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RESEARCH AND DOCUMENTATION PAPERS

**European Parliament and  
the Trans-European Policy  
Studies Association (TEPSA)**

**Symposium on the  
European Parliament  
in the Community system,  
November 1988**

Summary report  
and Plenary debates

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## FOREWORD

In 1986 the European Parliament commissioned a research study from the Trans European Policy Studies Association (TEPSA) on the subject: Beyond Traditional Parliamentarism: The European Parliament in the Community System. 13 individual papers were submitted to Parliament, which were drawn together on behalf of TEPSA by the Institut für Europäische Politik in a Summary Report. These documents were discussed at a Symposium held in Strasbourg on 17 and 18 November 1988.

The present Research and Documentation Paper contains the Summary Report, and also the speeches made at the plenary sittings of the Symposium on 17 and 18 November. The speeches are based on the official interpretation of the proceedings and therefore speeches not made in English are slightly reduced in length; editing has been limited to the avoidance of repetition and the achievement of clarity.

A companion version of this document will be published in French. A later document, in all languages, will include a summary of the discussions in the working groups of the Symposium.



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**TRANS EUROPEAN POLICY STUDIES ASSOCIATION**

**Research Project:**

**THE EUROPEAN PARLIAMENT BEYOND TRADITIONAL PARLIAMENTARISM:  
FROM A "FORUM" TO A "CO-PLAYER" IN DECISION-MAKING**

**SUMMARY REPORT**

**Structure**

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The views presented in this summary report are based on the contributions of the research project's general rapporteurs:

**Guido v.d. Berghe . David Coombes . Vlad Constantinesco .  
Richard Corbett . Eberhard Grabitz . Rudolf Erbek . Francis  
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1. INTRODUCTION: THE CHANCES AND CHALLENGES OF 1989  
AND 1992

In June 1989 the European Parliament (EP) will be directly elected for the third time. In regard to this institution Euro-Parliamentarians and voters largely have been and still are oriented to national parliamentary experience<sup>1</sup>. But in terms of competences and political influence the European Parliament is obviously different from national parliaments and - what is of crucial importance in this context - the EC system cannot be compared with national political systems. Therefore a new way of thinking is needed.

In order to seek a new understanding of a parliament in a supranational context the Trans-European Policy Studies Association (TEPSA) and its various member institutes<sup>2</sup> decided in 1986 to start a research project "Beyond Traditional Parliamentarism: The European Parliament in the Community System". The research is focussed on four questions:

1. Are there differences between, and common basic characteristics, of national parliaments and the European Parliament? And if so: How have they evolved?
2. What new concepts can be identified for the European Parliament in the Community framework?
3. How can the activities of the European Parliament since 1979 be interpreted in the light of these new parliamentary concepts?
4. What are the European Parliament's strategies and options ahead?

This joint report by the general rapporteurs of the project is intended to stimulate discussion on the institutional and political role of the European Parliament in the Community.

In the present situation of the Community an intensified discussion on institutional matters is extremely necessary:

- European elections seem to be becoming "normal" events for politicians, party activists and voters. The question is open if the EP is content with the achieved degree of "normality" both in terms of campaigning, mobilizing and voters turn-out and in terms of its institutional role in the Community. European election campaigns could be chances to propagate the institutional aims of the institution to be voted for.
- In July 1987 the "Single European Act" came into force. By this first substantial reform of the EC treaties, the powers of the EP were enlarged in the fields of legislation and treaty-making (accessions and associations to the Community). The limited experience we have to date with these new powers indicate that they may change substantially the image of the EP from a "forum" towards a responsible partner in the decision-making process.
- The envisaged completion of the internal market in 1992 opens new frontiers for the Community future and in particular a need for enhanced decision making at EC-level. The accepted target "1992" could be linked with a call for further institutional reforms. The EP should be in the centre of a new reform process.

Thus the time is ripe for a general debate on the institutional position of the EP and the chances for an enhanced role. This role must be adequate to the political system in which it has to function. A clear idea of the present role and possible future developments of the EP may give voters and parliamentarians orientation and may contribute to a better understanding of this institution.

The central message of this report is the plea for an adequate parliamentary role concept for the EP beyond traditional parliamentarism. The structures of the EC system with its growing interlocking and interference between the member states and the Community and the predominant influence of

national governments and administrations have so prevented the EP from becoming a "legislature" (like the US Congress) or a dominant actor in the "gubernative" (like the German Bundestag) that can elect and dismiss the government. A role as a "forum" (like the Parliamentary Assembly of the Council of Europe) -even if some other ingredients were added- seems to be unsatisfactory for the directly elected EP.

Owing to the structures of the EC system we propose that the EP should follow a "co-player-concept" in the Community game with its variety of more or less important national and European actors. The EP must be accepted within the sensitive decision-making process as an important co-player whose assent is necessary to all important decisions. It should at first concentrate on selected means to increase its influence in important political fields. The Single European Act points out that way: Since July 1987 the EP has to give its assent to treaties of association and accession. Moreover, its involvement in legislation was strengthened. In the last chapter of this report proposals for further institutional reforms in this line can be found. These proposals do not exclude the necessity of a "grand design" continuing the approach of the Draft Treaty establishing the European Union of 1984. Such a project may give orientations for voters, Community institutions and national authorities.

The term "co-player" for the description of the EP's role may provoke some criticism for being not "serious" enough. But it explains the necessity (more than alternatives like "partner") that the EP has to take part in the "Community play", that there are certain binding rules in the game and that conflicts are possible. A parliamentary role of "co-player" has certain facets like co-decisor, co-legislator, co-articulator and co-controller.

Of course, the EP's institutional role today partly can be described as a "co-player" as well, but there are certain important fields of the EC system where it is totally or partly excluded from decision-making: the agricultural or trade policy, the European Monetary System, activities in the "mixed areas" like the European Development Fund or instruments in the intergovernmental cooperation field, like EUREKA. The concept for the EP as a "co-player" implies that in the long run it may effectively in one way or the other influence decisions on all those matters: it should not dominate those decision-making processes, but should seek to share the power with the Council.

This concept takes into consideration that the legitimacy of the EC system derives both from a national and a European source. The national one is represented by the European Council, the Council and the various bodies with representatives of the member states, the EC source is represented by the European Parliament and the Commission. For important decisions, the assent of representatives of both is necessary, otherwise "the game will not go on". Of course, such a parliamentary concept as "co-player" requires major learning process from the EC-citizens, who are oriented on their national parliamentary experience.

## 2. STARTING POINT: THE VOTERS AND THE TRADITIONAL PARLIAMENTARY HERITAGE

The introduction of direct European elections in 1979 was accompanied - besides the feeling of curiosity for something new - by different, partly diverging hopes and fears<sup>3</sup>. Expectations were focussed in four directions:

- (1) Direct European elections would lead to a higher degree of democratization and legitimacy in the Community, by strengthening the EP directly and thus strengthening

- indirectly the influence of the voters on Community legislation.
- (2) Secondly, direct European elections would have positive effects on the integration of the diverging forces in the EC. The interest and engagement of the European party federations and of the pressure groups at the EC level would become stronger. National cleavages would be replaced at least in part by political/ideological cleavages.
  - (3) Thirdly, the voters expected from a directly elected European Parliament a positive impact on the efficiency of the decision-making process. The Council being absolutely predominant in this process, had often been seen decision making blocked by its commitment to unanimity. A strengthened Parliament - voting by majority - could lead the way out of the EC's "decision-making trap"<sup>1</sup>. At the same time direct elections to the EP would increase the "learning capacity" of the EC-system by an enhanced pressure on the political parties to react to new challenges.
  - (4) Finally it was expected in some of the member countries that the introduction of general elections in the long run as is the case in all EC-member countries would provide the mechanisms for a peaceful change of political power in the Community.

All these expectations were influenced by perceptions of what the role of a parliament should be on the basis of national experience. In fact, however, there is not one perception of that role, but several, in view of differences between national traditions, between current practices and between conflicting political ideas. What the member states clearly have in common, however, is a commitment to what they see as a parliamentary form of government, though that form may be qualified

by other vital constitutional elements (as by the role of the French President or by the German Federal system)<sup>5</sup>. There exists a plenitude of conceptions regarding the nature of and the basic requirements for parliaments:

- Starting from a constitutional point of view, parliaments may be described as elective bodies with some share of governance and majority consent. They came to be understood primarily in terms of the exercise of formal, constitutionally guaranteed powers such as representative, deliberate, legislative, executive, appointing and electoral powers<sup>6</sup>.
- Citizens, groups and organizations outside Parliament articulated a profile of expectations what a parliament should be. Essential attributes in those expressions are responsiveness, representativeness and the ability to react on new challenges by majority consent<sup>7</sup>.
- The self-concept of parliamentarians may have relevance for the political aims of the institution. Here the hold on government power is seen as essential. Only the opposition is interested in an openly debated strong scrutiny and control<sup>8</sup>.
- Academic conceptions of parliament started from the crucial question concerning the basic requirements of a representative. Nowadays the academic debate at least in social science is centered around the functions a parliament should perform in the political system.

Going back as far as the English commentator, Walter Bagehot, writing in 1867<sup>9</sup>, many students have described the role of parliaments in terms of the performance of various functions in relation to government and society<sup>10</sup>. In a symposium that was organized by the EP in 1974 Klaus von Beyme argued that a distinction can be drawn between six principal functions

of Parliaments in the input and output sectors of the political systems<sup>11</sup>:

- The representation and articulation function;
- the communication function;
- the controlling function;
- the function of participation in the appointment and dismissal of the executive;
- the legislative function;
- the recruiting function.

The emphasis that is placed by the national parliaments themselves and by observers on these individual functions and on the use of the traditional powers in Western Europe (and elsewhere) has been profoundly affected in the past by four major developments:

1. Constitutional limitation on the national assembly, designed variously to provide for a greater degree of horizontal (between national/regional level) and vertical (between different institutions representing the legislative / executive power and the jurisdiction) separation of powers, to allow direct consultation of the people and to recognize the rights of regional assemblies.
2. The growth of highly organized political parties, capable of dominating the electoral process and the procedures of the assembly, as well as acting as a vital element in the process of government-formation.
3. The increasing need for governments to take account of the demands of strong economic and social interests inside and outside parliament altogether.
4. The emergence of an international dimension limiting the capacity of national parliaments to perform their traditional role. Part of this fourth factor is, of course,



the establishment and evolution of the European Community with supranational powers.

Many developments in European society and politics must lead us, therefore, to question the realism in current circumstances of traditional conceptions of parliament at least in some of the member states. Even advocates of parliamentarism may abandon or at least modify substantially the traditional model. The national experience is even less helpful for understanding and guiding the European Parliament, due to the fact that this institution does not form part of a political order identical to a nation state. To the extent that the development of the EC system has not followed the traditional lines of nation states, comparisons of the EP's role and functions with those traditionally belonging to national parliaments can therefore be misleading. Such comparisons can cause frustration and an increasing lack of interest in the work of the European Parliament and in European elections. At the same time they may urge the EP to develop in directions that might not be suitable to the political system in which it has to function, having in mind, however, that this system is developing too.

This leads to the question of what kinds of model exist, if any, for understanding and explaining the European Parliament - what it is, what it does, how it relates to the wider issues of European integration and to traditional ideas of parliamentarism. Obviously those models depend first and foremost on the understanding and perception of the EC itself.

### 3. THE INTERLOCKED EC SYSTEM AND THE INSTITUTIONAL ROLE OF THE EUROPEAN PARLIAMENT

#### 3.1 The constitutional system of the EC

The EC-system - as it is discussed here - includes the Community in the sense of the treaties as well as other common activities, closely linked to the Community, such as the European Political Cooperation (EPC) and the European Monetary

System (EMS). One of the most striking characteristics of the EC system is its dynamism, e.g. its ability to react on new challenges in a pragmatic, but often suboptimal way. The binding character of the Community law and the positive role of the Court of Justice in evolving and concretizing that law is of crucial importance in this context as well.

If we have a closer look at the structures of the EC system, we can see that there is a growing interdependence and interference between the EC and its member states in nearly all fields of political activity. But despite those evolutions the European Community has not developed - as much as some had thought - into a supra-national system in which the Commission, by technical expertise, would exclusively run the community business<sup>12</sup>. The Commission has not become a strong Community Government. The European Community has neither developed into a pure federal system along classical models, in which a federal government (= the EC Commission), guided and controlled by two chambers of parliament (= the European Parliament and the Council), would be responsible for the Community's policies independently of the coexisting though weakened nation states, nor has it fallen back into a traditional international organisation, in which only governments decide, and do so by unanimity.

The interactions between EC institutions have developed in a way which does not qualify the Community for this kind of traditional categorisation. The European Community since the beginning of the seventies can instead be characterised by three general trends:

(A) The scope of activities of the EC has constantly been broadened, so that more and more topics of national interest are, in one or the other of the means described, being integrated into the Community or into mechanisms which are closely linked to the Community - like European Political Cooperation or European Monetary System.

(B) This increase in the scope of the EC system's activities has not been matched by a transfer of exclusive sovereignties/competences to the Community. Although articles of the EEC treaties (especially Art. 100 and 235) have been used more often in the last decade, there has been no major radical change in the formal division of competences between member countries and the Community. The EC treaties provided the space for political action, but in some fields (e.g. the transport policy) there were little attempts to occupy it. Even the Single European Act with its new priorities in certain fields (environment, research and technology, EPC) included only a limited shift of competences from the member states towards the EC<sup>13</sup>.

(C) What has been witnessed, however, is a considerable increase of "interlocking" between national and Community actors: ministers and civil servants of member countries have grown more and more accustomed to solving problems together with the Community or among themselves. The characteristics of the constitutional evolution of the Community in the last one and a half decades have been not a transfer of sovereignty but a pooling of sovereignties among member states and the Community. Member states have increased their participation in and control of, Community activities, not because they have reduced the importance of the Community, but because they have increased the relevance of the Community for their own national policies; from the Heads of Government to the desk officer in many ministries the understanding of some kind of common problem-solving in the EC framework has increased. The completion of the internal market in 1992 may turn out as a mobilizing factor in those developments. The mutual interdependence will increase, but at the same time new frontiers may be built up by the new possibility of "opting out" for environmental or health reasons<sup>14</sup>.

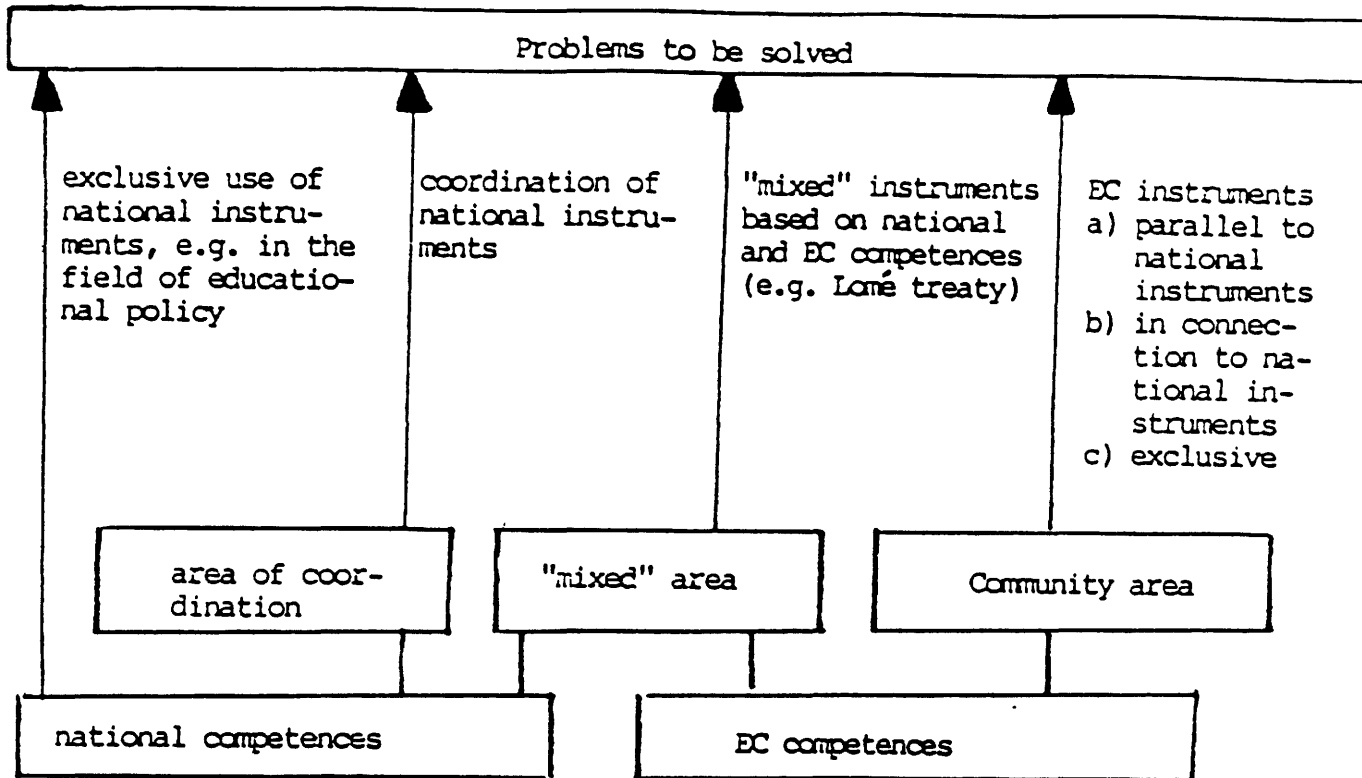
In many sectors EC policies exist parallel to separate national policies. In the area of external relations, the inter-

locked character of European policy making also can be seen, especially with the so-called mixed treaties (more than 100 up to 1987), in which agreements with third countries are concluded in such a way that Community competences (as determined by the EC treaties) and those of member states are "pooled"<sup>15</sup>. The negotiation procedures are - in these cases - quite complex, but they have become on the EC side to be a normal procedure of decision making.

