjoy identical treatment and facilities in the European Parliamentary institutions which they wish to visit (paragraph 3). This recommendation relates to, at least in part, the Inter Parliamentary Union, a long-established

(1) Annex 1-273 to OJ, Debates of the European Parliament



Conference of Speakers and Presidents of European Parliaments in London. The European Parliament was represented by its President, Mr Pieter Dankert (July 1982)

international organisation drawing its membership from Parliaments all over the world, within which a regional grouping of Members from Parliaments in Europe might be established, including Members of the European Parliament.

Reflecting the rapporteur's approach in the Explanatory Statement, the resolution next requests that reciprocal consultation between the European Parliament and the National Parliaments should be improved, in particular as regards Parliamentary procedures relating to certain Community legislation. These procedures include the ratification by National Parliaments of treaties and trade and commercial agreements and the implementation by them of Community legislation (paragraph 4). In these matters the Community, and to an increasing extent the European Parliament, is concerned that the minimum of delay should be occasioned by national Parliamentary proceedings, as in the past the latter have from time to time prevented the implementation of Community decisions and agreements.

Specific proposals

Turning to more specific proposals for improving relations between the European Parliament and National Parliaments, the resolution suggests that close contact be established and encouraged between the Committee chairmen and rapporteurs of the European Parliament and the National Parliaments in order that they may examine matters of current concern (paragraph 5).

The resolution goes on to develop this approach by proposing the 'existing channels of communication between the European Parliament and the National Parliaments should be improved and, where necessary, new channels set up'. It suggests, further, that consideration could be given to National Parliaments allowing Members of the European Parliament 'to participate, without the right to vote, in the meetings of their committees and to speak on matters relating to Europe' (paragraph 6). This proposal thus provides that any Member of the European Parliament, and not necessarily the chairman or rapporteur of a European Parliament committee, could attend a meeting of a National Parliament committee and intervene in a discussion on a matter relating to the European Community.

In a further series of practical suggestions, the resolution then requests that the political groups in the European Parliament should —

- (a) make appropriate use of existing European Parliament information offices to establish their presence in the national capitals,
- (b) invite appropriate members of National Parliaments to attend their study days,
- (c) appoint members to act as coordinators with corresponding members of national political parties,
- (d) encourage closer cooperation between their secretariats and those of national parties.'

The European Parliament has an information office in each Member State's capital, which could be used by the political groups in the Parliament to disseminate information about their activities and those of the European Parliament. The resolution also requests the groups to improve their contacts with National Parliaments by inviting certain of their Members to attend the groups' twice-yearly 'study-days', which afford an opportunity for more general discussions on medium- and longer-term subjects than are possible at group meetings preceding and during sessions. By this means, National Parliament Members could be informed of the wider issues under discussion by the groups of the European Parliament.

The resolution next proposes that the groups should appoint members to act as links with members of national political parties. This suggestion reflects the anxiety expressed by the rapporteur in his Explanatory Memorandum lest the reduction in the number of Members holding the dual mandate should lead to Members of the European Parliament losing contact with national political life.

In turning to the need for closer relations between the secretariats of the European Parliament and of National Parliaments to correspond to those between respectively, Members and political groups and parties, the resolution makes three specific proposals. The first is that coordination be established between the library, data-processing and facilities services of the European Parliament and National Parliaments through their respective secretariats. Such coordination would obviously be required if the provisions of paragraph 2 on reciprocal use of facilities were to be properly implemented (paragraph 8).

Secondly, the resolution proposes that the European Parliament and National Parliaments 'should give support to the European Centre for Parliamentary Research and Documentation, which constitutes the infrastructure for Parliamentary work and systematic inter-departmental coordination' (paragraph 9). The Centre was established in 1977 and is jointly directed by senior officials of the secretariat of the European Parliament and of the Parliamentary Assembly of the Council of Europe. The Centre provides a framework for the exchange of information between the European Parliament and National Parliaments, and between National Parliaments, and for the mutual coordination of library, research, data-processing, microform and other services. Its object is to utilise the existing facilities of the Parliaments of the Member States of the Council of Europe in order to provide comprehensive and accurate information as rapidly as possible for all their Members.

The third proposal as regards cooperation at secretarial level contains a request that the Parliaments' information offices in the Member States and the information services of National Parliaments should seek to promote the reciprocal exchange of information between the European Parliament and National Parliaments, and that suitably qualified staff be recruited to ensure this (paragraph 10).

Finally, the resolution proposes that 'regular impetus for such inter-parliamentary cooperation should be provided by an annual conference of the Presidents

of the European Parliament and the Presidents of the Parliaments of the Member States (paragraph 11). The first such conference was held in July 1981 in Luxembourg at the invitation of the President of the European Parliament and discussed various aspects of closer cooperation between the European Parliament and National Parliaments. (1)

In a minority opinion annexed to the report of Mr Diligent, a Danish member of the Group for the Technical Coordination and Defence of Independent Groups and Members stated his opposition to the terms of the report, which he believed would reduce the independence of the Danish Parliament to the benefit of the European Parliament.

(1) PE 74.368

Resolution on relations between the European Parliament and the Economic and Social Committee (1)

Article 4 of the EEC Treaty stipulates that 'the Council and the Commission shall be assisted by an Economic and Social Committee acting in an advisory capacity'. Article 193 of the EEC Treaty specifies that 'the Committee shall consist of representatives of the various categories of economic and social activity, in particular, representatives of producers, farmers, carriers, workers, dealers, craftsmen, professional occupations and representatives of the general public'.