The interlocked system can be understood as a specific way in which the Western European nation states try to tackle problems of interdependence among "welfare" and "service" states. As governments are elected to provide their citizens with certain services and goods they realize, in the situation of mutual interdependencies, that only joint decision-making can help to reduce some of their common problems. The EC offers certain possibilities of assisting the solution of such problems.

The attitudes of national politicians towards the Community, however, were and still are conflicting: On the one hand, they realize the necessity of joint European actions to solve existing problems in fields such as foreign policy, monetary policy, environmental protection etc. On the other hand, they did not accept the transfer of competences from national to Community level. They have preferred ad hoc-procedures and interim-regulations, they have pooled national and EC instruments and they have used traditional Community channels to achieve their aims. In all cases of exclusive EC competences they have increased the capacity of member states to control Community activities, as has been documented in particular by various committees of national experts who influence the Commission's executive power<sup>16</sup>. The existing complexity of the EC-system in terms of the division of competences between the Community and the member states can be seen in the following Graph 1 (see next page).

Graph 1: Instruments in the EC system and the division of competences between the EC and the member states



Being useful, the Community has shown a high degree of dynamism and stability, in spite of all crises and blockages. The European Community has not become obsolete but evolved its areas of activity and its institutional set-up, though not always in the direction or at the speed some of its founding fathers wanted it to.

To the viability and stability of the EC system one has to add the cumbersome and - to a large degree - undemocratic decision-making process. Although the Community takes many decisions that directly or indirectly affect citizens in the member states, those officially responsible for the decisions have little, if any, direct responsibility to the citizens themselves, who have little direct means of influencing or controlling the making of decisions at an EC level. Since 1979 the European Parliament has been directly elected and is playing a certain, though limited role. The important

decisions, however, are still mainly pre-formulated and controlled by the national administrations, quite often without any direct parliamentary decision and open political debate as is customary in national decision-making. The consensus on important political matters the EC system primarily is between national and European administrations and leading political circles, thus reducing the role for national parliaments and the European Parliament. Only step by step the EP has gained some influence on the decision-making processes. Those procedures are not only lengthy, but they normally lead to decisions which are "suboptimal", i.e. they do not represent efficient solutions for the Community, but reflect short term package deals between national positions. European Parliamentarians therefore do quite often categorize the Community system as "undemocratic" and "inefficient".

It is traditional to start an analysis of the EP in the structure of governance of the Community by underlining the existing democratic deficit in EC decision-making<sup>17</sup>. According to this "orthodox" view the directly elected European Parliament is the only (or at least the principal) repository of legitimacy and democracy in the Community structure. But in spite of this democratic quality its powers are weak and the decision-making process as a whole is inefficient. MEPs and observers have often claimed that both facets of the malaise could be corrected by more use of majority voting in the Council, combined necessarily with a significant increase in the legislative and control powers of Parliament.

From other perspectives such conclusions are at least disputable. Of course, no modern polity aspiring to democracy can govern itself today like the Greek Polis or the New England town. Representative (parliamentary) democracy has replaced direct participation. Nonetheless, one yardstick of democracy should be the closeness, responsiveness, representativeness and accountability of the governors to the governed. There are two normative requirements for representative political

systems in the West: The government must fulfil democratic norms and values and - at the same time - it must enjoy legitimacy, both in a formal (legal) and in a social (empirical) sense.

In the process of integration between independent states at a regional level there will as a rule initially be a diminution of democracy in the newly integrated body in comparison to the old smaller polities. The reason for this is the fact that the controlling influence of the voters in the integrated Community normally is less close than in the former entity. But nevertheless the citizens may opt for and formally legitimize this integrative process because of the possible gains. By aggregating the national resources the total welfare of citizens may be enhanced despite the loss of the more immediate influence on their government policies. Indeed, such governmental policies may well have been little more than symbolic in those policy areas where a broader geographical approach is necessary to deal with a problem.

The open question which remains is if the minority will accept majority decisions in the enlarged integrated polity. There is no theoretical answer defining the boundaries of the polity within which the majority principle should be applied. The acceptance is determined by long-term factors such as political continuity, social, cultural and linguistic affinity, a shared history and a sense of common purposes at least within certain spheres. People accept the majoritarian principle of democracy within a polity to which they see themselves belonging. As long as this social legitimacy is not attributed to the Community in all member states, the veto right of national governments in the Council may be seen in those reluctant countries as the single and most legitimizing element in the Community. But the political and the economic cost of this instrument are obviously high, as well as its democratic cost when a minority can continually frustrate a majority in this way.

But even a substantially strengthened European Parliament cannot necessarily solve the legitimacy problem at once and by itself. To this end, an enhanced social legitimation of the Community seems to be necessary, with a stronger feeling of belonging to Community and accepting its decisions in all its member states. The Parliament itself could contribute to achieve this aim.

### 3.2 The institutional role of the EP within the EC-system

The EP's (legal) powers and (political) forms of influence can be expressed in three categories<sup>14</sup>:

1. Decisional powers enable the Parliament to influence the outcome of a decision making process by legal means. On the eve of the third European elections three main decisional powers are at the disposal of the EP:
  - the power to force the Commission's resignation by passing a motion of censure,
  - the power to adopt (or reject) the budget (including its margin for manoeuvre to add expenditure and to allocate expenditure within the non-compulsory sector and to give discharge in respect of the audited accounts) and
  - the power to give its assent to, or refuse, treaties of association and accession.
  
2. Participatory powers guarantee on a legal base the involvement of the EP in decision-making procedures without giving it the possibility to "dominate" the outcome. This includes primarily the EP's consultation in the "normal" Community legislation. The EP's strengthened legislative power within the cooperation procedure according to article 149 (2) should also be classified as participatory: The EP may influence the procedures, but in the end the Council will always have (by majority or by unanimity) the last word. According to article 138



(3) of the EEC-Treaty the EP has the obligation to initiate proposals for a uniform European electoral procedure. Moreover it has gained the right to appeal the Court of Justice.

3. Political means of influence refer to those possibilities for the EP to influence decisions that are not based on the EC treaties, but on the representative / deliberate powers of the EP, inter-institutional agreements or the EP's internal rules of procedure and its plenitude of contacts with national and EC actors ("corridor politics"). This includes the informal information of the EP on the negotiation of trade and association-treaties by Council and Commission ("Luns - Westerterp-procedure"), the conciliation procedure for important legal acts with major financial impact, the budgetary conciliation ("trilogue"), the right to put questions to the Council and to the Foreign Ministers, the right to set-up committees of inquiries and the right to pass resolutions and to send delegations and fact finding missions to third countries.

Decisional and participatory powers are limited to those matters which are legally based on the EC-treaties. Other fields of activity in the EC-system, which are not or are only partly within the competence of the Community, can only be influenced by the EP's weak (political) means of influence. This partly explains the tensions between the growing interlocking character of the EC system and the EP's claim for an enhanced role in this system. To express it clearly: The EP has no chance of influencing by legal methods organs such as EUREKA the intergovernmental agreement of 19 European states on intensified cooperation in the field of research and technology, which are based on national competences only unless the Community is involved as such.

The patterns of interaction between the Community institutions are different according to treaty rules, policy sectors and political constellations, but there are also some common

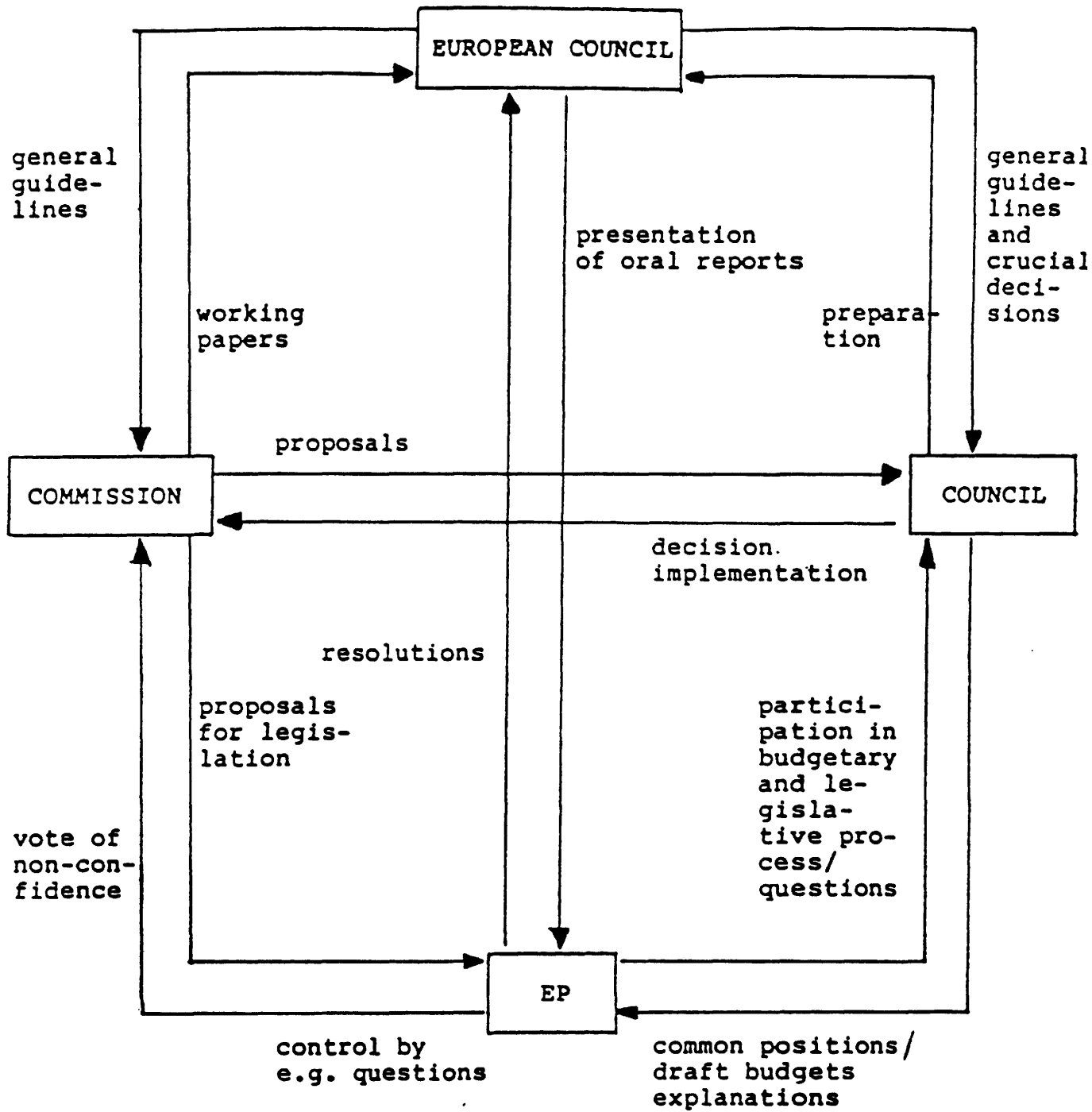
features (see Scheme 2 on the following page). At the formal beginning of each process, the Commission puts forward proposals for either Community legislative acts, for the Community budget or for agreements and treaties with third countries. The process normally ends with a decision of the Council which - in most cases - has at least to consult the EP and the Economic and Social Council.

In the budgetary process, the European Parliament plays a crucial role, as it is, together with the Council, the budgetary authority of the Community<sup>19</sup>. The Parliamentarians can, up to a certain limit, increase and alter the non-obligatory expenditures which are about 20 to 30 % of the EC budget, and can block the whole budget.

In legislative acts, the Commission's proposal is communicated to the Parliament, which gives its opinion, and to the Council who in the end will take a decision - or will fail to do so. After the Single European Act which came into force on 1 July 1987, the Parliament possesses new powers in the area of legislative acts. Within the new "cooperation procedure", two readings are envisaged<sup>20</sup>. After the Parliament has given its opinion, the Council decides on a common position, if approving the Commission's position by qualified majority. This common position is sent back to Parliament which if it either agrees or takes no decision at all, allows the common position to be "ratified" by the Council. However, if the Parliament, by the absolute majority of its component members, amends the common position of the Council, the Commission will re-examine the proposal and it can - on its own decision - submit a revised proposal within a month's time. The Council can then adopt the new Commission proposal by a qualified majority and/or can amend it unanimously including those amendments by the European Parliament which the Commission has not taken up.

The European Parliament can also reject the Council's common position, again by an absolute majority of its component

Scheme 2: The major political actors of the EC system and their basic relations



members, and in this case the Council can only pass the legislation by unanimous vote. If the Council does not decide within three months after the Parliament's rejection or amendments, the Commission proposal is classified as not being adopted; if the Commission wishes to pursue the policy in question, it has to start the whole process again.

The positive effects of these reforms will depend on the political will of the institutions to change the unsatisfactory situation:

- a) If the Council sticks to its unanimity rule - in spite of the possibilities of qualified majorities - then the second reading of the European Parliament loses much of its point. However, the possibility of "opting out" according to article 100 a (4) may facilitate the use of majority voting.
- b) For the European Parliament the new procedure opens new possibilities of increasing its influence, but it is also a considerable challenge. The Parliament will have to organize itself in a way which allows it to adopt positions with the necessary majority and to become a "reliable" partner in coalition building.
- c) The Commission's role is not weakened but strengthened, especially in the case of amendments put forward by Parliament, which may call for difficult decisions by the Commission, either to take up the positions of the European Parliament (which can dismiss the Commission by a vote of non-confidence), or to take into account a majority in the Council which still has the final word. There will be more pressure on the Commission from both the Council and the EP to persuade it to take up their positions.

This strengthened role of the European Parliament has no equivalent in the area of concluding trade and cooperation

agreements or treaties between the Community and third countries (except association agreements, see below), or other organizations; in policy-making for external relations, the European Parliament and its relevant committees are informed about the ongoing negotiation process. Though the Parliament may pursue direct contacts through its delegations to parliaments in many countries of the world, it, however, does not play any constitutional role.

However, the Single European Act has introduced two exceptions to the weak position of the European Parliament in this field: association agreements and treaties of accession now require the assent of the European Parliament by an absolute majority of its component members<sup>21</sup>. This applies also to any amendments to association agreement and related financial protocols, etc.<sup>22</sup>.

From this analysis, the conclusion can be drawn that the restricted position of the EP in the EC system results at least from two facts: On the one hand parliamentary competences vis-a-vis "traditional" EC policies remain unsatisfactory, but here it has sometimes real decisional powers, especially in the budgetary field. On the other hand, many activities of the EC system are not based on EC competences. On the base of legal powers the EP as a Community institution has no possibility to decide on those matters. As long as there is no transfer of competences from the national to the EC level this situation will remain the same. The introduction of the Single European Act in July 1987 has proved that the EC system is open to limited institutional changes.

The EP itself has reacted in different ways to this challenge: Since the introduction of direct elections, a rapid increase in all parliamentary activities can be detected. The attempts of the EP to change the existing EC system and by this to enhance its own role have been of major importance. The adoption of the "Draft Treaty establishing the European

Union" can be rated as a cornerstone in this field. Openings for parliamentary role concepts according to traditional experience, however, are quite limited.

### 3.3 Concepts for the European Parliament

Concepts - as models - are constructions to help us understand complex realities. They serve for analysis (positive theory) and for programmatic strategies (normative theories). They are not necessarily immediate goals for strategies as they might not coincide with the interests of the actors.

To construct concepts is not an artificial and useless exercise: in some way or another everybody has his/her own - perhaps implicit or incomplete - (pre)conceptions. To present concepts helps to make common ideas combining experiences, assumptions and academic knowledge, clearer and easier to discuss. Thus concepts on the European Parliament should help to

- identify normal patterns of perceiving the EP,
- analyse the empirical performance and tendencies of the European Parliament,
- construct a desirable and possible future role for the European Parliament - being aware that the actors inside and outside might not be interested in using these concepts as a yardstick for their strategies. They might have different goals.

In order to identify concepts for the European Parliament we can use a set of three different fields of activity (=functions) for the European Parliament as a starting point<sup>23</sup>. The type of the concept will depend on which fields of activity (or parts of it) and which parliamentary powers are used by or attributed to the EP. The catalogue includes:

(a) activities to shape policies within the given (EC) system such as

- taking initiatives,
- concluding binding decisions (including traditional functions such as:
  - legislative,
  - elective,
  - budgetary,
  - treaty making powers,
  - controlling policy implementation;

(b) activities to develop the EC system<sup>24</sup> such as

- enlarging the scope of activities of the EC system,
- shifting the division of competences within the EC system,
- reforming the institutional set-up of the EC system to make it more efficient and democratic;

(c) activities of interacting with the "constituency"<sup>25</sup> such as

- articulation of concerns and expressions of grievances,
- aggregation of interests and information of the public,
- reflection support for/opposition to particular measures.

By combining certain fields of activities with the powers of parliament which we have identified in the second chapter of this report we can identify the following concepts (see Scheme 3):

- In the forum concept parliaments are "debating societies" articulating interests and leading to initiatives. The parliament is a seismographic amplifier of voices in society. Elections guarantee that the voices are representative and are heard as the "will" of the people. In this model the representative/deliberate power is accentuated. An example for such a "forum" is the Parliamentary Assembly of the Council of Europe.

**Scheme 3:** The emphasis of different fields of activities in various concepts (models) for the European Parliament

concepts			
fields of activities/ powers	"forum concept"	"legislature"	"gubernati- concept" (i electing to government

**a) to shape policies**

initiative	XX		
decision making		X	X
- legislation		XX	X
- election			XX
- budget		X	
- treaty making		X	
control of implementation	X	(X)	

**b) developing the  
system**

scope enlargement			
shift of competences		(X)	(X)
institutional reforms		(X)	(X)

**c) interaction**

articulation of concerns	XX	(X)	
aggregation of interests		X	X
mobilization		(X)	XX

applicability to the European Parliament as it stands to date	high, but unsatisfactory	limited	very limited
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- .. In the concept of a legislature the parliament is the legislative branch of the governmental system. The Parliament is an identity distinct from the executive branch and the administration. Elections are selections of programmes and/or political actors. In this model the legislative power of the parliament is of crucial importance. The US Congress can be classified as such a "legislature".
  
- In the "gubernative" concept in which the parliament is electing the government: the majority of the parliament, the government and the administration form some kind of unity. The parliament is not acting as a unit but as the constitutional place where the government is elected. General elections are competitions between persons and parties. In this model the executive power to select the executive authority dominates all the other powers, and usually (but not always) lead to the domination of Parliament by the executive. The "gubernative concept" can be attributed to the German Bundestag.

Owing to the fact that the European Parliament has not so far the power to elect a European government and possessed very limited legislative powers, parliamentary concepts such as "gubernative" and "legislature" have by definition to be understood as dynamic. To realize such concepts the EC-system needs to be transformed to a higher degree of integration, giving the EP -at least partly the opportunity to follow the lines of (traditional) national parliaments.

These developments should not necessarily repeat the models of the EC-member states. Swiss democracy with its various forms of direct and indirect participation by the citizens in the political process<sup>26</sup>, or the US-system with the prevailing element of "checks and balances" between the main political authorities are interesting examples of different concepts<sup>27</sup>. The Swiss and the US systems are characterized by the far-reaching independence of Parliament from the govern-

ment, but in both systems representative assemblies have a strong role to play.

The experience of the EP's "Draft Treaty Establishing the European Union" of 14 February 1984 demonstrated once again the stable character of the EC-system, which proved to be highly resistant to major constitutional changes<sup>20</sup>. The preference of the predominant national governments with the exception of Italy - and perhaps Spain - for pragmatic "step by step" decisions will make a rapid transformation of the EC into a "European Union" with a strong parliament difficult.

Step by step changes in the institutional balance of the EC-system, however, are possible. The history of the last decade has shown for example that the political influence of the Commission depends largely on the personality of its President. A strong personality like Jacques Delors with European experience, a national backing and clear political concepts may enhance the prestige and the influence of his institution as such. On the other hand one has witnessed a remarkable renationalisation within the Council. That could render all pro european evolutions more difficult. An analysis of the EP's institutional role since the first European elections in 1979 demonstrates that there have been no "big leaps" towards a parliament in traditional terms as described above. Nevertheless the EP's institutional evolution in the last decade has been of major importance.

#### 4. THE PERFORMANCE OF THE EP SINCE 1979

##### 4.1 Overview: The phases of the EP's priorities

The introduction of direct elections generally was seen as an important turning point in the history of the European Parliament. The newly elected members vigorously sought a strengthened political weight in the decision-making process of the

Community. The internal organs of Parliament were reformed. The increase of the EP's activities in all fields was remarkable: After 1979 the number of own initiative reports was regularly higher than the number of reports on proposals of the Commission. Priority in own-initiative reports has been given besides to traditional Community matters in particular to subjects of "high politics", like human rights, South-Africa or the future of Western Europe. Written questions to the Commission have risen from 1003 in 1978 to 2671 in 1986, to the Council from 132 to 195 and to the Foreign Ministers from 20 to 157. The budgetary procedure was frequently perceived as an opportunity to define political priorities.

In the first electoral term (1979-84) the Parliament showed a great deal of vitality in raising important issues facing West European society. To some extent, it functioned as a mirror, an amplifier of interest, an initiator and a permanent commentator. Some observers criticised, however, the fact that it was too much concerned with "world affairs", such as questions of human rights and development problems, neglecting its "home-work" in the field of legislation on traditional Community matters.

This interest of MEPs in matters of "high politics" can be explained on the one hand by the media's readiness to report on those questions. On the other hand it can be interpreted as quite understandable reaction of politicians in concentrating on those fields of activity where they could influence the political process (or at least the media), leaving aside all the areas that were clearly dominated and occupied by the national governments.

In general the first electoral period (1979-1984) can be characterized by five major trends:

- The first two years after the 1979 election were devoted to a process of self-discovery. The rules of procedure

were revised. The political majorities often changed. The fact that the EP rejected the EC budget for 1980 can be rated as an early attempt with limited success to demonstrate its strengthened political weight. Not until 1981 did the EP start to tackle "sensitive" matters, such as the institutional reform, security questions, or social problems.

- Within the Parliament no coherent and consistent minority and majority coalitions were established, though there is a slight majority for the centre-right parties. Only on highly political issues was this majority decisive. Normally other cleavages (e.g. agricultural against non-agricultural) predominated.
- The EP devoted a major part of its working capacity to relatively "new" fields of the EC-system, like development and environmental policy or human rights. In "old areas" like agricultural or trade policy it gave its opinions and started new initiatives - with little impact on political decisions.
- Regularly the Parliament demonstrated in those cases where it had decisional powers, its ability to act in an efficient way and its responsiveness to the underlying problems. Its use of the budgetary procedures in particular revealed the EP's capacity for aggregating diverging interests.
- In the second half of the first electoral term system development became one of the major working fields of the EP. A Committee on Institutional Affairs was established. The EP followed a double strategy: On the one hand it tried to revise the EC-system within the existing structures by a series of reports<sup>29</sup>. On the other hand it voted for the "Draft Treaty establishing the European Union"<sup>30</sup> giving by this the voters a legitimated concep-

tion for the future of the Community. The aim of leading parliamentarians to mobilize the voters behind this "European Constitution" in the second electoral campaign failed however. But nevertheless the Draft Treaty project caused important pressure for institutional reforms.

At the beginning of its second electoral term (1984-89) the EP was able to start its work more immediately than in 1979. The majority of the "old" MEP's were re-elected<sup>31</sup>. The staff had become used to the working conditions of the directly elected EP. The interest of the public in the work of the EP slowly became stronger, but remained limited. Thus "normality" began for the EP. But this "normality" did not prevent important evolutions:

The "Single European Act", which came into force in 1 July 1987, can be seen as the third major turning point in the history of the EP alongside the acknowledgement of the EP's budgetary powers in 1970/75 and the introduction of direct elections in 1979. Though in the negotiating process many parliamentarians had reservations about the reform in form of the Act - bearing in mind their own Draft-Treaty project - it has turned out to be an opportunity for a closer involvement of the EP in the EC decision making process aimed at the completion of the internal market.

The demanding requirements of the new cooperation procedure laid down in the new article 149 (2) of the EEC-treaty led to an important revision of the EP's rules of procedure<sup>32</sup>. The limited experience to date with this new cooperation procedure and the new rules of procedure indicates, however, that the EP in the second half of its second electoral term is going to emphasize its work as a legislature, markedly reducing other activities.

Detailed analysis indicates that since 1979 the performance of the EP in its various fields of activity - to influence the

existing EC policies, to develop the EC system and to interact with the voters - has been heterogeneous. Some areas (or parts of them) have been highlighted to a greater degree than others according to the priorities of the EP and the structure of the EC system.

#### 4.2 Policy-making

As described above, the institutional system set up by the EEC Treaty does not assign to the European Parliament the full range of powers enjoyed by the parliaments in typical Western European systems of government. But nevertheless, the EP has used its existing competences to shape policies within the given EC system, especially

- by acting as an articulator and transmitter of ideas,
- by influencing the legislative and the budgetary process and
- by scrutinizing the other political actors.

The EP has from the outset sought to exploit and extend its consultative powers to the maximum in the legislative process and to this end has been supported in part by the other institutions, especially by the Court of Justice and the Commission. It has also sought to play a role in initiating Community action and has usually had a good response from the Commission, which now submits written reports to the Parliament every six months as its response to "own initiative resolutions". The Parliament has sometimes been criticized for devoting its attention to issues on which it has no legal influence (human rights, foreign policy, security policy ...). On the other hand, exactly this variety of subjects serves as an indicator of its valuable role as a "forum" and a "moral tribune" in the Community.

The EP's actual impact in the legislative procedure is extremely hard to judge. The EP has no decisional powers in

legislation, but "hidden impact" may be as important as visible impact. Commission proposals for example may already have been strongly influenced by the EP before they have been formally proposed, though the EP's formal powers of influence over the initiation of legislation are non-existent.

The conciliation procedure on legislation with significant budgetary impact has proved to be a failure<sup>33</sup>. The opportunity for the EP to enter into a dialogue with the Council is no compensation for the lack of bargaining power, and the Council has the final say. Therefore the EP's influence has depended on its capacity to mobilize allies by presenting convincing political concepts. In doing so, the EP has been more successful in "dynamic" and "moral" policy fields like development policy and questions of human rights than in "traditional" EC matters like agricultural or trade policies.

One field where the European Parliament has developed considerable powers is that of the Community budget. Parliament's budgetary powers have been frequently analysed elsewhere<sup>34</sup>. They have not been formally modified in any substantial way in the recent past, but have been limited by the reaching of the ceiling on Community revenue. The 1983, 1984, 1985, 1987 and 1988 budgets were at or above the ceiling, placing them in the realm of national governments (rather than of the Council and European Parliament) as regards the fixing of the maximum level of expenditure. The focus of the budget debate has therefore been on the need for new revenue, the forms this could take, and ways of controlling expenditure, notably on agriculture. If anything, there is a greater risk of Parliament's powers being cut back in practice rather than in them being extended.

Sharpened conflict between Parliament and Council in this situation has meant that each of the four years since the 1984 elections will have started without an agreed budget

(provisional twelfths). Disputes for the first time resulted in a Court ruling in 1986 and could do so again in 1988.

The annual budgetary procedure is also an important guide to the political priorities of the EP. In the debate held in December of each year on the adoption of the budget for the following financial year, the general rapporteur sets out the EP's priorities in the financial sphere. Since 1979 unemployment, social and regional policy, energy and development ("hunger in the world") have featured regularly.

There can be no mistaking the efforts made by members to convert their political aims into Community practice, the outcome, however, often turned out to be unsatisfactory. The analysis of the budgetary procedures since 1979 shows that in fact it proved possible to achieve increases in expenditures on the areas classified as priorities - social, regional and development policy. But in general it can be seen that the EP's successes in the budgetary field, although undeniable, have been relatively limited. Although the EP could increase the share of non-compulsory expenditures in the budget from 16 in 1979 to about 28 per cent in 1988 the bulk of the Community expenditures were taken by the agricultural policy, on which the EP has little influence.

There was and still is a controversy over the obvious aim of many MEPs to compensate for the EP's lack of legislative powers by exploiting its budgetary powers. With some minor exceptions ("actions ponctuelles") the Commission has regularly refused to disburse budget appropriations voted by the Parliament for which the Council has not provided a legal basis. The institutions' conflicting viewpoints were brought somewhat closer by the joint declaration of the EP, Council and Commission of 30 June 1982 according to which the Council expressed a certain readiness to provide a legal basis for such new appropriations<sup>13</sup>. Notwithstanding such real successes the limits of the EP's budgetary powers have become obvious.



The right to ask questions has considerable significance as a political instrument for scrutiny and - as we have seen above - is being used increasingly often by the MEPs. This right serves two main purposes: firstly, it enables political scrutiny to be exercised on the bodies concerned, and secondly it is designed to draw their attention to important fields of activities, and thus to spur them to take the initiative.

The EP has also strengthened its co-operation with other control authorities, especially with the European Court of Auditors. In 1983 for the first time in its history it took legal proceedings against the Council for neglecting its Treaty obligations with regard to transport policy<sup>36</sup>. In December 1987 it used this instrument for the second time following the Council's failure to present a draft for the 1988 budget in time. In February/March 1988 it contested the legal base of a directive on radioactivity in food stuff<sup>37</sup>.

The presence of individual members of the Commission in the plenary and at Committee meetings is now a routine event. The most striking trend of the last few years has been the increasing presence at Committees of Council ministers from the country currently holding the Presidency. Furthermore, the Head of Government of the country holding the Presidency normally reports to the EP plenary on the results of the latest meeting of the European Council. Thus, although all political actors in the EC system are affected by the EP's controlling activities the EP has differing opportunities to force others to abandon activities which have come under criticism. Specialization within the EP's committees has been enhanced, special committees of enquiry have been established (e.g. on the disposal of agricultural stocks and on the transport of hazardous waste within the Community).

### 4.3 System development and system change

One of the most distinctive features of the European Parliament as compared to national parliaments is that it does not regard itself as part of a completed institutional system but as part of one which is evolving into something different, and in which it must itself play a major role in order to bring about such an evolution.

The most striking example of Parliament's attempts to reform the Community System was its proposal for a new Treaty on European Union. This profound revision of the EC-Treaties which was often characterized as a "constitution for Europe" has been sufficiently analysed elsewhere<sup>38</sup>. It led to the adoption of the Single European Act which fell far short of Parliament's demands. Nevertheless, the Single European Act was the first systematic attempt to overhaul the Community treaties and contained a number of useful elements.

The Draft Treaty on European Union is also significant in that it lays down a marker for Parliament's targets as regards the future direction of European integration. Three major objectives can be distinguished:

- extending the competences of the Community to new areas of responsibility
- increasing the efficiency of the Community's institutional system by increasing majority voting in the Council and strengthening the autonomous executive powers of the Commission
- increasing democracy by strengthening the EP's powers, notably by providing for co-decision on Community legislation and a vote of confidence on the appointment of the Commission.

These objectives can also be found in many of the "small step" institutional initiatives that have been launched - on oc-

casation with success - by the European Parliament. These "small step" developments have arisen in a number of ways:

1. By using the ordinary legislative and budgetary procedures of the Community to extend Community competence to new areas. Of particular note is the use by Parliament of its budgetary powers to create new budgetary lines which have led to the Community becoming active in areas such as education, youth exchanges, new forms of research, etc. A certain recognition of this practice can be found in the 1982 Joint Declaration by Parliament, Commission and Council on the budgetary procedure<sup>39</sup>.
2. Using own initiative reports by Parliament to press for extension of Community competence (e.g. on security) or for modification to Community institutional procedures. Of particular importance here is the series of institutional reports adopted by the Political Affairs Committee in the early 1980s, which led to a number of concessions by the other institutions.
3. Making use of the Court of Justice, in particular through the isoglucose ruling, but also by itself going to Court (e.g. transport case, comitology case).
4. Responding to initiatives by others, notably the Genscher-Colombo proposals, some aspects of which Parliament supported, which eventually led in the Solemn Declaration of Stuttgart to some useful undertakings (e.g. on involving Parliament in the appointment of the Commission).
5. Creating new procedures unilaterally or with the agreement of other institutions (e.g. vote of confidence on a new Commission).

Of course, the very existence of Parliament has helped to prevent the degeneration of the Community into a purely tech-

nical dialogue between Commission officials and national civil servants. Parliament has kept the issue of European Union alive. Without it, the Community might have a political visibility between summit meetings not much greater than the OECD.

As mentioned above, in its second electoral term the competences of the EP were strengthened by the Single European Act: The EP turned its mind to the new challenges and the first experiences with the new procedure of cooperation have revealed its ability to act successfully within the new framework.

#### 4.4 Relations with the voters

Interaction between the Parliamentarians and their voters is an important field of activity as the development of the EP will largely depend on its capacity to articulate the interests of voters and pressure groups, to aggregate different positions and to mobilize political forces for the goals of the EP. Of major interest in this field are

- the direct contacts between the MEPs and the voters,
- contacts between MEPs and lobbyists,
- the media coverage of the EP,
- the development of party federations and
- the relationship between the EP and national parliaments.

On the average, one MEP has to represent about 600.000 EC citizens. This mere fact demonstrates that it is almost impossible for European Parliamentarians to have a face-to-face contact with all their voters on a regular basis. Although MEPs regularly attend meetings with voters, the Euro-Barometer has found out that 65 per cent of the EC population are of the opinion that members are too remote from their needs and problems<sup>40</sup>. This may be due to the fact, that MEPs are engaged too much in the "closed circle", leaving insufficient time to be devoted to their electorate. Nevertheless

more and more people have had some kind of direct contact with the Parliament. The number of visitors to the EP, especially from West Germany, is increasing constantly. The number of petitions also increases regularly<sup>41</sup>.

In fact MEPs tend to develop regular contacts with local authorities in their area, with local employers, trade unions, associations and non-governmental organizations, churches, local press and political activists.

Members of the Parliament (and also its staff) obtain an increasing amount of information from lobbyists. Brussels is becoming increasingly interesting for the various lobbyists based there, and some of them are specialists in following the European Parliament, attending most or all of Parliament's sessions in Strasbourg and also those committee meetings in Brussels which are open to the public (an increasing number of committees, Environment, Economic Committee etc. have opened their doors).

Since access to the Parliament is rather open it is practically impossible to measure the increase in lobbying activity since 1979. Nevertheless it is clear to all involved that it has increased greatly. During sessions, some 200 passes are issued every day to visitors other than members of the public in visitors groups, staff of other institutions, members and their assistants, etc. Of these 200, it is estimated that some 150 per day are lobbyists. Missions of third countries to the EEC are often present at Strasbourg plenaries to put the point of view of their countries.

In all the parliamentary work, media coverage is useful, but not necessarily indispensable. As a remote Parliament, difficult to cover for most local, regional and even national newspapers, and not even holding its plenary sessions in Brussels where the European press corps is based, the European Parliament is clearly at a disadvantage in this respect. To

an extent it has tried to compensate by providing good facilities for journalists (e.g. equipment for television companies, written circulars and staff members to brief journalists). This has reversed the trend of the first few years following the 1979 elections, which saw a decline in press coverage. Since 1982 there has been a higher presence of journalists and a steady rise in radio and especially in television coverage (see Table 5). Inevitably the bulk of press attention has come from the Brussels press corps, which is specialized in European Community affairs. Attempts to supplement this (through the national information offices of the parliament, through bringing out national and regional journalists to Strasbourg, etc.) have met with limited success. Much more could be done in "marketing", not just Parliament's general positions, but its specific positions on matters of interest to regional or specialized media.