The existence of the Economic and Social Committee enables the Community institutions to obtain details of the positions of the various economic and social circles in the Community which are involved in a continuous debate within the Committee.

Parliament, for its part, expresses its concern in its resolution on relations with the Economic and Social Committee 'to take even greater account than in the past of the positions adopted within the Economic and Social Committee during the on-going debate held by the social partners on all the policies and activities of the European Community' (first recital) (2) (3).

It should be stressed, however, that in defining the role of the Committee the Treaty made no provision for a formal right of initiative. The fourth recital of the European Parliament resolution nevertheless points out that in the final declaration of the Conference of the Heads of State or Government meeting in Paris in October 1972, 'the Community institutions were called upon to acknowledge the Economic and Social Committee's right to deliver in future 'own-initiative' opinions on all matters relating to the work of the Community'.

Since then the Committee has considered, on its own initiative 'the more important aspects of events that have figured prominently in the external and internal affairs of the Community' (fifth recital).

The report on the European institutions presented by the Committee of the Three Wise Men to the European Council in 1979 naturally considered the Economic and Social Committee and, as indicated in the sixth and seventh recitals of the resolution, stressed that 'as a Treaty institution, it should hold a central place' amongst the Community's advisory bodies on socio-economic

(1) OJ No C 234 of 14.9.1981, p. 60

(2) Doc. 1-226/81

(3) See OJ Annex No 1-273, Debates of the European Parliament, July 1981

matters and that it 'should make a special effort for cooperation with Parliament, not just at the general policy level but in the detailed consultative work'.

The resolution further stresses that 'over the past two years the Economic and Social Committee has adapted and interpreted its rules of procedure to take account of the progressive extension of its responsibilities and the greater transparency its work has also acquired through the delivery of minority opinions' (eighth recital).

The resolution also points to the fact that, where relations between the Council and Parliament are concerned, 'the briefing of Parliament on the Economic and Social Committee's work had gradually improved, especially as a result of the increasing frequency with which Committee rapporteurs are heard on a wide variety of topics' (ninth recital). This briefing is carried out at hearings organized within the parliamentary committees.

The remaining recitals of the resolution (tenth to fourteenth) underline the varied activities of the Committee:

- the Economic and Social Committee contributes to the work of the ACP (African, Caribbean and Pacific countries)/EEC (European Economic Community) Joint Committee. The Committee attaches great importance to cooperation between the Community and the ACP countries as is demonstrated by the fact that the President of the Committee was present at the signing of the new Lomé Convention in 1979;
- the Committee holds periodic meetings with all the national economic and social councils of the Member States. For example, meetings have been organized at the headquarters of the National Council on Economics and Labour (CNEL) in Rome, at the headquarters of the French Economic and Social Council, etc.;
- the Committee organises, in conjunction with the Commission, ad hoc conferences on specific topics of current importance to the Community — for example, in 1980 the conference on the enlargement of the Community and the conference on the problems in the European building industry;
- the Committee holds an annual meeting with the Consultative Committee of the European Free Trade Association (EFTA) whose members (Austria, Norway, Portugal, Sweden and Switzerland) aim to abolish customs duties, quantitative restrictions and other non-tariff barriers at European level;
- the Economic and Social Committee and the Consultative Committee of the European Coal and Steel Community have close relations on matters concerning this sector of activities.

The resolution stresses the fact that 'on the occasion of her first visit to the Economic and Social Committee on 3 July 1980 the President of the European Parliament, Mrs Simone Veil, called for greater cooperation between Parliament and the Committee, with the aim of expediting and improving the quality of Community work, having due regard to the independence of both bodies' (fifteenth recital).



Mr Pieter Dankert, President of the European Parliament at the 198th session of the Economic and Social Committee held in Brussels under the chairmanship of Mr Tomàs Roseingrave (May 1982). — Photo: "Photo News — Yves Smets"

In the light of all the abovementioned recitals, Parliament's resolution proposed that:

- 'as far as problems falling within their specific terms of reference are concerned, Members of Parliament should be kept systematically informed of the opinions delivered and the studies carried out by the Economic and Social Committee' (paragraph 1);
- 'hearings with the rapporteurs should be held more frequently (taking into account the specific problem of work schedules) on matters relating to the terms of reference of the Sections of the Economic and Social Committee and the committees of the European Parliament, in agreement with their chairmen' (paragraph 2);
- 'in future, Members of the European Parliament should be invited to play an active part in the special events organized by the Economic and Social Committee, so that they are better able to take account in the course of their own work of the relations between the social partners, their preoccupations and the positions adopted by them' (paragraph 3);
- 'the Presidents of the two institutions should agree on an annual programme of contacts and consultations to underline their mutual collaboration' (paragraph 4).

Resolution on the right of legislative initiative and on the role of the European Parliament in the Community legislative process ⁽¹⁾

Introduction

The resolution is based on a report on behalf of the Political Affairs Committee by Mr Karel van Miert, Rapporteur. ⁽²⁾ By reason of the close affinity between the subjects of this report and that of Mr Hänsch on relations with the Council, ⁽³⁾ it was agreed in Committee that uncertainty and misunderstanding could best be avoided if the relevant passages from Mr Hänsch's motion for resolution were included in that of Mr van Miert. For this reason, certain paragraphs from the Hänsch motion relating to consultation and conciliation were included in the van Miert resolution, but are referred to in this document only in the summary of the Hänsch report and resolution.

In his Explanatory Statement, Mr van Miert first draws a distinction between the right of legislative initiative and the right to make policy proposals. Under the Treaties the former lies, in his view, solely with the Commission. The right is not defined or set out explicitly in any of the Treaties 'but is derived from numerous references to the Commission's right of initiative scattered throughout the texts of the Treaties'. The right to make proposals concerning Community policy has, on the other hand, 'a political rather than a legal basis' and is common to the Commission, Council and Parliament. It still remains for the Commission, however, to take the legislative initiative in submitting draft legislation to the Council.

The rapporteur also points out that the Luxembourg Compromise of 1966 'very much reduced the political weight of the Commission's right of initiative since it is pointless for the Commission to suggest new policies that do not have a very high chance of being accepted by all members of the Council'. In addition, Mr van Miert points out that the European Council of the Heads of Government 'has established a practice of suggesting major initiatives to be undertaken by the Community in new areas', e.g. the European Monetary System.

The weakness of the position of the Parliament as regards legislation is that its Opinion is in no way binding on the Council, apart from its ability to establish or

⁽¹⁾ OJ C 234/64 of 14.9.81

⁽²⁾ Doc. 1-207/81

⁽³⁾ Doc. 1-216/81

reject the Budget, and to adopt binding amendments relating to non-obligatory expenditure in the Budget.

The Legal Affairs Committee submitted an Opinion to the Political Committee on this matter, of which the draftsman was Mr Christopher Prout. The substance of the Opinion is that in the past the European Parliament has put forward requests to the Commission, on the basis of which it formulated legislative proposals, e.g. the proposal for a European Cooperation Grouping, adopted by Parliament in 1974. The Legal Committee sees no difficulty in this procedure being continued. The Committee's conclusion is summarised thus:

- 'In short, it is unnecessary to seek to enshrine in the Treaties a right of legislative initiative by the European Parliament as such, provided that it acquires overall political control of the Commission'.

In the preamble to the resolution, the Parliament acknowledges that the formal legal right of legislative initiative lies in principle with the Commission, but that 'the European Parliament should develop further its right to make policy proposals concerning Community legislation'.

Commission to act on Parliamentary initiatives

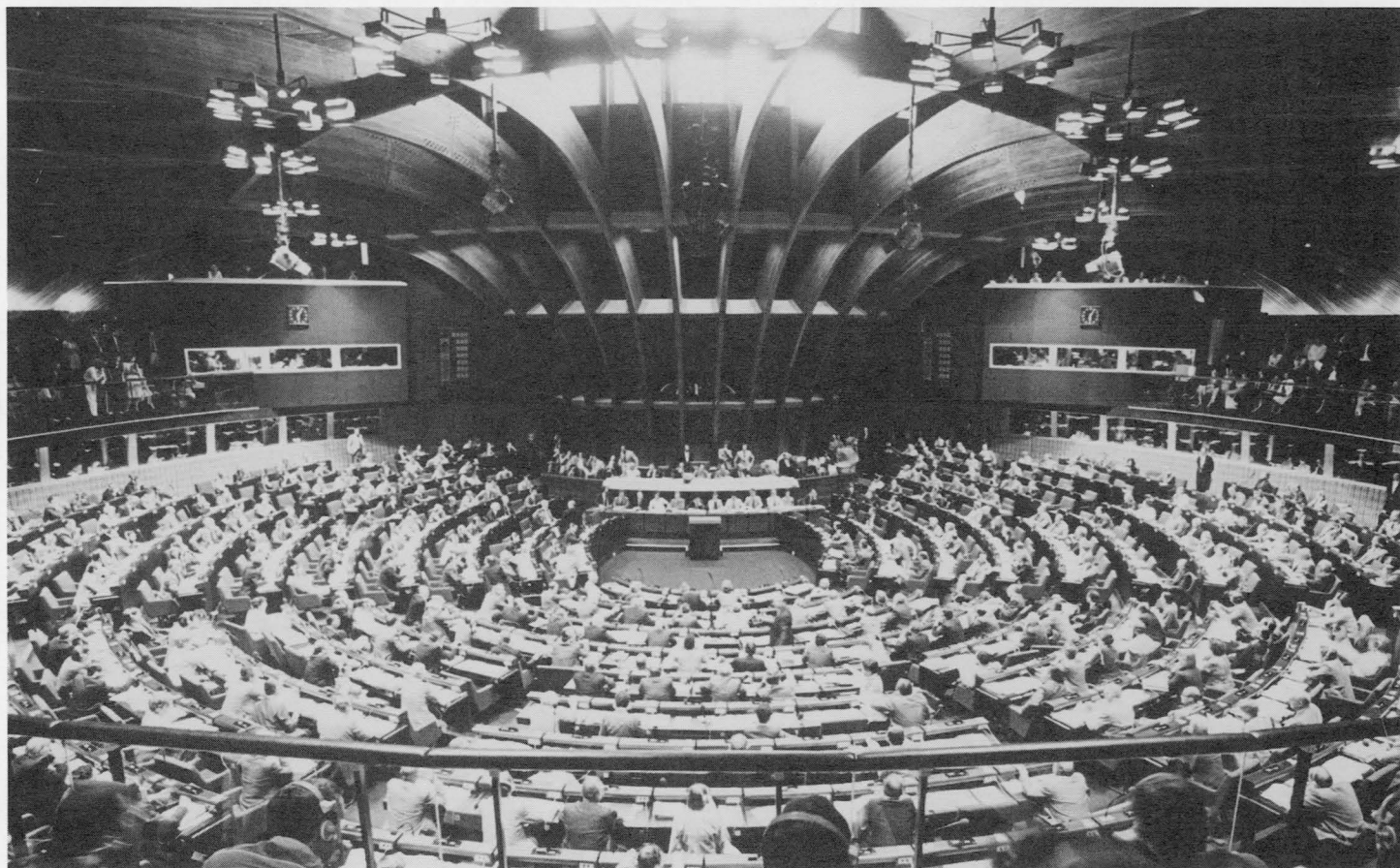
In the resolution itself, Parliament asks the Commission 'to agree, in a joint declaration, to introduce the formal legislative initiatives needed to transform proposals concerning the initiation of Community legislation made by the European Parliament'. (paragraph 2) (1) Such proposals would originate under Rule 47 (Motions for Resolutions) of the Rules of Procedure of Parliament, by which any Member may table a motion for resolution, which is then translated, distributed and referred to the appropriate Committee.