The hope expressed on the eve of the first European election that the formation of European party federations would help to further the democratic process by linking the electorate with the European parliamentarians has not been fulfilled<sup>42</sup>. The party federations remained weak and have had little influence on international discussions and on the development of the national parties. They have not yet developed into a direct political base for MEPs. The weakness of the trans-national infrastructure has not helped the EP's capacity to mobilize the voters. Nevertheless, these groupings have provided a forum for multilateral contacts between MEPs and national party leaders. This has allowed for a certain degree of "mobilization" such as at the pre-summits organized by some groupings before certain important European Council meetings. They also by virtue of negotiating common manifestos for the European elections, put pressure on national parties to develop their European policies.

Despite the fact that national parliaments became more and more aware of the growing interdependence in the EC framework,

MEDIA COVERAGE OF EP

	1979	1980	1981	1982	1983	1984	1985 (1)	1986	198
Average number of journalists attending sessions (2)	n.a.	116	109	106	117	156	134	146	131
Number of T.V. Reports of sessions	n.a.	347	216	182	392	394	413 (4)	488	
Number of hours of T.V. Reports of sessions	57 h 10	52 h 30	28 h	25 h 34	46 h 15	58 h 15	39 h 41	58 h 24	
Number of Radio Reports of sessions using EP Studio/ Radio Circuits	n.a.	767	597	528	596	547	619	644	

Source : DG III Memo (for Journalists). Audiovisual division annual reports (for TV and Radio Statistics).

Warning : All these figures represent only those journalists/stations accredited during sessions of Parliament or using its facilities. They do not include productions in Member States nor coverage of EP activities between sessions (committees, hearings, etc...) for Radio figures, particular caution is urged, as they do not include telephone circuits, now widely used by radio reporters. The figures must therefore be considered as indicative of trends rather than precise statistics.

Trend : All figures were in decline until 1982, since when they have recovered, especially for TV coverage which is higher than ev

(1) All figures for 1985 exclude the month of May (President Reagan's visit) which had an exceptionally high media coverage

(2) Excluding journalists coming as a group (e.g. of specialized press for a particular debate)

(3) First eight months

(4) A 9 minutes TV commemoration of Robert Schuman compiled by EP services was also transmitted by several stations. It is not included in these figures.

the relationship between the EP and national parliaments has also not developed as expected<sup>1)</sup>. There has been some improvements: EP committees have met several times with committees of national parliaments. In Belgium, in Germany and since 1986 in the Netherlands the national parliaments have installed new structures to ensure better cooperation with the EP, and the administrations of nearly all western European parliaments have cooperated intensively on a regular basis. In general, however, the links between traditional parliaments and the EP started slowly: at first it was the EP itself which was searching for contact, but national parliaments were slow to react. Especially the parliamentary treatment of the "Draft Treaty" within some national parliaments can be rated as a case study for missing national support, though the political actors in some others were very supportive.

Owing to limited media coverage and other negative factors, such as the complexity of the issues debated, little personalisation in the EP and language problems, the EP has not been successful in mobilizing the electorate towards its aims. Obviously it was not able to exploit the potential of support that exists in the Community. Major progress has also been hindered by the fact that rather than concentrating on a few selected issues, the EP - especially in its first electoral term - has been too scattered in its activities. It has lacked clear policy strategies which would have been understandable to the public. Even the "Draft Treaty" was not supported vigorously by all MEP's. In addition, the time pressure within the EP and the Community system, the need to travel between the three European capitals and the electorate and the multitude of national and "european" obligations could have caused the result that the EP might be seen as having become too much of a "closed circle".

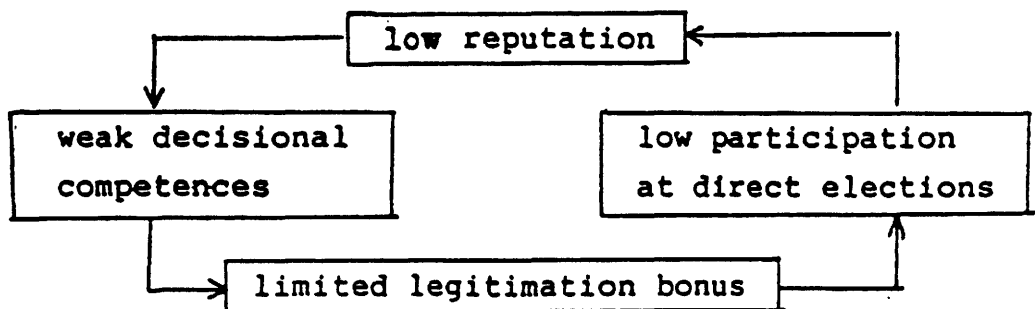
#### 4.5 The EP at the "forum plus" level

If one seeks to express the evolution of the EP since its first direct election in terms of one formula, the combination



of functions actually pursued would appear to be close to the forum concept with some elements of the legislature concept; the attempts of the EP to function as a "constituante" (the Spinelli initiative), by which the EP would turn into a "classical" parliament with full legislative and executive/electoral powers, have failed so far. But it was an achievement of the EP that institutional reforms constantly remained a major issue on the agenda of the Community institutions. Part of that "forum plus concept" is also the EP's comprehensive view of all European affairs. In this respect, it may be compared with the European Council.

The evolution to and the stability of the "forum concept" are due to the mutually reinforcing characteristics and tendencies of the EC system in general and the EP itself. These may be summarized as weak powers of the EP and an internal diversity of the EP as well as the quality of the EC as an "interlocking system" as described in chapter 3, in which decisions are made mainly by consensus in a "labyrinth" of administrative committees and working groups. Those reinforcing factors could lock the EP into a vicious circle of powerlessness with four major elements:



The "Vedel-report" of 1972 has already analysed in detail how the institutional position of the European Parliament could be strengthened<sup>44</sup>. The recommendations of this report

aimed at two directions: direct elections and an enlargement of the EP's competences. Both elements are necessary now as before.

In an interlocked system parliamentary influence - if measured in terms of traditional functions - has so far proved to be generally weak (as is the case with national parliaments in the EC), the growing tendency of interlocking European policy in combination with the limited decisional powers of the EP (and its internal diversity) have even increased the loss of overall parliamentary influence. Neither the national parliaments nor the European Parliament have been willing or able to mobilize popular political support in order to change the basic characteristics of the system.

If we assume that this interlocking system has a strong tendency towards stability and at the same time towards inefficiency - the governments have moved the EC into a "decision-making trap"<sup>45</sup> - the call for reform will be constant but results will only be gradual. Measured by traditional criteria the EP will be trapped in a "marginal" position, fighting for some kind of reputation and influence.

Starting from this analysis the Single European Act has not basically altered this situation. The new cooperation procedure can increase the "nuisance" (negative) powers of the EP. Only occasionally will it make the EP a full and productive partner in the EC decision-making system. But, nevertheless, the EP has recognized new opportunities and has strengthened its functions as a legislature. The limited experience we have with the new procedure of cooperation has revealed the dominant interest of the EP to act as a responsible partner in the decision-making process.

##### **5. CONCLUSIONS AND STRATEGIES FOR THE FUTURE: FROM THE "FORUM PLUS" MODEL TO THE "CO-PLAYER-CONCEPT"**

The analysis of the EP's position in the EC system reveals that the expectations of the voters of 1979 to elect a strong decision-making parliament have not come true. There is a real danger that the participation in future European elections will be far lower than in 1979/84. The decision-making process is - nowadays as before - cumbersome (even if the long-term impact of the Single European Act must await a detailed evaluation) and its democratic legitimation is weak. The EP's existing capacity for innovation and integration of diverging interests is not exploited to a sufficient degree in the EC system.

At the same time the positive effects of general elections - the mechanism for peaceful changes of political power by selection between clear-cut alternatives, the pressure on traditional parties to react to new political challenges - are not available to the EC system. Therefore the "learning capacity" of the EC system, its ability to react in new situations, is low.

In the present stage of the EC system, where the EC exercises powers by means of overlapping political structures based on national systems, the traditional conception of parliamentary government as this has evolved in the member states cannot be applied without adaptation. The growing interdependence and interference between the member states and the EC require for democratic reasons a strong parliamentary influence on both the national and the European level. The EP so far has difficulties to act on both levels. National governments, who are actors on both Community and national level remain dominant up to now. But despite all these constraints it has been able to contribute to the functioning of the EC system in at least three positive ways:

- The Parliament has shown a great deal of vitality in raising important issues facing West European society.

- It has concentrated efficiently on supervising the executive authority and:
- It has articulated the EC citizens concerns and grievances.

Obviously the EP finds itself in a dilemma: Its present weak institutional position, combined with its claims for far-reaching changes of the EC system are forcing it towards a dangerous ridge-walk in its information policy vis-à-vis the voters:

- On the one hand, it must give proof of its political right to exist as it stands today. Therefore it should make use of its existing instruments and competences in the best possible way. The "grey zones" of the treaties and the new procedures of the Single European Act must be exploited. The voters should be convinced that the present EP is able to play an important role within the EC system by initiating new activities, by scrutinizing and by articulating the will of the people.
- On the other hand, an EP strategy should encompass the goal of European Union, including not only enhanced powers for the EP, but also greater efficiency both of EC instruments and of EC government. The voters should be convinced that the present role of the EP is inadequate.

This essential dilemma of the EP may offer two different options as to how it should present itself to its voters:

(a) To accept its present role as a "forum" including some additional ingredients and to explain this concept to the voters as an adequate form of parliamentary participation in a complex interlocked system of national consensus. It may underline its positive contributions in the fields of initiative, control and articulation and it may thus offer its

electors a realistic yardstick by which to assess its limited, but nevertheless important role. If, however, it were to stress its real impact within the given political system the argument for mobilization towards a change of its own role in the EC-system might be weakened: if the status quo affords "enough" influence why then reform the system ...? Or:

(b) To work as effectively as possible within the interlocking system, but at the same time to develop its role in the direction of an "institutional co-player", whose assent is necessary for all important decisions in the framework in which it has to function. This implies that the EP gradually acquires more influence at EC level, but it will not have an overall decision-making capacity akin to that of national parliaments. At the same time the EP must seek closer links to national decision makers, in view of the fact that, in the interlocked EC-system, national and EC-instruments are increasingly pooled.

The risks of a "dual strategy" combining both elements are obvious: If it stresses too much its present role and functions in a positive way, there will be no pressure for a system change. If it emphasizes clearly its demand for a European Union with an enhanced role for itself, there is the danger that the voters will be frustrated if the foreseen "saut qualitatif" is not achieved. Thus, the clarification of both the present and the future role is equally important.

However, these options are neither clear-cut alternatives nor mutually reinforcing. There may be negative effects in pursuing both options: in terms of time and organizational resources as well as in terms of impact both cannot be pursued in a balanced way. From the point of view of the voters, certain inconsistencies might be predominant: if stressing the necessity of institutional changes according to the option (b) the voter might be or soon get frustrated by the lack of apparent progress overlooking, however, some real though

limited impacts on concrete policies. The vision and its yardsticks - created by the EP itself - falls back on the EP - devaluing a different kind of performance.

Let us therefore take leave from the classical parliamentarism model devaluing traditional functions and emphasizing the possible functions of a parliament in an interlocking system. The EP would assume functions which in national systems are exercised partly by other social agents (such as the press and certain lobbies). Furthermore it would strive systematically to win elements of co-decisional power in order to ensure its acceptance as an obligatory "co-player" in the decision-making process of the EC-system. To propagate such a concept of the EP as a "institutional co-player" implies that the Parliamentarians should reduce parts of their ambitions and that the electorate should vote for a body with a limited, but increasing impact. Thus to change the paradigm by taking into account the characteristics of the EC system seems a "logical" deduction.

The EP must be accepted within the sensitive decision making process as a more important "co-player" whose assent is normally necessary to all important decisions. It should not seek all-embracing decision making powers such as those exercised by some "gubernatorial" parliaments in the member states, but look rather for selected elements of "real" power and influence in different fields. The acknowledgement of the EP's budgetary powers in 1970/75 and the new regulations within the Single European Act point that way: Since July 1987 the EP's assent is required for treaties of association and accession and it has strengthened its participatory powers in the field of legislation. To date the principal powers exercised by the EP have been negative (blocking) powers, which may project its public image in a negative sense. In the future it should also ask for "positive" powers which permit it to influence policy making within the EC-system in a constructive way. Proposals for such developments could be:

#### **A. In the field of legislation**

- The application of the new cooperation procedure to all cases where the Council decides by majority voting. The EP could add weight to this demand by pointing to the fact that the cooperation procedure is applied primarily to legal acts in connection with the completion of the internal market. After 1992 the application of the cooperation procedure, therefore, will be reduced to a smaller number of cases.
- The application of a conciliation procedure (comparable to the budgetary triologue or according to the German "Vermittlungsausschuß" model) to all cases where the cooperation procedure applies in order to enable compromises to be negotiated before blockages arise.
- The reform of the conciliation procedure of March 1975 in two ways: (a) Council and EP both have to accept the outcome and (b) the field of application is broadened to all important matters.
- In the long run the EP should ask for the right of co-decision in legislation (perhaps in the beginning limited to fields like environmental policy or research and technology), which means in practice that both the EP and the Council have to agree on important legislation. According to the interlocking character of the EC-system not all the existing instruments within that framework will be included in the EP's legislative powers.

#### **B. In the budgetary field**

- Making appropriate use of the transfer of money into budgetary head no. 100 ("preliminary appropriations") with clear conditions for the release of this money;
- continuing the strategy of increasing the non-compulsory part of the budget;
- using the right of granting a discharge to Commission

for controlling the spending of money in order to exercise political supervision and in the long run

- to remove the distinction between compulsory and non-compulsory expenditures;
- continue to develop new areas of Community activities by creating new budgetary lines.

### **C. Selection of the executive authority**

The EP should strive for strengthened co-decisional powers in the appointments

- of a new Commission (or at least of its president),
- of the members of the Court of Justice and
- of the members of the Court of Auditors,
- of the heads of agencies (e.g. Berlin vocational training institute, European University Institute ...).

### **D. Relations with the voters and the political infrastructure**

- Concentration of the EP's activities on clear priorities, as has already been started (e.g. within each parliamentary session there should be on one day priority given to a major subject);
- personalization of the EP's work by highlighting of acting MEP's (President, rapporteurs, President of a Committee);
- strengthening its character as an "ombudsman" for the voters' grievances (more emphasis on petitions, questions, personal help etc.);
- stronger linkage to national parliaments and parties;
- introduction of a uniform electoral system with direct influence of the voters in the selection of candidates.



#### E. Internal working structures

- Tightening up of the EP's internal working methods in order to take more advantage of the use of its competences and political means of influence;
- strengthening the internal political leadership and the steering capacity of the EP;
- continuing the trend of a greater professionalism in its work.

The political acceptance of such a concept as "institutional co-player" within and outside the Parliament requires some educative initiatives. With a realistic long-term aim as the concept of the EP as an institutional "co-player", however, the vicious circle of powerlessness may be broken and the voters may be more attracted to the EP.

The future role concept and functions of the European Parliament depend largely on the development of the European Community as a political entity. These overall developments can only be influenced to a limited extent by the EP. Three different directions of evolution are possible:

##### \* Evolution towards a federal system

The Community is interpreted as a federal state in the making: This concept requires an institutional set-up that is comparable to the national systems with a parliament according to the "gubernative" or the "legislature" concepts as described above. National parliamentary concepts and traditions may be transferred to the EC-system, though possibly in an altered form.

##### \* Evolution towards an intergovernmental system

According to this scenario the Community will develop into intergovernmentalism. It is primarily seen as an instrument

helping the member states to increase the welfare of their citizens. In this case, the national governments are the most important actors. They decide on an ad-hoc basis on matters of common interest. The EC does not need a democratic legitimation of its own. On the contrary the national right of veto can be interpreted as a central legitimating element of the EC decision-making process. In this scenario the EP can only fulfil the "forum concept" which is comparable to the consultative role of the Parliamentary Assembly of the Council of Europe.

#### \* Continuous interlocking

The interpretation of the Community as an interlocking system of national and Community instruments leads to a very complex system of institutional checks and balances. There is a certain requirement for democratic legitimation of the decision-making process, both on the national and on the European level. For reasons of efficiency the "national" and the "European" point of view must be represented. The parliament can play a stronger role than the "forum concept", but it will have difficulties to follow the "gubernative" or the "legislature concept" in full.

According to type A of evolution (EC as a "pre-federal political system) there exists a considerable democratic deficit with regard to the EC-system. The capacity of the national governments to decide on important political problems of the present is hampered by the growing necessity to cooperate and to coordinate their own activities with those of their EC-partners. For the national parliaments it is nearly impossible to guarantee a democratic control of the European activities of their governments coordinated in a European framework. The question is whether this practice infringes upon the national constitutions, owing to the fact that nearly all of them stipulate in one way or the other that the exercise of political power must refer to the political will of the

citizens<sup>12</sup>. The activities of both European and national bureaucracies are neither effectively controlled by a national nor by the European Parliament.

Opinion polls indicate that the idea of European integration is regularly supported by more than two thirds of the EC-citizens<sup>13</sup>. The support is relatively high in Italy, the Netherlands, Belgium, the Federal Republic of Germany, France and Luxembourg (more than 70 %), whilst in Denmark the anti-marketters are in a strong position. In December 1985, the proposition that the EP primarily should strive for a European Union with a European government responsible to the EP was supported by 57 % of the EC-citizens, 15 % were against such a proposal and 28 % gave no reply<sup>14</sup>. The attitudes varied widely between the different countries.

Despite the overall support for further European Integration, the democratic deficit of the EC is hardly ever articulated in the public opinion of the EC-countries. The activities of "those in Brussels" in fact are often criticized, but in general the involvement of national politicians is seen as a compensating factor to the predominant political weight of the EC-bureaucracy. For many of the people the problem of the democratic deficit of the EC may be a purely academic one. If a national minister is legitimated to act at the national level, why should he not act with the same legitimation at the EC-level? As long as unanimity is necessary for institutional reforms, comprehensive projects, like the EP's Draft Treaty, will hardly be accepted by the political actors and the citizens in all the twelve member countries of the EC.