The Commission is further asked to agree, by means of a joint declaration, to submit to the Council legislative proposals which embody policy proposals made in 'own initiative' reports by Parliament, within a time-limit fixed by Parliament (paragraph 3). If the Commission, first, does not submit a legislative proposal to the Council, Parliament asks it to explain orally the reasons for this decision. If the Commission, secondly, has substantive reasons for not being able or not wishing to submit such a proposal, Parliament asks it to explain orally its failure to act, before the expiry of any time-limit set by Parliament. If, thirdly, Parliament nonetheless decides to ask the Commission to submit the legislative proposal to the Council, the Commission should agree to comply without delay with such a decision (paragraph 4).

Information for Committees

In order to be able to monitor the degree of acceptance accorded by the Commission and the Council to amendments adopted by Parliament to Commission legislative proposals, and to follow progress of the latter through the Council, the resolution asks that the competent committees of Parliament

(1) For debate, see Annex 1-273 to OJ, Debates of the European Parliament, July 1981.



Parliament in Plenary Session in the Chamber of the Palais de l'Europe, Strasbourg — Debate on Institutional Relations (July 1982)

should be kept informed of these matters. In the same approach, Parliament asks the Commission to keep the President and the enlarged Bureau (the vice-presidents and leaders of political groups) informed of its programme for legislation in the succeeding six months, so that Parliament can organise its debates for the following sessions. (paragraph 14). Similarly, the resolution reminds the Commission that, before publishing an important proposal for legislation, a representative of the Commission (either a Commissioner or a senior official) should first explain the content and financial implications of the proposal to an appropriate committee of Parliament (paragraph 16).

Finally, but still on the same line of thought, Parliament asks that, whenever it decides, by vote following the presentation in February of the annual programme of the Commission, that the programme has been presented in insufficient detail, Commissioners should discuss it with the appropriate Parliamentary committees. This request was designed as a means of implementing a paragraph in the resolution of April 1980 concerning relations with the Commission, on which was based the procedure of a vote at the conclusion of the debate on the presentation of the Commission's annual report. (1)

(1) OJ C 117/53 of 12.5.80

Resolution on European Political Cooperation and the role of the European Parliament (1)

1. Origins and development of European political cooperation

Political cooperation, which came into being in 1970, outside the framework of the Treaties establishing the European Communities, has developed extensively since then, thereby helping to build a Europe which is not only economic but also 'political'.

The Foreign Ministers of the Ten adopted a third report on political cooperation in October 1981, (the London report). As will be seen, many of the suggestions contained in the resolution on European political cooperation and the role of the European Parliament, adopted by Parliament on 9 July 1981, were taken up by the Ten in this report.

2. Parliament's resolution of 9 July 1981 (1), (2)

The resolution of 9 July begins by noting 'recent developments in European political cooperation' (first recital) and 'the particular significance attached at the informal meeting of Foreign Ministers of 19 May 1981 in Venlo to the inclusion of European security in matters covered by European political cooperation' (second recital).

The London report stresses the fact that the 'flexible' and 'pragmatic' approach to political cooperation has enabled the Foreign Ministers to discuss 'certain important foreign policy questions bearing on the political aspects of security'.

Although, as already mentioned, political cooperation is outside the framework of the Treaties, links have been established with the European Parliament.

In its resolution, the European Parliament expresses the hope that 'on the strength of the representative status conferred on it by direct universal suffrage, the European Parliament will be able to exert greater influence on the

(1) OJ No C 234 of 14.9.1981, p. 67

(2) Report by Lady Elles, Doc. 1-335/81

problems of political cooperation, potentially one of the most important areas of parliamentary activity' (fifth recital). Indeed, Parliament is devoting an ever-increasing proportion of its debates to major international issues. This is why the resolution stresses 'the need to improve the relationship between the Foreign Ministers of the Ten and the European Parliament with the particular aim of a prompter and more thorough flow of information of the latter institution, to enable it to exert more influence and democratic parliamentary control over political cooperation' (sixth recital).

3. Improvement of the mechanisms of political cooperation

The first paragraph of Parliament's resolution called on the Foreign Ministers of the Member States to submit before the end of 1981, following consultation with the European Parliament, a third report on political cooperation. As we have seen, the Ten gave a positive response to Parliament's request when they adopted the third report on political cooperation in October 1981. (1)

Parliament's resolution pointed out that the report should include:

- '(a) — a reference to the undertaking given by the Member States in the Copenhagen report on European political cooperation of 23 July 1973 as a general rule (*en règle générale*) to consult each other before adopting a final position on a matter relating to European Political Cooperation, so that Member States adopt such consultation as a firm principle and put it into practice on all occasions;
- (a) — an undertaking by the Member States on the basis of their consultations to seek more consistently to formulate and apply a common foreign policy, at least in certain mutually agreed fields;
- (b) — proposals for improving its machinery, in particular the creation of a permanent secretariat to ensure continuity in the work of European political cooperation, which will be answerable to the Foreign Ministers meeting in political cooperation and able to provide Parliament, through its Political Affairs Committee, with full and up-to-date information' (paragraphs 1(a) and (b)).

It should be stressed that the London report represents a firm step in the direction indicated by Parliament. The problem of the creation of a permanent secretariat, in particular, is undoubtedly very important, as political cooperation has no permanent infrastructure and no permanent seat.

In this connection, the London report states that there has been a considerable increase in the workload of the Presidency of political cooperation in the rôle as spokesman in the European Parliament and in contacts with third countries and that: 'As a result it has become desirable to strengthen the organization and assure the continuity of political cooperation and to provide operational support for the Presidency without, however, reducing the direct contact, pragmatism and economy which are among the chief virtues of the present arrangements.

(1) See OJ Annex No 1-273, Debates of the European Parliament, July 1981



Mr Emilio Colombo (Foreign Minister, Italy, and former President of the European Parliament) and Mr Hans-Dietrich Genscher (Foreign Minister, Federal Republic of Germany) report to Parliament on their proposals for a draft European Act on the establishment of European Union (Oct 1982)

Henceforth the Presidency will be assisted by a small team of officials seconded from preceding and succeeding Presidencies. These officials will remain in the employment of their national Foreign Ministries, and will be on the staff of their Embassy in the Presidency capital. They will be at the disposition of the Presidency and will work under its direction'.

Parliament also called on the Foreign Ministers to ensure 'that the annual report on European political cooperation takes the form of a written document made available to Parliament in all official languages a fortnight before the debate on the report' (paragraph 2) to give Members more time to prepare their speeches in the debate.

The resolution stresses the need to act or react quickly in crisis situations and calls on the Foreign Ministers 'to establish, immediately, a procedure under which the Foreign Ministers would meet within 48 hours at a request made by three Member States' (paragraph 3).

The London report therefore lays down under 'crisis procedures' that 'the Political Committee or, if necessary, a Ministerial meeting will convene within 48 hours at the request of three Member States. The same procedure will apply in third countries at the level of Heads of Mission'.

Clearly it would be difficult to deal with political cooperation in isolation from other areas such as external economic and trade relations and security. Parliament takes this problem into account when calling on the Foreign Ministers to invite 'whenever appropriate, all those other ministers, and their officials, who are affected by the agenda to attend meetings of Foreign Ministers or their officials within the framework of European political cooperation, in order to ensure that all matters pertaining to international relations and the foreign policies of the Member States may be fully and adequately dealt with, including those that have a bearing on the security of the Member States of the European Community' (paragraph 4).

4. Parliament and international organizations

In order to extend Parliament's rôle in international organizations, the resolution calls on the Foreign Ministers 'to ensure that all relevant resolutions of the European Parliament be drawn to the attention of the permanent delegations of the Ten at New York and to the United Nations General Assembly by the delegations of the Ten, especially by that of the Presidency (and) to suggest to their governments that appropriate Members of the European Parliament be appointed as members of their national delegations wherever this is possible' (paragraphs 5(a) and (b)).

The resolution also calls on them 'further to examine the possibility of sending Members of the European Parliament as observers on the Community's delegation to the United Nations' (paragraph 5(c)). A delegation representing the European Parliament did in fact attend the 11th Extraordinary Session of the United Nations and six Members of Parliament took part in an ad hoc meeting with the President-in-Office, the Commissioner and their colleagues, before the Council of Ministers met officially to take political decisions.

5. Institutional suggestions

As regards institutional matters, the resolution calls for 'closer links between political cooperation and the Council of Ministers of the Community in order to achieve a coherent Community policy, particularly in the area of external economic relations, relations with the developing countries and international protection of human rights' (paragraph 6).

The London report acknowledged this need and stressed that 'the Ten will provide, as appropriate, for political cooperation meetings on the occasions of Foreign Affairs Councils. The Presidency will ensure that the discussion of the Community and political cooperation aspects of certain questions is coordinated if the subject matter requires this'.

The London report gave a positive response to Parliament's insistent call 'to admit the Commission to all parts of all European political cooperation meetings' (paragraph 7) and indicated that 'within the framework of the established rules and procedures the Ten attach great importance to the Commission of the European Communities being fully associated with political cooperation at all levels'.