Within the evolution according to model B ("EC as a pure instrument of the nation states") a European Parliament with ambitious institutional aims is a disturbing factor in an intergovernmental system based on the concordance of the national actors. From their point of view the best solution of the existing problems would be the replacement of direct

European elections by the system of delegation, as used before 1979. In such a scenario the perceived positive functions of general elections (mechanism for a peaceful change of power, enforcement of the system's learning capacity) do not operate. If elections on the regional (= Länder) level are already of a secondary importance, European elections for a parliament with little decision-making capacity might even become of tertiary rank - not even important as test elections for the national level<sup>49</sup>. Mobilisation of the electors would become even more difficult.

For those who expect for the EC system a continuous interlocking between national and Community instruments the claim for democracy and effectiveness exists both on a national and an EC-level. The national bureaucracies and governments are able to act at both levels, whilst the links between the national parliaments and the European Parliament are unsatisfactory. National governments and bureaucracies are predominant, markedly reducing the powers and the influence of both the national parliaments and the European Parliament. From the EP's point of view it is important that further developments of the Community system are directed towards a strengthening of Community instruments and to an enhancement of its own role rather than towards an improvement in the degree of bureaucratic and governmental co-ordination.

The reasons for the plea for a strengthened role of the European Parliament are twofold: The first is the existing democratic deficit, the second the lack of effectiveness. For reasons of efficiency the Community needs an institution which represents the Community position. National governments and bureaucracies (as well as national parliaments) take care primarily of national interests while compromises between them may be sufficient for a continuous muddling-through, long-term solutions of existing problems call for a strong representation of Community interests. A strengthened European Parliament (in combination with the Commission)

could thus in the long run increase the efficiency of the EC-system.

The future strategy of the EP must match the role concept it wishes to adopt. This strategy calls for some step by step changes in the EC system particularly by shifts of competences to Community level and equivalent increases in the powers of the European Parliament. This implies in the present situation a major effort by the EP to mobilise forces in favour of reform. A stronger internal leadership in the EP and a greater degree of consistency in the parliamentary work are preconditions for the success of such a strategy.

In any case the EP should base its strategy on a dynamic view of its role, not just an extrapolation of experience up to now. Because in the EC system both the member states and the Community are of crucial importance, such a strategy implies a set of fine-tuned steps with a limited appeal to the voters. It means more "lobbying" activities "at home" and in the labyrinth of the Brussels machinery. The EP (and each parliamentarian) would need more expertise to instal a "counter-bureaucracy". The EP would need to pursue its work in the present decentralized fashion, but be able to mobilize the whole of its machinery at crucial points.

Between 1986 and 1992 the Community will be devoting itself to primarily completing the internal market, monetary integration and to reforming the structural funds (regional fund, social fund, integrated Mediterranean programmes). In 1992 the time will be ripe for major institutional reforms and the reinforcement of the EP's powers should be the central element in this drive for such reforms.

For the enhancement of the EP's role the support of powerful allies is of crucial importance. The EP should consider an order of priorities in its cultivation of allies among governments, parliaments, parties, the Commission, economic and

social groups and the electorate. The EP could seek to promote or facilitate integration in matters of interest to key member states. It may be able to show that an enhancement of its role is necessary if member states are to achieve their objectives. The electors must be aware of the EP's "European" position on crucial problems of the Community. Campaigns for European elections and EP debates will provide excellent opportunities for thus engaging the interest of European citizens in their Parliament.

## Notes

1. For the impacts of the introduction of European elections see: Eberhard Grabitz et al., *Direktwahl und Demokratisierung - Eine Funktionenbilanz des Europäischen Parlaments nach der ersten Wahlperiode*, Bonn 1988; Juliet Lodge and Valentin Herman, *Direct elections to the European Parliament, A Community perspective*, London 1982; Jean Paul Jacqué et al., *Le Parlement Européen*, Paris, 1984; Karlheinz Reif and Hermann Schmitt, *Nine Second Order National Elections: A Conceptional Framework for the Analysis of European Elections Results*, in: *European Journal of Political Research*, Volume 8 1989, No 1, pp. 3 ff.
2. The Trans European Policy Studies Association (TEPSA) was founded in 1974 and has member institutes in nearly all the EC-countries.
3. See Tomas Läufer, *Europa-Wahl - Pro und Contra*, Bonn 1977; David Coombes, *The Future of the European Parliament*, London 1979, pp. 6 ff.; G. Bibes et al., *Europe elects its Parliament*, London 1980, pp. 28 ff.
4. Fritz W. Scharpf, *The Joint-Decision Trap: Lessons from German Federalism and European Integration*, Berlin 1985.
5. The concept of parliamentarism in the EC-member states was analysed in a major conference organised by the EP in 1974, see: European Parliament (ed.), *European Integration and the Future of Parliaments in Europe*, Symposium held at Luxembourg, 2-3 May 1974, Luxembourg 1975.
6. For details see: the paper for the Symposium of David Coombes, *The European Parliamentary Tradition and its Significance for European Integration*.
7. These ideas are elaborated in the paper of M.P.C.M. van Schendelen, *The European Parliament: More or less than a Parliament?*
8. Ibid.
9. Walter Bagehot, *The English Constitution* (original 1867), London 1963.
10. Uwe Thaysen, *Parlamentarisches Regierungssystem in der Bundesrepublik Deutschland*, 2nd ed., Opladen 1976; Michael L. Mezey, *Comparative Legislatures*, Durham/North Carolina 1979; Gerhard Loewenberg and Samuel Patterson, *Comparing Legislatures*, Boston 1979.

11. See: Klaus von Beyme, Basic trends in the development of the functions of parliament in Western Europe, in: European Parliament (ed.), European Integration and the Future of Parliaments in Europe, Symposium held at Luxembourg, 2-3 May 1974, Luxembourg 1975, p. 11.
12. For the different plans and concept how to Construct Europe see: European Parliament, Committee on Institutional Affairs, Selection of texts concerning institutional matters of the Community from 1950 to 1982, Luxembourg 1982.
13. See for details Hans-Joachim Glaesner, Die Einheitliche Europäische Akte, in: Europarecht, No. 2/1986, pp. 119 ff.; Jean de Ruyt, L'Acte Unique Européen, Commentaire, Brussels 1987.
14. See articles 8c, 100a (4), 118a (3), 130t EC Treaty.
15. For details see David O'Keefe and Henry G. Schermers (eds.), Mixed Agreements, Deventer/The Netherlands 1983; Albert Bleckmann, Der gemischte Vertrag im Europarecht, in: Europarecht, 11. Jg. 1976. No. 3.
16. Committees according to article 145 EEC-Treaty.
17. For the following ideas see the paper of Joseph H. Weiler.
18. For this categorization see E. Grabitz et al. (op. cit., ref. 1), p. 75.
19. The budgetary powers of the EP are described in: Daniel Strasser, Die Finanzen Europas, 2nd ed., Brussels 1982.
20. See article 149 (2) of the revised EEC-treaty.
21. Article 237 and 238 EEC-Treaty.
22. The EP has used its new power in the March session 1988, when it refused for political reasons to give three protocols to the association treaty with Israel its assent.
23. For details see E. Grabitz et al. (op. cit., ref. 1), pp. 77-90; Roswitha Bourgnigon Wittke et al., Five years of the Directly Elected European Parliament Performance and Prospects, in: Journal of Common Market Studies, Vol. XXIV, No 1, Sept. 1985, pp. 39-59.
24. Leon N. Lindberg and Steward S. Scheingold, Europe's would-be-Polity; Patterns of Change in the European Community, Englewood Cliffs 1970, pp. 64-116.
25. See Gabriel A. Almond and G. Bingham Powell Jr., Comparative Politics, A Developmental Approach, Boston 1966.



26. For details see for example Ulrich Klöti, Swiss democracy - Exception or Model, Strasbourg 1987.
27. For the US-System see Ernst Fraenkel, Das amerikanische Regierungssystem, 4th ed., Opladen 1981; Thomas E. Mann and Norman J. Ornstein (eds.), The New Congress, Washington et al. 1981; James Sterling Young (ed.), Problems and Prospects of presidential leadership in the Nineteen-Eighties, New York et al. 1983; W. Steffani, Parlamentarische und Präsidentielle Demokratie, Strukturelle Aspekte westlicher Demokratie, Opladen 1979.
28. A systematic analysis of all major integration projects in the period 1945-1986 can be found in: Roy Pryce, The Dynamics of European Union, London et al. 1987.
29. The EP's resolutions on those reports were adapted in July 1981, they are documented in the Selection of text of the EP's Committee on Institutional Affairs, op. cit. (ref. 10), pp. 433-457.
30. See Bulletin of the EC 2/1984.
31. 228 out of 434 members were re-elected.
32. See the Prout report.
33. O.J. No C 89 of 4 March 1975, p. 1.
34. See ref. 13 and the annual articles of D. Strasser in the Revue du Marché Commun on the budgetary procedure.
35. O.J., No. C 194 of 28 July 1982.
36. Court of Justice 13/83, see: O.J. C 144/4 from 13 June 1985.
37. See "Agence Europe".
38. For the political background and the content of the Draft Treaty, see Roland Bieber, Jean-Paul Jacqué and Joseph H.H. Weiler (eds.), An ever closer Union, Brussels 1985; Francesco Capotorti et al., Le Traité d'Union Européenne. Commentaire du Projet adopté par le Parlement Européen, Brussels 1985; Dietmar Nickel and Richard Corbett, The Draft Treaty establishing the European Union, in: Yearbook of European Law, Vol. 4, 1984, pp. 79-96. For an account of the motives which lead Parliament to adopt it and the discussion surrounding its drafting see Rita Cardozo and Richard Corbett, "The Crocodil Initiative", in: Juliet Lodge (ed.), "European Union - The Community in search of a future", London 1985; Otto Schmuck, The European Parliament's Draft Treaty establishing the European Union, in: Roy Pryce (ed.), The Dynamics of European Union, London et al. 1987, pp. 188-216.

39. O.J. C 194 from 28 July 1982, pp. 1 ff.
40. Euro-Barometer No 20, table 26.
41. The number of petitions went up from 13 in 1975 to 57 in 1979 and 229 in 1985. But it should be mentioned that the German Bundestag received in the period 1976 - 1980 48.846 petitions!
42. See Norbert Gresch, Transnationale Parteienzusammenarbeit in der EG, Baden-Baden 1978; Oskar Niedermayer, Europäische Parteien? Zur grenzüberschreitenden Interaktion politischer Parteien im Rahmen der EG, Frankfurt u.a. 1983.
43. Klaus Pöhle, Relations between the European Parliament and national Parliament in: R. Hrbek et al. (eds.), Parlement Européen, Bilan - Perspectives 1979-1984, Bruges 1984, pp. 508-517.
44. Bull. EC, Suppl. 4/72.
45. See ref. 4.
46. See for the German example Klaus Hänsch, Europäische Integration und parlamentarische Demokratie, in: Europa-Archiv, 41. Jg. 1986, Folge 7, pp. 191-210.
47. See Euro-Barometer.
48. Ibid.
49. The concept "European election as national second order elections" was formulated by Karlheinz Reif.

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THURSDAY, 17 NOVEMBER 1988

Professor Jacques VANDAMME, Chairman of TEPESA:

Lord Plumb, Presidents of the national parliaments, Excellencies, Ladies and Gentlemen,

I would like to express my feelings of gratitude towards the European Parliament for the invitation to this Symposium, which has made it possible to discuss the outcome of the study of the Trans-European Policy Studies Association on the theme, 'Beyond traditional parliamentarism: the European Parliament in the Community system'. As you all know, this is not the first occasion on which TEPESA has held a discussion on this issue. We had an important conference here in October 1984 after the second direct election of the European Parliament on the strategy of the newly-elected Parliament. Mr Pflimlin pronounced the closing speech at that event. Last year another gathering in Strasbourg debated the theme 'A new role for the European Parliament'.

This is however the first time that TEPESA has been so deeply involved in a study commissioned by the European Parliament itself, which is to be discussed by such a broad spectrum of representatives of national parliaments and of the European Parliament. I would like therefore to express my thanks to the President of the Parliament for making this possible. You did not hesitate, Mr President, to run the risk of turning to academic circles, which are sometimes inclined to consider problems from a too theoretical point of view. But I do believe that in the case of TEPESA this risk is much less great, because we are in the first place policy-oriented academics, which means that we are conscious of the political constraints. Secondly, because we are convinced of the necessity of the reinforcement of the European Parliament in the Community system, and also that this reinforcement can perhaps happen through a new conceptual approach to the role of the parliamentary function at European level.

Our network of institutes located in almost all countries of the Community has two objectives: to promote research, and to encourage thinking which can lay down guidelines to be followed on the road to European integration. For this reason the conclusions of our studies are always discussed at the final stage

with the decision makers, in this case with Members of the European Parliament itself. I am sure that this dialogue will be fruitful for the representatives both of the academic world and of the citizens of Europe. Thank you Mr President, I invite you to take the floor.

Lord PLUMB, President of the European Parliament:

Mr President, Ladies and Gentlemen,

First of all, may I on behalf of all my colleagues in the Parliament welcome you here to Strasbourg. It's not easy during the course of this particular week - a very busy week when we're dealing with important reports - to make the facilities available for a very important conference like this. But it is an opportunity where the Members of the European Parliament and yourselves can meet and get together, and many of my colleagues will undoubtedly be joining you from time to time during the course of the day. They naturally are divided in themselves as to whether they should be in the hemicycle voting or debating or whether they should be at the TEPSA Conference, but politicians are very good at dividing themselves into three or four parts and therefore I am hopeful that you will have the opportunity of meeting with many of them.

I am very honoured, Mr Chairman, to make the first keynote address of the day to this particular symposium because it gives me a great pleasure to welcome so many distinguished guests to this House. Presidents of the parliaments of the Member States from both the North and the South of the Community are present; and I, of course, naturally extend a very warm welcome to Mr Louis JUNG, the President of the Parliamentary Assembly of the Council of Europe. Vice-President Andriessen will be with you fairly shortly from the Commission, and I am naturally also pleased to welcome all the academic experts who are representing the Trans-European Policy Studies Association and the specialist journalists from all the Member States of the Community.

It was, Mr President, as you rightly reminded us, my predecessor President Pflimlin who won the agreement of the Bureau of the Parliament to the launching of the research project whose culmination is this Symposium today. I pay tribute to his wisdom and foresight, as I so often do on so many issues, in providing us with an indispensable basis of expert papers which will be

introduced and debated during the course of these two days. Parliament has entrusted the conception and the execution of the research project to TEPESA under its President Professor Vandamme and I am glad to say that our confidence has been fully justified by reading the very excellent papers that have been prepared for us. This symposium therefore will provide us with a very important contribution to the understanding of the Parliament on the eve of the third European elections in 1989.

Almost two years ago, speaking immediately after my election to the Presidency in January 1987, I said that "The spirit and the motive force of this Parliament spring from the sturdy rock of democratic legitimacy". I also at that time emphasized that this Parliament has a perfect right - indeed it has a responsibility and a duty - to point the way forward for the European Community as a whole.

Mr President, Ladies and Gentlemen, in the absence of the full range of powers enjoyed by most national parliaments, the European Parliament has been remarkably innovative in making use of the powers it has and in achieving new responsibilities and stronger influence. This increase in political and institutional power follows no well-laid plan; it's not the stuff of plot or conspiracy; it is rather the most natural development that could be envisaged for any democratic assembly.

Of course this is a Parliament with a difference. It's a multi-national Parliament: it's the world's first experiment in trans-national democracy - and it works. It works just as a parliament should, albeit in nine languages with eight different political groups with twelve nationalities and with three different meeting places. It is not always easy to achieve public recognition for the work that I and my colleagues have done over the past few years, but we must always remember that, no matter how frustrating it is when our work isn't reported, the Press must play quite an independent role and they must follow the objective of satisfying their readers and not always satisfying the politicians.

In the last few years I have seen a very big increase in the knowledge of the general public about the European Community and about its institutions. There is a much bigger awareness of the European Parliament in particular, and much

of this is due to the publicity surrounding the 1992 programme. It is dawning on many that the Parliament has an enormous responsibility for monitoring, and in some cases blocking, but in many cases contributing positively to the various proposals of the Commission which relate to the achievement of the Single Market. The Parliament is reasonably content for the moment with the Single European Act, although we criticized it heavily when it was proposed and decided upon, we are living with it and we are using it to our advantage much better than many others thought.

I don't particularly like the use of the word 'power'. I prefer to use the word 'responsibility'. The European Parliament has increased its responsibilities in the past few years to the distinct advantage of the European Community as a whole. It is not therefore a question of powers but a question of responsibilities and in the same way I am not particularly happy with the use of the word 'sovereignty', especially in national circles. The word I prefer to use is 'accountability' and the constitutional debate which is now going on in various degrees between the national and the European competence for legislation is, in my opinion, more a debate about accountability than it is a debate about sovereignty.

The vast majority of Community legislation belongs to a decision-making structure that is not fully democratic in the sense that the directly elected Parliament still doesn't have sufficient influence on such legislation. The Parliament's major future task, I believe, is to secure public and institutional approval to extend the doctrine of public accountability to all European Community legislation. This I believe would go a very long way to removing well-founded fears about so-called faceless bureaucrats and about undemocratic decision-making centred in Brussels. The Single Act has started to help us to correct this democratic deficit. This has been, is, and will be the mission of the European Parliament.

I would claim that since the elections of 1984 it has made great strides towards fulfilling this particular mission and I hope this symposium will help to record the many achievements of Parliament in this particular respect. Parliament has become the main force pushing towards European integration and this role has been generously acknowledged by President Delors. In the words of the summary report prepared by TEPSA it is now a 'co-player' with the other

Community institutions, that it is to say it shares equally with them - not in all but in many respects - the responsibility for shaping and for overseeing the implementation of legislative proposals. It was Parliament which for many years pressed for A People's Europe which now, perhaps all too slowly, is being adopted by the Council of Ministers.

Parliament also shares now with the Commission the very difficult task of representing the Community abroad. While on the one hand the Commission has a network of delegations in capital and other cities throughout the world, the Parliament's own delegations meet with members of parliaments from third countries to explain Community policies and to hear about the problems of their fellow parliamentarians from many places abroad. Perhaps the most important of these meetings occur within the framework of the joint assembly with the ACP countries, the African, Caribbean and Pacific territories for whom the Community has done and can do so much.

Perhaps, President, you might allow me to give one vivid illustration of the extent to which Parliament has won and earned its new responsibilities. From July 1987 to the end of October 1988 within the cooperation procedure at first reading the Commission adopted in whole or in part 72% of Parliament's amendments, and the Council 42%. At the second reading of the cooperation procedure, again in the same particular period, the Commission accepted 52% of Parliament's amendments in whole or in part and the Council 21% of such amendments.

These are the first figures which the Secretariat have been able to produce about this aspect of the operation of the Single European Act. So although you'll quickly realize that I'm not satisfied with the low acceptance rate of our amendments by the Council, I think the figures represent a very good start and I think they fully justify the description of Parliament as a 'co-player' in the institutional game.

So finally, Mr President, I want to stress the importance of the relations between the European Parliament and the national parliaments. Jean Monnet - whose birth we've been commemorating during recent weeks and during this particular week here in Strasbourg - saw the absolute importance of good dialogue and of good cooperation between parliaments. I would like to perhaps



remind you of the warning given by President Delors to this House in July of this year that in his view ten national parliaments appear to be unaware of the transfer of decision-making to Community level which would take place over the next ten years. This awareness, I believe, has increased substantially since then, which is all to the good, for we need a very high turnout indeed at the next European elections.

So, Mr President, I again say to you and to all your colleagues in TEPSA and to the Presidents of national parliaments and all who are assembled at this particular conference that it is with the very greatest of pleasure that I welcome you to it. I do believe that it is imperative, as we look ahead to the future development, both politically and economically, of the European Community, that we work closely together both at political and academic level.

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Professor VANDAMME: Thank you very much indeed for your keynote address, Lord Plumb. I now give the floor to Mr Konstantopoulos, who is representing the President-in-Office of the Council of Ministers.

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Mr Sotirios KONSTANTOPOULOS, Greek Ambassador to the Council of Europe:

Thank you Mr President. Mr President, it is a great honour for me today to attend this symposium in order to represent the Minister Mr Pangalos, on behalf of the presidency of Council. He has asked me to express his regret that he was unable to attend personally and has also asked me to convey his best wishes for a successful symposium.

There are many points in common between the different ways in which we organize our constitutional affairs, and today I can speak on behalf of the presidency and also from the vantage point of my country. We too are well placed to understand the historical origins of pluralist democracy, because this is so much a part of the history and the heritage of Greece since the earliest days.

In Europe we launched the common market for well-known political and economic reasons. We did this in order to break away from the internecine struggles which marked our history. We did this in order to ensure peace, to ensure democracy and to ensure prosperity for our peoples. I believe that we have been successful in attaining those early goals, even with all the ups and downs which the process has experienced, and we now look towards future stages in this development in terms of stabilizing what we have attained and making further headway.

A prerequisite for taking stock is a recognition of the important part which the European Parliament can play in that process. This I believe is the proper basis on which to base European union. Reinforcing the function and the position of the European Parliament is of key importance in this process. We must strengthen the role of Parliament in its legislative capacities. This has to be at the top of our list of priorities. Given the way in which Parliament is changing as the Communities move towards Europe-wide unification, perhaps there is a slight difference between the national parliaments and the European Parliament. This can cause difficulties and these are difficulties which the national parliaments and the European Parliament must face together. A European union will be more than the sum of its constituent parts and it alone, I believe, can meet the requirement and meet new challenges faced by Europe. So I would simply conclude by wishing you well in your work and wishing you every success in this symposium.

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Professor VANDAMME: Thank you, Mr Ambassador, for your speech. Mr Andriessen is on his way but his arrival is a little belated and in the meantime I am happy to welcome the President of the Belgian Parliament, Mr Nothomb, who will now address the meeting.

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Mr Charles-Ferdinand NOTHOMB, President of the Chamber of Representatives,  
Belgium:

Thank you President, for having invited the President of the Belgian Chamber. I would like to welcome the representatives from other national parliaments whom I see here and I would like to thank you for allowing me to make an introductory address. I feel that my role in this colloquy is to give the point of view of one particular national parliament, the Belgian Parliament, of which I am Speaker. I understand that the title of our symposium is 'Beyond traditional forms of parliamentary activity', so I'll try to talk about the constitutional realities that underpin our activities and less orthodox forms of activity.

As a preliminary comment, when I hear Members of the European Parliament debating and when I speak within my European Political movement, the European People's Party, and take part in debates on the future of Europe, it is often said that if Europe is to remain fully democratic the European Parliament must be given greater powers and the same authority as a national parliament. We received introductory papers for this colloquy from TEPSA and we all know what the four main activities of a national Parliament are. First, the Parliament has to enact laws; there is the control function, whereby a Parliament must oversee what the government is doing and how it implements the budget that Parliament has approved. The third task is that a Parliament is a forum, it is a debating chamber where ideas are tried out and new ideas are developed by means of confrontational debate. The fourth role is an innovatory role.

We have to create new institutions to meet new needs and this is where the European Parliament comes in. I would like to look at the four roles from the point of view of the national parliaments. I'd like to ask whether each national parliament is as wonderful as you think it is, and also if it would be a good thing if the European Parliament were to become more like a national parliament.

Obviously I can only speak on behalf of the Belgian Parliament but I'd like to make clear that life in the Belgian Parliament is not so clear-cut, not so wonderful as you might think. Of course one always sings the praises of

parliaments but nonetheless we do have problems and parliamentary activities run into all sorts of difficulties. In a country like Belgium the Parliament is becoming completely bogged down in its activities and people no longer actually take much notice of what Parliament does. In the Belgian press you hear that the Parliament just rubber-stamps Government decisions, that the Parliament is not able to amend Government decisions, nor to reject them, and that it works very quickly and uses the guillotine procedure to push Government decisions through. That is what people say in our national press about our parliament. Perhaps in other countries the press doesn't dare say this but our press is very frank and does say it.

If you analyse these accusations you'll see that this is because of the governmental role that we play in national parliaments. How do we get a government in Belgium? We have elections under a multi-party system. Then, in order to find if we can put together a majority, we have a long meeting. We go to a castle, we shut ourselves off for three, four, six or even ten weeks to see if we can hammer together some sort of parliamentary majority. A document emerges, which is an agreement between the political parties to create a parliamentary majority. On that basis we establish a government, and the government's programme is contained in the document, and this programme is then translated into legislative texts which are put before Parliament.

Now what can Parliament do but vote in favour of these legislative texts because they have emerged from this very long process which the government, that is the Parliament, itself has triggered off. And of course the journalists say that Parliament has no margin for manoeuvre. The Parliament disappears really. It no longer figures in the public imagination because government procedures are so complex they take up all their attention. Of course you have to try and avoid the drawbacks that that creates.

Now I'm not going to speak at great length about the debating chamber role of Parliament. Obviously national parliaments do maintain a degree of sovereignty but other associations turn themselves into debating chambers. The mass media take over the debating chamber function as well. Obviously I try to stop the major debates being shifted onto the TV screens. But on

Sunday mornings a few politicians discuss topical events on TV, and that means that again the wind is taken out of our sails in Parliament; issues are pre-empted on the small screen and that's where we lose our innovatory role.

In our Parliament we have been in existence for 158 years and there are few Parliaments which are older than ours, but we have lost almost entirely our function of innovation. All we have done recently is to approve the Single European Act, which gives greater powers to the European institutions. We're pleased to do that because in Belgium we are champions of Europe, but it means that we are devolving our powers both to the European institutions - to our regions, to our regional parliaments. So we are delegating some of our powers to other levels: to the European level because that's important, and to the regional level because sometimes certain decisions are best taken elsewhere. That's what I want to say about our national parliament.

I shall not talk at great length about the European Parliament because you are better acquainted with it than I am. Since 1979, direct elections to the European Parliament have made it a real Community institution and it has better democratic credentials than the Commission which is not elected; the Council escapes our control, which is where the democratic deficit comes in, because the Members of the Council are only controlled by their national parliament. A lot of progress has been made by the European Parliament since 1979, but you will have to seek added powers. To turn to the future: in the introductory papers for the symposium three scenarios were sketched out. The first one is a federal scenario. There have been federal projects around for a long time, but this is really wishful thinking: what would we do if we could come up with a federal constitution tomorrow? My European political group, the EPP, a week ago stated that its programme was to progress towards a federal Europe, but that can't be achieved overnight.

The first scenario is an optimistic one, federal Europe, then there's the inter-governmental scenario, but I feel that this would be regressive, this would not represent progress. Then there's the third scenario, which is the one I like, which is interdependence between the national Member States of Europe. I think that this better reflects present realities, especially in the mid-term perspective which is the year 2000 and that's what I will concentrate on today.

We know full well that in a national parliament, even if we have full legal sovereignty in certain areas there's one dimension that escapes us, whether it is international policy or food aid policy or what is within the European sphere of competence. We have to realize that we have no control really over what our neighbours do but we have to look over our shoulder and see what our neighbours and the other European states are doing about these major matters.

Out of this situation arises this whole question of the democratic deficit. I feel what we have to do is to strengthen the European Parliament so that it has greater legal powers and we have to strengthen our powers when it comes to interdependence between the national parliaments.

Now what about the parliamentary system for the year 2000? I think that by the year 2000 we will have an improved parliamentary system. How can we bring about these improvements? Well, first of all - and I hardly need to say this - Parliament has to enhance its influence, improve its own decision making powers. The national parliaments must develop their political consciousness of what's happening at the European level and at world level.

Here I'd like to protest formally, President, and I'm not complaining about you, I'm complaining about President Delors, who said in the European Parliament that 10 national parliaments out of 12 were unaware of the fact that in 10 years time European economic policy would be hammered out at the European level. I wrote a strong letter to Mr Delors saying that this was not accurate. I think that the majority of European parliaments, including the Belgian parliament, are aware of the European dimension. We are not ignoring it, we're preparing ourselves for this European future. For several years, we in the Belgian parliament have had a joint committee of 10 MEPs and 10 national MPs, meeting regularly to explain what is happening in the two parliaments and to draw up joint reports; the 10 MEPs can come to our parliamentary committees whenever they want to do so. We are not therefore one of the Parliaments which is ignoring Europe; but of course we can all make improvements within our own national parliaments.

As regards the mid-term - and that's what we're concentrating on today in this colloquy - you can't commit yourself to the mid-term without having an idea of what you're going to achieve in the long term. To have a vision of the year 2000 I have to have a vision of the year 2030. I'm a champion of a federal Europe so I think that this is something we should go into in greater depth.

I think that in the long term the Parliament of a federal Europe would have to have a two chamber system. At the moment we have a European Parliament directly elected by the people of Europe. Then there's the Council which is governed by the Member States and acts as an executive and as a legislative body at the same time. That's not right! In a real federal Europe you would have a real government and a real Parliament with two chambers. The Swiss Parliament has two chambers: the National Council, which I would say would be equivalent to the European Parliament, and the Chamber of States which represents the various cantons of Switzerland. The latter means that you assure diversity. So if we want a real federal system we will have to have a dual chamber.

Of course this is a futuristic vision but it does colour my mid-term vision as to what should we do. I think that very gradually the European Parliament on the one hand and national parliaments on the other have got to commit themselves to this. In the national parliaments we should begin to consider ourselves as part of this lower chamber. This would mean that you would have a lower chamber with 2000 members, which would be absolutely impossible. Neither do we want a second chamber which is indirectly appointed, as the European Parliament was before 1979.

However some things might be easy to achieve. I'm just going to throw out three straightforward ideas, President Plumb, and a lot depends on you and your colleagues. When the European Parliament has an important debate scheduled on agriculture, the Single Act, or the budget for example, why don't you inform the speakers of the national parliaments? You know a month in advance what is coming up on the agenda of the next part-session, so why don't you write to the 12 speakers, your 12 interlocutors, informing them of a keynote debate on a certain subject in the following month? You could ask for the opinion of the committee of the national parliament responsible for this particular matter.

If I were to get a letter of this nature next Monday, immediately after a part-session, I would send it to the committee concerned. I would agree with the President of Parliament that it was an important topic. If the European Parliament is not yet able to pass laws, it is an important debating chamber for ideas, which are of concern to us for the future, and so it would be useful for us to deliver an opinion. At least in that way the Belgian Parliament would have had to deliver an opinion and to concern itself with the matter. The MEPs would be aware of that. Of course, you have Belgian MEPs here, but they aren't just here to defend Belgian interests. They are looking at things from the European point of view. So, to follow the Swiss model, the Belgian canton would have given its point of view in the chamber of cantons. I think we must start dovetailing the European Parliament's opinion with national opinions on European matters because they are of national concern.

As a second simple idea, perhaps once a year - at your initiative, Mr President, - one could hold a European day in the 12 national parliaments and this year's subject could be one thing, next year's another. There would be an agreement between the 12 speakers and yourself that there would be a debate on the same subject in all 12 parliaments on the same day. Of course all sorts of different ideas would be thrown up, but never mind! The 12 national parliaments would have been playing an important role in the European debate on that same day. Even if you don't yet have full powers, you can still throw out important ideas.

The third idea is a combination of the first two. On important subjects, four or five times a year you could have a joint meeting of the 12 parliamentary committees concerned with the European Parliament committees concerned. They would number perhaps 240 people altogether, comprising 20 members from each committee concerned. Afterwards you would have to draw the strings of the different debates together in the European Parliament. I feel that your debating chamber role would be strengthened in this way. Our agricultural ministers or our foreign affairs ministers meet together in the Council, and they know that their national parliaments have given certain opinions on certain matters and they take those into account. We need to have a parallel to that next year between the European Parliament and the national parliaments.



As for the European Parliament's governmental role in the future, national parliaments have a governmental role. Public opinion has a very simplified view of what happens in a national parliament, and so the political parties have tended to distort things and play an excessively important role. They simplify debates in the media and so parliamentary debates end up in the shade. Thus the political parties, the parties organizing the actual campaigns, tend to pre-empt debate in the national parliament.

I think there is a more complex situation in the European Parliament. We have political parties that belong to political federations. I think there are 75 parties represented in the European Parliament but they're not really organized outside the European Parliament. And so the role of the political groups is very important in the European Parliament. Whereas nationally there is less coordination in parliaments between the parties because they have strong federations outside parliament that back them up, that does not exist at the European level. So you achieve more coordination sometimes in the European Parliament than we do in the national parliaments.

To conclude, with the year 2000 in mind we must together try to benefit from increasing inter-independence, but that inter-independence has to be organized. We have to organize links, liaisons between the European Parliament and national parliaments in order to make up for that democratic deficit which we all deplore.

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Professor VANDAMME:

Thank you very much, President Nothomb, for that address, which included very specific proposals for enhanced cooperation between the European Parliament and its national counterparts. I now turn to Mr FALCIAI, Director of the Private Office of President Spadolini, President of the Italian Senate, who is to deliver a message from President Spadolini.

Mr FALCIAI, Director of the Private Office of the President of the Italian Senate:

Thank you. President of the European Parliament, President of TEPSA, Speakers of the national parliaments, Ladies and Gentlemen,

We are at a political juncture when the process of European integration is well underway, and so it is most opportune to follow up this initiative by the European Parliament and to reflect on the results of the research carried out by the TEPSA. Over the last 10 years, significant progress has been made towards the strengthening of the powers of the European Parliament, and through the exercise of those powers there has been an improvement of the political representativity of the Parliament and its components. But it must be said that this process of consolidation is a long way from reaching its final destination. We still have a long way to go before we achieve a Community organism which is able actually to make an incisive impact on the legislative procedure and on the whole process of hammering out political guidelines. Parliament still does not yet have sufficient powers in the whole area of the raising of revenue and the management of revenue.

I think it is also desirable with this in mind to give new life to the idea of improving the dissemination of ideas between the European Parliament and the national parliaments. The idea of achieving within 4 years the Internal Market with over 300 million consumers is a political idea of very high profile. In fact it will bring about the most significant change that we've seen in the Community for the last half century. This is the backdrop to the present and the future of the Member States of the Community and it's also important for those countries which would like to join the Community.

There is a change on the international scene which is of importance to the Community as well. We will be seeing new potential for dialogue between the EEC and COMECON and the Member States of both bodies. These changes on the international scene increase the importance of giving the European Parliament a more incisive political role. Parliament has to be given greater representativity in order to have greater influence on international relations. The enhanced dialogue between the Member States of the Community

and Eastern European countries is something that is happening at the moment and we don't know where exactly this process will take us, but it is absolutely indispensable that, in order to face up to future challenges, there should be greater political integration between the countries of Western Europe.

Of course, this widening of the international scene - the fact that we will have improved relations with Eastern Europe - doesn't mean that we are going to turn our backs on our traditional and indispensable relations with the United States which have, since the Marshall Plan, been of capital importance for Europe. Again, the emerging role of the Pacific area and the increasingly dominant role of Japan are of significance for the Community, which has ever-closer and more fruitful links with that part of the world.

In a few months the European elections will be taking place again and when the European electors go to the ballot box they will be reflecting their social, political and cultural interests. But whatever happens, these elections will be not just a reflection of different party programmes in the different countries, but also an implicit judgement on what the European Parliament has been doing over the last few years and a judgement of the impact the European Parliament has had on the life of our citizens. In fact, the study carried out by the Trans-European Policy Studies Association looks at the links between the European Parliament and the people it represents and, in fact, the area that the European Parliament represents is a huge geographical area which is probably going to become even greater.