Parliament also calls on the Foreign Ministers 'to request better coordination of the policy-making processes between the Foreign Ministers meeting in political cooperation and other institutions of the Community' (paragraph 8). Consideration is also given to a series of measures designed to improve contacts between Parliament and the system of political cooperation (paragraphs 9(a), (b), (c), (d), (e) and (f)):

- '— the regular holding of colloquies and revised procedures for preparation and organization of these colloquies along the lines set out in chapter 8 of the explanatory statement of the report;
- improving the quality and speed of answers to Parliament's questions concerning European political cooperation;
- the attendance of the President of the Foreign Ministers or his deputy when motions for resolutions are debated on matters falling within European political cooperation during Parliament's plenary sessions, under Rule 48 of Parliament's Rules of Procedure;
- submission of a statement by the new President of the Foreign Ministers at the beginning of the six-months period of office;
- the attendance of the President of the Foreign Ministers, his deputy or a senior official at meetings of the Political Affairs Committee when major foreign policy issues are being discussed by that committee;
- in accordance with the second report on European Political Cooperation, (the Copenhagen Report), ensuring that the Political Committee the European Political Cooperation directs its attention to the proposals adopted by the European Parliament in the field of foreign policy; for this purpose the Foreign Ministers should instruct the Political Committee to discuss the European Parliament's proposals at the earliest opportunity';

The Ten, for their part, envisage in the London report 'more frequent references to resolutions adopted by the Parliament in the deliberations, communiqués and declarations of the Ten and in Ministers' opening statements at colloquies with the Political Affairs Committee of the Parliament'.

The resolution also calls on the Foreign Ministers 'to invite representatives of the governments of applicant States to attend the meetings on political cooperation as soon as their accession treaties have been signed' (paragraph 10) and 'to request the European Council to renew the commitment of the Member States to speak with one voice on all external matters of vital concern to the Community' (paragraph 11).

Finally, the resolution notes that political cooperation is based on the principle of unanimity and therefore requires the participation of all Member States in the preparation and implementation of joint positions.

Resolution on the role of the European Parliament in its relations with the European Council (1)

1. The resolution of the European Parliament: nature and rôle of the European Council

The first recital of the European Parliament resolution recalls 'that the Community's institutional development is one of the political objectives clearly and repeatedly stated in the preambles to the Community Treaties and in additions and amendments thereto'. (2), (3)

However, the legal status of the European Council has not been clearly defined.

It is precisely because of this ambiguity that Parliament referred in its resolution to 'the need to define its (Council's) legal, political and functional role on the European political scene' (third recital) and stressed 'the need for a harmonious development of the institutional framework of the Community, in which the European Parliament can increasingly fulfil its proper function as a central body and the Commission and Council can fully recover the role assigned to them by the Treaties' (fourth recital).

In effect, the Commission does not in general submit formal proposals to the European Council but restricts itself to submitting reports, memoranda or communications. As a result the procedure for consulting Parliament on a Commission proposal as laid down in the Treaty is not applied.

Furthermore, it also tends to exclude the possibility of Parliament exercising the powers of control assigned to it by the Treaty, even where the European Council takes decisions in sectors falling within the terms of reference of the EEC, whenever the Commission fails to make use of its right of initiative.

The European Council occupies a position above the Council of Ministers as an appeal body for decisions of major importance on which agreement may be reached only at the level of Heads of State or Government, thus limiting the role assigned to the Council by the Treaties. However, the European Council meeting which was held in Luxembourg on 29 and 30 June 1981 expressed its

(1) OJ No C 11 of 18.1.1982, p. 192

(2) Doc. 1-239/81

(3) OJ Annex No 1-278, Debates of the European Parliament, December 1981

awareness of the advisability of maintaining regular and constructive relations with the European Parliament, as the resolution notes with satisfaction (fifth recital).

On that occasion, Mr Van Agt, Prime Minister of the Netherlands and President-in-Office of the European Council, laid great emphasis on the fact that there were no longer any insuperable objections to the President of the European Council submitting the results of its work to Parliament.

The first paragraph of the European Parliament resolution stresses the need 'for the European Council, whenever it acts as the Council within the meaning of the Treaties, to abide by the established procedures for consultation and conciliation between the Council and the European Parliament'.

The Treaties list a number of sectors in which the Council cannot adopt legislative provisions without first consulting the European Parliament. In addition, a conciliation procedure with the Council has been in existence since 1975 and this is designed to reconcile any differences of opinion between the Council and Parliament on legal acts with substantial financial implications. Consequently, if a similar procedure were established between the European Parliament and the European Council, Parliament would recover all the powers which rightly belong to it and which it is unable to use when matters are transferred from the Council to the European Council.

The resolution also stresses the need 'for the European Council to keep the European Parliament regularly informed of the proceedings and the subjects discussed at its meetings' (paragraph 2).

In the explanatory statement, the rapporteur, Mr Antoniozzi, stressed that 'the European Council as a rule provides very scant information on its deliberations. On the one hand, prepared statements are issued embodying the opinion of the European Council or of the Heads of Government on problems of international relevance (e.g. relations with Japan, subjects for discussion at Western economic Summits) and on problems relating to European political cooperation (e.g. the Middle East, Afghanistan, Southern Africa). These statements are published in the press and can be debated by the European Parliament's Political Affairs Committee at its quarterly meetings with the President-in-Office of the Council of Foreign Ministers.

But, on the other hand, no reports of the informal discussions of the European Council are published; on discussions both about problems within Community competences and about those going beyond them, the European Council merely issues a summing-up by the Presidency which does not have the official status of the Declarations and usually confines itself to an analysis of the problems treated and the expression of pious hopes for their resolution'.

Parliament therefore called 'for the European Council — represented by its President-in-Office — to take part once a year in a general debate in Parliament on progress towards European integration and the rôle of the Community in international politics. The European Council should forward to the European



49 *Members of the European Council received by King Baudouin in Brussels (June 1981). — Photo: CCE, DG Information*

Parliament a written communication on this topic one month before the joint debate which could be linked to the debate on the Commission's Annual Report' (paragraph 3).

Each year the Commission submits to the European Parliament in plenary session a report on the Community's activities in the previous year and the Commission's general work programme for the current year.

In the abovementioned paragraph Parliament therefore points to the need for the procedure laid down for the Commission to be extended to the European Council with the possibility of the two debates being combined in order both to establish regular links with the Council and to include in the debate those elements which relate to political cooperation.

As regards the request that a written communication be forwarded one month before the debate, this need was also referred to in the resolution on political cooperation and the role of the European Parliament which called for the annual report on political cooperation to take the form of a written document to be forwarded to the European Parliament two weeks before the annual debate on this report. This need arises from the fact that Members of Parliament find it difficult to prepare their remarks when they are asked to assess on the spot a report presented orally.

The European Parliament also underlined the need 'for the European Council to declare its willingness to inform the European Parliament of the proceedings and outcome of its meetings at the subsequent part-sessions of the European Parliament through the Council of Ministers or through the Foreign Ministers meeting in Political Cooperation' (paragraph 4).

It should be pointed out here that the report on European Political Cooperation which was adopted by the Foreign Ministers of the Ten on 13 October 1981 stated that: 'The Ten will ensure that after a meeting of the European Council, the President of the European Council will make a statement to Parliament. This statement will include political cooperation issues discussed at the meetings'.

The President-in-Office of the European Council, Mrs Thatcher, Prime Minister of the United Kingdom, appeared before Parliament at the December 1981 part-session to give a statement on the meeting of the European Council which was held in London on 26 and 27 November 1981.

As mentioned above, the Commission has not made full use of its right of initiative in respect of decisions taken by the European Council on matters falling within the terms of reference of the European Community, and as a result Parliament has not been able to exercise its powers of control over the Commission. This is why the European Parliament stresses in its resolution the need 'to ensure that, while respecting the institutional balance stipulated in the Treaties, the role of the Commission and political control of its activities by the European Parliament remain unimpaired' (paragraph 5).

The resolution also considers the problem of the seat of the Community institutions which are currently operating in three separate and temporary working places: Brussels, Luxembourg and Strasbourg.

Although the three Treaties establishing the European Communities grant the governments of the Member States the power and the duty to determine the seat of the institutions by common agreement, the European Council which met in Maastricht on 23 and 24 March 1981 decided to confirm the status quo.

The European Parliament, for its part, expressed its opinion on this matter in a resolution on the seat of the institutions of the European Communities and in particular of the European Parliament in which it called on the governments of the Member States to respect the obligations of the Treaties and to determine a single seat for the Community institutions, and requested that the conciliation procedure be initiated immediately.

Parliament's resolution on the rôle of the European Parliament in its relations with the European Council invites the European Council to take full account of the call for conciliation expressed in the abovementioned resolution and to fulfil its obligations in respect of the decision on the seat of the Community institutions (paragraph 6).



Formal signature of the Acts of Accession of Greece to the European Community by the Prime Minister, Mr Konstantinos Karamanlis, in Athens (May 1979). — Photo: CCE, DG Information

Resolution on the role of the European Parliament in the negotiation and ratification of Treaties of Accession and of other Treaties and Agreements between the European Community and Third Countries (1)

Treaty Provisions

By Article 238 of the EEC Treaty, the Community may conclude Association agreements with other states or organisations, after consultation with the European Parliament. Article 113 of the EEC Treaty authorises the Commission to negotiate agreements within the context of the common commercial policy, but does not provide for formal consultation of the European Parliament. Under Article 228 of the EEC Treaty, the Council is empowered to conclude agreements with third countries or an international organisation, such agreements being negotiated by the Commission. Parliament is to be consulted thereon when the Treaty so provides.

The provisions of Article 228 provide a general procedural framework for the negotiation and conclusion of both association and trade agreements. For the former, Articles 238 and 228, read together, clearly provide that the Commission should negotiate, the Council should decide, and that Parliament should be consulted. On trade agreements, Articles 113 and 228 together do not endow Parliament with a formal right to be consulted, as Article 113 makes no reference to Parliament.

“Luns-Westerterp” Procedures

The rapporteur of the Political Affairs Committee, Mr Erik Blumenfeld, explains in the Explanatory Statement to his report on Parliament and the negotiation of treaties (2) that the inadequacy of Parliament's role in the making of agreements under the EEC Treaty has led to two procedures being agreed between Parliament, Commission and Council. The “Luns” procedure relates to association agreements and obliges the Commission to “maintain close contacts” with the

(1) OJ C 66/68 of 15.3.82

(2) Doc. 1-685/81

appropriate Parliamentary committees during the progress of negotiations. After the latter have terminated, but before the association agreement is signed, the Council is obliged to inform the appropriate committees of the substance of the agreement.