I have the honour of representing the Senate of the Italian Republic here and the Senate is fully committed to bringing about the successful completion of the Internal Market. In fact, I can say on behalf of the Senate that we are going to do all we can to strengthen democracy in the Community and to construct political union in Europe.

But there are institutional links which we still have to strengthen or even in some cases create. It's wrong to think that the European Parliament will be stronger if it is completely free of shackles. I think it would be a mistaken judgement to think that an independent Parliament, which is independent of national parliaments, will have more power. On the contrary, I think the

Parliament can only have full autonomy if there is greater institutional inter-dependence between the European Parliament and the national parliaments. In my view, the European Parliament and the national parliaments should not ignore each other or turn their backs on each other. On behalf of the Senate of the Italian Republic, I would like to offer you my best wishes for your work on the results of the research project of the TEPSA.

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Ladies and Gentlemen, I am happy to welcome Mr Andriessen, Vice-President of the EEC Commission, who has just arrived. We are very happy, Mr Vice-President, that you could attend our Symposium this morning, and I give you the floor for your address.

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Mr Frans ANDRIESEN, Vice-President of the European Commission:

Europe today can look forward to a period in which the democratic values which we share will find a higher degree of expression in our Community institutions. A series of problems which, at times, held up this process, have been overcome. The Common Agricultural Policy has been reformed; our budgetary difficulties have been solved, at least for a considerable period ahead; the vital task of completing the internal market by 1992 has captured the imagination of our citizens and consigned Euro-pessimism to the scrap heap of history; the Single European Act has provided a firm basis for achieving a working democracy at European level.

The Community's institutions are moving in the right direction but are they moving quickly enough? The European Parliament will play a key role in setting the pace in the years ahead.

The third direct elections to the European Parliament in June 1989 are extremely important, more important than ever before, because after 10 years, the electorate is becoming more critical and demanding. What, it is asking, can we expect from Parliament in the next few years?

Parliament has already strengthened its role in the Community's complex institutional arrangements and we in the Commission welcome this.

New inter-institutional relations are being established, and the formal amendments to the Treaties made by the Single Act are being reinforced by better working arrangements.

Three innovations can be mentioned in this respect. First, Parliament has increased its influence in the assent procedure for the Community's external agreements as its 'avis conforme' is now required for their implementation. In several recent cases the exercise of this influence has led the Community to reflect more carefully on its relations with the countries concerned and obliged these countries to take into account the views expressed in Parliament.

Secondly, Parliament has acquired real legislative powers through the cooperation procedure introduced by the Single European Act. Thirdly, the inter-institutional agreement on budgetary discipline, reached as a follow-up to the Single Act, has strengthened Parliament's position in the budgetary process which should now function more smoothly than in the past. Parliament is thus gradually becoming a political body exercising certain powers comparable to those enjoyed by national parliaments.

But these additional powers cannot yet be taken for granted. The Community is going through a kind of running-in period in which these powers are being tested. The cooperation procedure can function smoothly only if it is implemented by Parliament with considerable discipline. Our first experiences in this regard are encouraging. As far as the Commission is concerned, its position in the cooperation procedure is somewhat delicate as it runs the risk in exercising its right of initiative of being sandwiched between Parliament and the Council.

The Commission and Parliament should strive for the widest possible agreement at the first reading stage in order to avoid difficulties at second reading, following the Council's adoption of a Common Position.

There are other recurrent problems in the functioning of the Community's institutions which have not been eliminated despite the progress achieved. Parliament's legislative powers are still rather restricted and cannot always overcome obstructions encountered elsewhere in the system.

The Council still tends to block the final adoption of certain proposals for inordinate periods. Parliament should, together with the Commission, develop new techniques for overcoming such obstructions.

Parliament should establish its own priorities and insist on them. It should experiment with new means for challenging the Council, especially where it is responsible for delaying proposals on which Commission and Parliament are agreed. Despite the use which MEPs make of Question Time and other opportunities to put us on our mettle, Parliament still has no equivalent of the powers of a national legislature to press Ministers for explanations and action.

Parliament's identity in the inter-institutional triangle is still somewhat ambiguous. It is very much a Parliament sui generis. We cannot expect further amendments to the Treaties in the near future and so Parliament's identity must be asserted in its daily work and through its relations with other Community institutions. Although progress has been made by Parliament in influencing the decision-making processes of the Commission and the Council, the European Council, which was given formal recognition in the Single Act, still remains beyond Parliament's reach. We should give careful consideration to ways in which this gap can be filled so as to ensure that the Heads of State and Government can, in their deliberations, take fully into account Parliament's views.

The European Parliament and its Members have built up a good reputation over the last 10 years. It has promoted a series of initiatives notably related to the environment and to transport. If we have made progress in these fields, it is in no small measure thanks to Parliament.

When direct elections were introduced, it was stated that Parliament should be granted wider powers and some progress has been made in this direction. Where it has exercised its powers, Parliament has acted in a responsible way. Parliament has demonstrated that it is fully equipped to participate in the legislative and policy making process. There is therefore reason for optimism in presenting Parliament to the electorate in 1989.

Nevertheless the Community still suffers from a certain 'democratic deficit' and Parliament should seize every opportunity for overcoming it during the years ahead.

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Thank you very much, Vice-President of the Commission, for that substantial contribution to our debate. I think that you've really drawn up a balance sheet of progress towards democracy in the European Communities and have made a fundamental contribution to the work done by this symposium. I now call on Professor Grabitz to introduce the General report to the session.

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Professor Eberhard GRABITZ, Free University of Berlin:

President, Members of Parliament, Colleagues, Ladies and Gentlemen,

At this colloquium, our business is to look at the legal and political status of the European Parliament in the triad of Community institutions. Our main concern is what contribution the European Parliament can make to help the Communities to function smoothly and how it can best send its message out to its electorate. In this company, I need not stress that the role of the European Parliament can hardly be compared to the role discharged by the national parliaments, as has been said this morning. It would appear to me that insufficient thought has gone into the role which the Parliament should have in the Community system, in the Community scheme of things. If a legal expert were describing this in terms of its constitutional format, then no doubt the phrase, as Vice-President Andriessen has said, would be that this Parliament is sui generis. The purpose of this symposium will be to focus on that concept and to try to give it a clearer form.

Therefore, on behalf of the academic and scientific community represented here, I would like to convey a word of thanks to President Plumb for having convoked this symposium, which brings together academics, legal experts, those involved in the media and parliamentarians in order to have an exchange of views.

In holding this colloquium, I think we can look back to past events. In May 1974, something similar took place in Luxembourg, and the subject then was 'European Integration and the Future of Parliaments in Europe'. At the time much attention was paid to the concept of European crisis. It was being said that the role of parliaments was diminishing and that the Nine at the time were unhappy with their own parliaments' functions; this was the backdrop against which we looked at the future of the European Parliament.

14 years later we have, I think, been vindicated by the way things have gone since then. Some of the demands which were made in 1974 have now materialized. We've seen direct elections, and we have seen a number of other major changes in the way in which Parliament has been vested with extra powers in the budgetary process, for example, and recently in the cooperation procedure. Many commentators and, I believe, a majority of parliamentarians themselves are not by any stretch of the imagination fully satisfied with the way in which things have gone. There is discontent with the way in which Parliament has developed, because the Council, and the governments and states represented in Council, is still the legislator in the Community rather than the Parliament, and therefore it is difficult to describe the European Parliament as a legislative body in any real sense.

A further ground for discontent is the poor coverage which Parliament's work receives in the press, on television and in the other media. The citizens of Europe need to understand the objectives and the goals which their elected representatives are pursuing. The European elections so far have primarily been conducted in national terms and this, I think, must give us concern as we look forward to the third round of European elections next June. Because in this case too I feel that the elections will not be held under exclusively European banners.

So this is the present state of affairs, and this is why TEPSA, the Trans-European Policy Studies Association, has been trying to bring together those who are working in this field in order to produce a new template which will set us thinking about research and about where the European Parliament is going. Now that this process is underway and has benefited from wide support, on behalf of TEPSA we express our warm thanks that this has been made possible.



We have produced a comprehensive report which is available and which I commend to you. It provides us with a synopsis of the reflection which is underway in the various academic circles. It is a paper of consensus, for it contains proposals, suggestions and reflections which have been brought together in this text from all parts of the spectrum.

This is a major research project which can be summarized under four chapter headings. First, we examine the differences and the commonality between national parliaments and the European Parliament, looking at the functions of parliament and the idiosyncrasies of the different political systems concerned. Second, we look at new concepts for the European Parliament. Third, we examine an interim assessment of the functioning of the European Parliament since the first direct elections in 1979. And the fourth chapter heading fulfils a widely-felt need, in light of developments, to look at options and scenarios and strategies for the future of the European Parliament.

The first of these four aspects concerns itself with the differences and the commonality between national parliaments and their European counterpart. It is a question which is of significance because the political community has expectations and assumed attitudes towards the European Parliament and very often they are marked by national experience and a national background. There is not just one exclusive monolithic view of the way a parliament works. There are many views, which will stem from national traditions and heritage, from different political creeds, and from different day-to-day political experience as well.

There is one thing which stems from the national parliamentary heritage which all our Member States have in common and this is inter-penetration in terms of the national parliamentary systems, even though in different countries there are constitutional restrictions placed upon this, such as the constitutional prerogatives of the French President, or the peculiarities of the federal system in West Germany. In terms of political theory, other attributes or functions of parliaments can be enumerated as was done 14 years ago in the first colloquium. There is the legislative function, the function of forming

governments, the surveillance or control function, the function of representativeness, and the function of recruitment, in other words as the place where political leaders can be trained.

These are different attributes of parliaments and there are major variations from one parliament to another and also over time and through history. In studies which have been carried out, attempts were made to look at those traditional attributes of parliaments and to try to apply them in the context of the European Parliament, and very often the result was unsatisfactory.

When one tried to measure the European Parliament by those particular tests the European Parliament could not elect a European government, nor does it have proper legislative functions which would be comparable to those of national parliaments. Any analysis of the European Parliament which looks at the attributes and functions of national parliaments would by necessity lead one to the verdict that the European Parliament is capable of improvement. Therefore I think there is not a great deal of mileage in this academic approach, and that to try to apply traditional national standards to the European Parliament leads us to something of a methodological impasse. We need a template and a model for the European Parliament which would be different from national experience but which would be guided by that.

We believe that the correct method has been outlined by TEPISA in its programme of research, in other words looking at a real authentic programme and a model for the European Parliament which describes the European Parliament's present attributes and functions, and takes account of at least two aspects of European political realities at the end of the second millenium. The first reality to be built in to the academic appraisal of things had to be the expectations which are vested by the political community in the development of the European Parliament. When I talk about the political community I mean first and foremost the electorate, but also the politicians, the political classes and those in politics and in the media who communicate that message towards the outside world.

These expectations were considerable in the run-up to the 1979 direct election. At that time expectations pursued three different avenues. First, the political community and the public expected the European direct elections

to lead quickly to an extension of the powers of the European Parliament. Second, there was the hope that this would have positive repercussions on the future process of unification within the Community as a whole. And third, there was the hope that there would be a positive effect on the efficiency of the decision-making procedure within the Community, because a Parliament in which more powers were vested, a Parliament deciding by majorities would - it was hoped by many observers - help the Community to transcend its decision-making difficulties. The political community and the public at large hoped and expected that in the wake of direct elections we would see an institutional reinforcement and consolidation of the European Parliament. We have seen that this reinforcement, that this strengthening of Parliament's position since 1979 has really only taken place in a very mitigated form.

Now the reason for this is, we would suggest, grounded in the structures of the political system within which the European Parliament has to exist, has to act and has to operate. This is a system which must be viewed as a nexus, or as an interpenetration. This is a concept which is very prevalent in the German academic debate: the nexus position of the European Parliament.

This introduces the second reality on which our reflections were based: the Parliament's position in the triad of Community institutions.

But let me try to explain what I mean by the concept of interpenetration or nexus. The nexus does not simply encompass the Community with its treaty powers and its treaty institutions. It would extend to a series of Community activities such as European fiscal cooperation, the European monetary system, or other systems such as the EUREKA research activities. This nexus of Community activities is also marked by a close mutual interdependence between the European Community on the one hand and the Member States on the other. This extends to all the areas of political activity.

As we can now see the Community is not growing into a traditional federal entity, nor has it degenerated into a kind of group of concentric circles where individual groups of countries pursue different objectives. It has become something quite different from that.

The interpenetration and the nexus where the Parliament stands has in the recent past shown three trends which are observable. First of all, looking at the scope of European activities, clearly the circle has been much extended. More and more important political positions are being considered and finally adopted at the European Community level. In the second place, part of this extended scope of activities of the Communities does correspond to a transfer of powers, although this has been limited. Instead of clear powers being invested in the Community, Member States have time and again used pragmatic machinery to provide packages of national desiderata. One example of this has been the EMS, which was put together in that way. Thirdly, decision-making procedures within that nexus of institutions take a long time and have proved cumbersome. This is no doubt due to the fact that everyone has to be consensus-minded and that means that both national and Community decision-makers had to be involved in that process. This means in turn that it is difficult to have an efficient decision-making procedure.

This is something which has not been fully achieved and is compounded by the fact that the national administrations still loom very large in the European Community decision-making procedure. As a result Parliament tends to be eclipsed, despite its representativity and its legitimacy as a directly-elected parliament. Very often the process of building the Community has led to a diminution of the role of the Parliament in that process.

So within this nexus we have to look at the way in which powers are allocated and there is a large grey area. Much research remains to be done and much more thought is required in order to provide legal certainty, because that is not just the sole preserve of the Court of Justice in Luxembourg; it has to be achieved as part of a wider process.

As we examine the nexus of the institutions let us look at them from the vantage point of the Parliament for the moment. We will see that that institution has real difficulties in finding its place within the Triad. The institutional status of the Parliament extends to areas such as agricultural policy, or commercial policy, and the Parliament still has much to complain about because of the way in which it is consulted. On the one hand, it has budgetary powers which, for example, give it a margin for manoeuvre within the

non-compulsory sector of the budget; it can send the Commission packing with a vote of no confidence; and under the terms of the Single European Act it can give its assent to association and accession treaties and agreements.

In terms of legislation, on the other hand, it has a consultative capacity, and if anything its role is a negative rather than a constructive one. In the overall nexus of the Community system Parliament has to base itself on the powers exercised by the Community, although often these are beyond its direct control. In regard to European Political Cooperation and EUREKA the Parliament has been effectively taken out of the decision-making circle, and until such time as these powers are transferred to the Community they will continue to be an extension of the scope of the Communities' activities, but the Parliament will not make any major headway in establishing its credentials.

The Parliament therefore needs to have a strategy for institutional reform which must take into account the following parameters: first, enhancing its own status within the interplay of the institutions within the Community; and second, further extensions and evolutions in the Communities themselves. The future role of the Parliament will depend on whether it can help to strengthen the Communities' institutions and whether it can better assert itself within the nexus of institutions.

Now the second chapter is concerned with new concepts, new projects for the Parliament and I would like briefly to summarise the thinking on this subject. Within the Community nexus, and remembering the expectations which the political community and the public at large have vested in the Parliament, there are three real tasks which are part and parcel of the political functions of the European Parliament. We believe that the Parliament has a function whereby it looks at existing policies in the Community and has its say in forming those policies. It is involved in the political process by means of parliamentary initiatives, by exerting influence on the decision-making process itself and subsequently on down-stream surveillance and scrutiny of the decisions which are taken.

In the second place, the Parliament has a function of helping further to develop the Community system. This is done by means of its proposals on detailed extensions and transfers of power, so that areas of responsibility can be transferred from national to Community level, and also by developing inter-institutional relationships in order to make its contribution towards democratisation; this I think is a systemic function which the Parliament can discharge. The third area of responsibility is in terms of interaction between the European Parliament and the voters, the electorate, because the Parliament can articulate, can represent and protect the interests of the electorate and certainly pass on the message of future plans to the public to keep them informed. This is a kind of inter-active role, if you like.

As we look at the past performance of the Parliament since 1979 I think one can form an assessment of how things have gone. I would not intend to do this in detail, as you will find this in the documentation for this symposium. The working groups will of course also be able to trace the different trends, and developments. Examination of the literature will also help to form an impression of where Parliament is, of how far Parliament has come, and whether it is likely to go further in the future. The papers will also indicate the kind of strategy which is required to help it reach those objectives with the passing of time.

At this time I would like very briefly to offer a few thoughts on an inventory of the Parliament's progress to date. Any overview of Parliament's track record should stress that in terms of formulating policy, particularly in terms of its initiatives, its new activities and also in surveillance and the control function, Parliament's achievements are clear and undisputed. In terms of Parliament's powers, fresh political ground is being opened up in areas such as research and development and environment, and there is room in these areas for a greater say for Parliament than in the more traditional Community areas, such as commercial or farm policy.

Parliament's track record in terms of systemic influence has, I believe, produced its greatest achievements. Parliament's draft treaty on European Union was an achievement where Parliament pursued a twin-pronged strategy. It first had to produce the comprehensive draft of the Treaty founding the European Union on the one hand, and then on the other it continued to pursue

the policy of small steps which would lead to minor, but significant, improvements. This policy of the short steps has perhaps been more successful than the great leap forward towards European Union.

However the biggest deficit has been in the third function, the interactive function between the elected body and the electorate. We must not forget that every member represents about 600 000 voters and of course it is difficult to keep up constant regular contacts with that size of constituency. Nor has it been possible for the national parties really to function as a conveyor belt for thinking coming from the European Parliament itself. So in order to improve that communication function Parliament will, I think, have to enhance its presentation of developments in the media and through the media.