The "Luns-Westerterp" procedure applies also to trade and economic cooperation agreements, and obliges the Council's representative, following the completion of the negotiations but before the signature of the agreement "confidentially and unofficially to acquaint the competent committees with the substance of the agreement". The Council is also obliged to "acquaint Parliament with the content of such agreements, after their signature and before their conclusion."

The fact that these procedures, although useful, do not offer adequate opportunities for Parliament to express its views on association and trade agreements, led to new proposals being put forward by the Political Committee. These included provision for a wider role for Parliament in the conclusion of agreements under the Euratom Treaty, of which the wording of Article 206 is very similar to that of Article 238 of the EEC Treaty. However, the "Luns" procedure does not apply to agreements under Article 206 EURATOM, and the Political Committee followed the view of the rapporteur that Parliament should have a greater part to play in the conclusion of agreements between the Community and other parties, in particular on the transfer of nuclear technology and of fissile materials.

Preamble of resolution

In the preamble to the resolution, Parliament recalls its resolution of April 1980, in which it ratified the accession agreement between Greece and the Community as a political act and gave an indication of the need which it felt, following its direct election, to participate in the process of making major agreements between the Community and other States and organisations. (1)

The preamble recalls the declaration at Paris in 1974 by the Heads of State or Government that the powers of Parliament in the legislative process should be strengthened. It then notes that as a rule constitutions of the Member States provide that the ratification of important treaties and agreements, and those which have major financial implications, must be based on an act of Parliament or on appropriate Parliamentary procedures. As Community agreements frequently have major financial implications, and as Parliament is solely responsible for adopting or rejecting the Community Budget, it naturally follows that the European Parliament should have closer control over the contents of agreements made on behalf of the Community.

In the resolution itself, Parliament calls upon the Council and Commission, by means of inter-institutional agreements, to carry into effect the proposals contained in it. (2) As a general principle, Parliament first asks to be involved in the conclusion of all agreements concluded on the basis of the Treaties. As

(1) OJ C 117/55 of 12.5.80

(2) For debate see OJ Annex 1-280, Debates of European Parliament, February 1982

regards agreements of an administrative and technical nature, a simplified form of participation by Parliament is deemed to be sufficient, such as subsequent notification (unless the Treaties provide for consultation). (paragraph 1.A.I and II).

Procedure on international agreements

In the rest of paragraph 1.A. Parliament proposes that:

- (a) The Council informs Parliament and/or its appropriate committees of the objective of the negotiations to be conducted with a view to concluding an agreement.
- (b) Council also explains to Parliament the substance of the mandate for negotiation which it has given to the Commission.
- (c) If Parliament wishes to submit an Opinion on the objective or the mandate, it so informs the Council and Commission, which set a time limit for submission of the Opinion.
- (d) During this period, continuation of the negotiations should not prejudice the position of Parliament.
- (e) If, where Parliament has given an Opinion, the Council refuses to amend the objectives or the mandate in conformity with it, the Council must so inform Parliament, giving reasons.
- (f) If disagreement persists, Parliament and Council should then open the conciliation procedure, which provides for discussions between representatives of Parliament and the Council.
- (g) Until Parliament acquires the right to ratify an agreement or to deliver an Opinion binding upon the Council which incorporates its refusal of such ratification, the text of the negotiated agreement is to be submitted formally to the European Parliament for its Opinion; this shall take place after the conclusion of negotiations, but before the agreement is signed.
- (h) If Parliament, by a majority of its Members, rejects the proposed agreement, the Council and Commission shall undertake not to implement it until a conciliation procedure thereon has been completed. A clause to this effect should therefore be included in the draft text of agreements.

Procedure on accession agreements

As regards the negotiation and ratification of Treaties of accession, Parliament, in paragraph 1.B., proposes that an inter-institutional agreement be adopted by it, the Commission and the Council, under which:

1. In applying Article 237 of the EEC Treaty, which relates to applications by European States to join the Community, the Council should obtain the opinion of Parliament, as well as the Commission, before taking any decision thereon.
2. Before the Council gives the Commission a mandate to negotiate with the applicant state, Parliament should hold an "orientation-debate" and adopt an Opinion, which sets out its views on the effects of the accession of the applicant State on the composition and operation of Parliament.

3. The Council must take full account of this Opinion in drafting its negotiating mandate for the Commission.
4. The responsible Commissioner shall make confidential and unofficial reports to Parliament's appropriate committees on the course of the negotiations.
5. If, arising out of the accession of a new Member State, changes are proposed to be made to the EEC Treaty, and in particular to Article 148 (which relates to voting by qualified majority in the Council), the Council shall undertake to keep Parliament informed and shall also consult Parliament on each of them separately.
6. Following the signature of an accession treaty, Parliament shall hold a debate upon it. If a three-fifths majority of its Members reject the proposed treaty, the Council shall undertake to try to persuade the governments of the Member States not to implement it.

Procedure on Euratom agreements

Parliament also seeks the adoption — by it, the Council and the Commission — of an inter-institutional agreement concerning agreements or contracts for the transfer of nuclear technology under Article 29 of the Euratom Treaty, and the transfer of fissile materials under Chapter II of Title 2 of the Treaty. The Commission is to consult Parliament on all such agreements or contracts before they are concluded. In the event of Parliament voting for the rejection of any such agreement or contract, the Commission must either refrain from concluding the negotiations or open new ones, as may be appropriate.