Let me now move on to the question of the strategies which Parliament can now embark upon. In our report we made the case that in future Parliament should continue to pursue a twin policy. In the first place its draft treaty founding the European Union must be updated in order to take account of the input from national parliaments, so that the electorate can have a clearer picture of the link between national parliaments and Parliament. Second, the policy of small steps must also be taken one stage further. As things stand - and this has been echoed in interventions this morning - the Parliament is more than just a formal sounding board, which reflects Community policy initiatives. The government-forming function is something else which will have to be improved upon, judging by Parliament's past experience.

The present, and of course the future, function of the Parliament can I think best be described as a co-player on the institutional board. This will involve Parliament's becoming a power in the land within the institutional framework of the Communities, asserting itself and becoming involved in such a way that it can exert political influence without wishing to usurp the functions of other institutions.

And it is important in that sense that it can reassert itself vis-a-vis the other institutions. Vice-President Andriessen described the role of Parliament and talked about the institutional triad in terms of the nexus between the institutions. The Parliament will have to continue to be a player on the stage and will have to work with the national parliaments as well.

President Nothomb this morning added valuable elements to this investigation. It is vital that in future no major political decisions can be taken without the Parliament being heard out. In this process we must ensure that this provides not only democratic legitimacy but also efficiency. The players have to cooperate with Parliament and act on the same stage and they must be involved in such a way that a consensus can be arrived at at the end of the day.

If Parliament is going to assert itself on the stage as a fully fledged player then Parliament will have to be involved in initiating policies, in decision-making, in surveillance, and as a fully fledged player in the institutional process. I am convinced that co-decision must be placed centre stage, because Parliament will have to be involved in a very delicate decision-making process. It will have to establish its credentials so that it can have its say on all important matters of Community business; and this is not only a legal, but a political imperative as well.

We have presented a number of proposals which would also help to extend the cooperation procedure to all the legislative activities of the Community, extending to an electoral system which would also have a bearing on the way in which the candidates are selected. We believe that there is room for the Parliament to assert itself and, in the process leading to the achievement of a single market by 1992, to strengthen its role within the institutional concept.

Therefore as a kind of synopsis of our investigation we think that the time has come for a new model by which to guide the European Parliament which is not predicated or patterned exclusively on national parliaments. My own personal view, and I think I speak on behalf of my colleagues who have worked on the project, is that a strong and effective Parliament is absolutely essential. However, a definition of its role must take account of developments in the Community and in the rest of Europe in a wider sense. This new definition is something to which we think we can make a contribution, and perhaps at the end of this Symposium we will have acquired a new knowledge, we will have a better picture of the lie of the land. Thank you very much.



Professor VANDAMME:

I would like to express my gratitude to Professor Grabitz for that very substantial contribution, which has given us a coherent picture of the different results of the studies which have been carried out on this subject. Normally the coordination of different types of research studies is carried out for TEPSA by one Institute. In this case, I would therefore like to thank the Institut für Europäische Politik, led by Dr. Wessels in collaboration with Dr. Schmuck and Professor Grabitz, for coordinating this study.

I give the floor now to Mr Fernand Herman, Member of the European Parliament and rapporteur for the Institutional Committee of the European Parliament.

Mr Fernand HERMAN, MEP, General rapporteur of the Committee for Institutional Affairs:

Mr Chairman, colleagues, ladies and gentlemen, one of the conclusions drawn by the Institutional Committee in its first interim report on the strategies of the European Parliament was to organise conferences and symposia including on the one hand scientists and experts in this field, and on the other representatives of national parliaments. We felt it was a good thing to have an exchange of views and perhaps at the end of the day we will be able to put some order into our house.

It is a good thing to see that the first conclusion that has been drawn by the Institutional Committee is being crowned by extremely fruitful work, and I would therefore like to thank TEPSA very much for the work that it has done. Because in fact the conclusions which earlier speakers have put forward very much coincide with just about all the points raised in our Committee. In addition, their contributions have introduced a series of new ideas, and I am sure that we will be able to benefit from all these ideas.

We know that the building of Europe is not just something that is sui generis but something which is very much evolutionary in its process. When we talk about evolution we talk about the European Parliament as the driving force of this evolution and this differentiates the European Parliament considerably

from national parliaments. Most national parliaments work within a more or less stable context, I say more or less because their powers are relatively clearly defined, and they play a role within a system which already exists and which has already been defined.

As far as Europe is concerned however everything is constantly on the move. It looks as if the Commission has reached the limits of possibility in exercising its dual roles as originator of legislation and as the driving force towards the development of the Community, particularly as the achievement of the latter will not be easy.

We in the Parliament often discuss its future role. Some argue that Parliament should seek to augment its powers without regard to the other institutions, which have sufficient power themselves. I believe this argument is false. In assuming the function of the driving force towards integration, Parliament should take account of the other institutions, as it has done in the 'Committology' case.

Here Parliament intervened to protect the autonomy of the Commission, but the judgement of the Court of Justice provokes many questions. Not only does the judgement appear to conflict with existing jurisprudence, but it confronts us with the question of the exact function of each institution in seeking respect for the Treaties. Up to now we had thought that any institution which considered that the Treaties were being infringed could seek a judgement from the Court.

Now it appears that this is not so, because the Commission will have to defend the interests of Parliament when they are called into question by a decision taken by another institution. But in many cases the interests of the Commission and of Parliament are not coterminous, and can at times be opposed to each other, and the manner in which the Commission can defend Parliament's interests when these are in jeopardy presents a serious problem.

I believe that Parliament should base its action on two principles. The first is that of the double legitimacy - on the one hand of the States, which is incontrovertible and substantive, and on the other of the citizens of the Community, which is greater than the sum of purely national interests.

The second principle is that of the common benefit (subsidiarity). It is vital to emphasise its importance at a moment when certain Member States argue strongly against the creation of a European 'super-state', which will steam-roller national identities. The principle of common benefit and the continued existence of national states is a fundamental one, which Parliament must defend and, in so doing, exercise self restraint. Why? Because all Parliaments are tempted - as are we ourselves - to seek the greatest power possible and to meddle in matters which are better dealt with by other bodies.

So we must spell out these two principles, and continue to evolve them as we are already doing.

A major step forward has been achieved in regard to legislative powers. As Vice President ANDRIESEN said, if the Delors-Tindemans amendment to the draft Single Act had been adopted, we should by now have been well on the way to quasi co-decision. In my view the fact that the Council is not subject to a deadline for taking a final decision is a serious drawback in the decision-making process. The need for unanimity in deciding on fiscal harmonisation may prevent this 1992 objective from being achieved, and the lack of a deadline for Council decision-making will have the same effect. I persist in thinking that the solution lies in the proposal that if the Council does not take a decision within a certain time, then Parliament, basing itself on the principle of double legitimacy, could do so. This would be one way of moving towards the final aim of co-decision on legislation.

As regards the budgetary role of Parliament, we find the same situation. We have made progress despite crises and difficulties, but once again the way ahead lies in the difficult art of compromise, which demands moderation above all. We are now further ahead of some national Parliaments as regards budgetary powers, particularly in regard to expenditure. But much remains to be achieved, especially in the important fields of financial autonomy and the fiscal powers of the Community itself, which should be our aim.

I turn now to control of the executive and to its legitimation, and here some useful small steps forward have been taken. In the Solemn Declaration of Stuttgart the Governments undertook to consult Parliament before the nomination of the President of the Commission. But we must go further, and

the vote of investiture provided for in our Rules must be tried out, and linked with the vote of censure. For example a Commission, some of whose members were nominated by Governments in a manner which infringed the Treaties, or whose members clearly did not enjoy the confidence of the large majority of Parliament's Members, would be open to a vote of censure, linked with the vote on its investiture. This is a path along which Parliament should advance.

Moving now to the strategy of Parliament in the longer-term, I thought that TEPSA's ideas were interesting, but three further elements should be added. The first is the conjuncture of 1992 itself, coupled with the fact that the internal market will call both for stronger monetary integration and for a quasi government of the Community, in particular to manage relations with third countries. This multiple conjuncture gives Parliament the justification and opportunity to put forward in 1992 a proposal for revision of the Treaties.

But further elements exist in Parliament's future strategy in the form of levers usable at present by Parliament. And the most important is the assent required from Parliament to proposals for the accession of third countries. As the internal market comes into being, pressures for enlargement will increase. If Parliament resists the temptation to throw open the doors to everyone, and decides to safeguard what has been achieved in integration, the logical outcome is to seek to strengthen the institutional structure. Whereas national Parliaments won their powers by wielding the instrument of the power to tax, the European Parliament now possesses a similar instrument - the assent procedure - which it can use to seek wider competences.

It is not a case of hindering the long-term process of the enlargement of the Community, but of ensuring that enlargement does not result in total dilution of the Community's coherence and of the progress realised towards European Union. This imperative coincides in turn with the need to reform both the decision-making procedure and Community's ability to conduct a coherent monetary policy and also a commercial policy vis-à-vis major third countries. Thus the conjuncture of the date of 1992, the policy needs and the instrument in Parliament's hands offers to it an enormous opportunity, which Parliament must seize, and seize in cooperation with the national Parliaments.

No-one can wish as much as I do that the national Parliaments should be associated with this strategy of the European Parliament. And this process is already under way. President NOTHOMB's proposal for meetings between committees of the European Parliament and national Parliaments is in course of being realised. For example, our Committee on Economic and Monetary Affairs has met nine delegations from national Parliaments to discuss fiscal harmonisation, and the Institutional Committee has met two or three delegations, in order to discuss institutional questions. Without this type of collaboration with national Parliaments, our strategy will not succeed.

I would like to conclude by recalling one of Jean Monnet's principles, which was, 'If you wish to bring about institutional change, link it to an aim which everyone can understand'. The Single Act and the internal market have given a new impetus to Europe because of the operation of this principle of Monnet. This situation creates the possibility of setting a new objective - that of economic and monetary union, a consensus in favour of which is gradually developing. To this objective, therefore should be linked that of sufficient institutional reform to enable monetary union to be achieved. But at the same time the principle of common benefit (subsidiarity) remains of fundamental importance, as does Parliament's opportunity to use the new instrument offered to it by the assent procedure.

In order to carry forward its strategy to a successful outcome, there are two further approaches which Parliament must use, of which one is broadly agreed and the other is controversial. In a battle situation, there are two methods of overcoming the enemy; to outflank him, or to divide him. The outflanking tactic requires Parliament to bring pressure on governments indirectly, that is, by mobilising opinion in the Member States. If Parliament can explain to the trade unions, the employers' organisations, the public, the media and to academic and other circles the need for European integration, the cost of non-Europe and so on, these bodies will take the governments in the rear, as it were, and oblige them to accept indirectly changes which, put directly to them, they would probably refuse.

The second tactical approach is to face up to the fact that, of the twelve Governments, some are ready to move towards greater integration while others are not. The question is whether Parliament should not try to persuade those

which are ready to make progress to do so, leaving the others to follow later. The experience of the DOOGE Committee shows that this tactic can be very successful, but that it will only work if the bloc of the 'progressives' remains united.

So, Mr President, I conclude these rather brief thoughts on Parliament's strategy by thanking TEPSA, which has shown that it has understood many of our problems; the solutions which it proposes will certainly inspire many discussions between us, and I am grateful for that.

**Professor J. VANDAMME:**

Thank you Mr Herman. Your comments will most certainly be taken into account in the course of our debates this afternoon and tomorrow morning on the strategies of the European Parliament, and you have come up with some extremely useful suggestions on this topic. I now give the floor to Mr Hugh DYKES, who is representing the Speaker of the House of Commons.

**Mr Hugh DYKES, Chairman of the European Group of the House of Commons and House of Lords:**

Thank you very much Mr Chairman. I shall be very brief because of the lack of time but I must particularly express the greetings to this Symposium of the Speaker of the House of Commons who is sad that he cannot be here on this occasion. The exigencies of the closing of one session and the opening of the new session of Parliament next week prevented him from coming, but he sends his very good wishes. I am grateful to be here in his place as the Chairman of the All Party Europe Group of the House of Commons and the House of Lords. The Single European Act introduced a new dimension into the Community's development as we know. The extension of the European Parliament's role, the new titles on economic and social cohesion, research and technological development and the environment, and the formal introduction of a framework of political cooperation are vital developments in the Community. But there is a consequent need for the procedures of national democratic accountability and control to keep pace with these developments.

I make these remarks deliberately in the light of Mr Delors' reference to us and to Germany as being the only two countries of the Twelve in the Community that have such scrutiny arrangements. Structurally the House of Commons' scrutiny arrangements, which were launched in 1974, have proved to be efficient in coping with the changes in the legislative field. The House endeavours to debate proposals before a common position is adopted by the Council whenever that is feasible, in order to bring its influence to bear at a time when it can be most effective. However the cooperation procedure has in fact increased rather than decreased the opportunities for the House of Commons, particularly as the House of Lords has a somewhat different role of examination and investigation.

European Political Cooperation also falls within the scope of the Foreign Affairs Committee of the House of Commons and opportunities for the Commons to consider this arise both in the regular debates held on the White Paper on developments in the European Economic Community published by the Government more or less every six months, and also in the regular monthly oral questions to the Foreign Office. The remit and reference points of the Select Committee on European Legislation, of which I am one of the senior Conservative members, to report on the legal importance of proposals also provides it with an opportunity to monitor the proposed use by the institutions of the new powers conferred on them by the Single European Act. This helps to ensure that Community legislation which will have a binding effect in the United Kingdom has a sound and legitimate treaty basis. The Committee has given particular attention in this context to the extent and significance of the overlap of various treaty powers.

One area which has been of particular interest to the Committee in the context of the completion of the internal market is the relationship between Article 100A and other treaty articles. There are of course those who look beyond the completion of the internal market in 1992 to closer European integration and European Union, an area in which the Institutional Affairs Committee of the European Parliament is presently developing some very important initiatives. As the European Parliament has recognised, it is essential that discussion of these issues involves National Parliaments too. It is the

National Parliaments who will ultimately take decisions on behalf of their national electorates and their members who will consequently account for them to the people of each nation.

These, Mr Chairman, are the words I wish to say on behalf of Mr Speaker. Concluding personally, may I also join my remarks to the best wishes from Mr Speaker to the Symposium. I regard it as a great honour and privilege and extremely interesting to be here. Contrary to certain rumours that the United Kingdom is not in its parliamentary form an enthusiastic European member I think I can speak on behalf of the built-in majority, and also a growing number of Labour MPs as well, and say that it is not true. In fact there is enormous enthusiasm for these developments in Britain, even although there may be understandable hesitations in certain quarters, hesitations which I consider to be temporary rather than permanent. Thank you very much.



FRIDAY 18 NOVEMBER 1988

PLENARY SESSION

Mr ENRIQUE BARON CRESPO, Vice-President of the European Parliament, in the Chair.

**Vice-President BARON:** This is the closing session of the Symposium. First I would like to give you the apologies of Mrs Veil, who owing to political and parliamentary commitments has had to go to Portugal today. This means that she cannot unfortunately be with us, in spite of the great interest that she has shown in the work of the Symposium.

We commence with the reports by the General Rapporteurs on the three Working Groups. First I would invite Professor Jean-Victor Louis to report on Working Group 2.

**Professor Jean-Victor LOUIS, Free University of Brussels:** Chairman, ladies and gentlemen, Working Group 2 was asked to look more closely into the institutional role of the European Parliament. There were two specific parts to the working programme: we were first of all requested to look into the implications of the Single European Act and its beneficial effects on the European Parliament, and second, to look into the strategy for institutional reform. We had to look in particular into the role of the European Parliament as a permanent constituent body. Although it was rather difficult to draw a distinction between the various aspects of the present and the future situation, I will try to retain this distinction in my summary.

In regard to the impact of the Single European Act on the European Parliament, I do not intend to recapitulate the contents of the papers, such as those of Professor Constantinesco, Mr Corbett, Dr Pinder and Dr Schmuck. In Mr Corbett's report, which was written jointly with Mr Jacobs, a view was expressed that was generally shared by all. As a result of the cooperation procedure and of its role as a co-decision maker on external affairs, the European Parliament has succeeded, in at least some aspects of Community competences, to manoeuvre itself several steps closer, as Mr Corbett said, to

the role of a co-legislator. The cooperation procedure seems to have been the litmus test for co-decision making and this term was in fact used in another paper by Mr Corbett.

Several interventions were very much along these lines, except possibly for the views voiced by an MEP, Mr Hansch. For him, the problem with the Parliament is that it has mostly negative powers and still doesn't have any power of co-decision. Whatever might have been achieved as a result of the implementation of the Single European Act is considered quite insufficient. The ability of the European Parliament to give its opinion on association agreements and accession agreements was considered by Mr Hansch to be insufficient, because a minority could block an association agreement. In fact it is important to have an absolute majority in order to approve important decisions as well as to reject them.

So on the whole Mr Hansch's views were rather negative whereas when Mrs Vayssade, MEP, spoke we were given an idea of the positive aspects which are contained in the warp and weft of the Single Act and which could be very beneficial to the Parliament. Mrs Vayssade explained that Members of Parliament were well aware of the fact that the first reading was of decisive importance. All the details of the cooperation procedure should be re-read, picked through and turned over from every angle so that the Treaty would be so sophisticated as to be perfect. So a lot of emphasis had been put on the first reading which was made wide use of by the Parliament and enhanced its influence.

According to Mrs Vayssade it is clear that parliamentary committees preparing a first reading act in a sort of inter-governmental way. For instance the first reading of the text on the structural funds this year was discussed in a way very similar to the approach taken at inter-governmental conferences. Everyone expressed their views but no-one was in a position to veto anything because they all knew that at the end of the day the voting procedure in Council was organised in such a way that no country would ever be in a position to disrupt the whole procedure. So the discussion had a strong national overtone, but there was always a realistic sense of compromise and the necessary awareness that it was important to come to some sort of consensus which was not only acceptable to the Council but also met with the views of the majority of the members of the House. Participants in Working

Group 2 felt that this only went to show that the European Parliament's attitude was not as negative as all that or not as exclusively a negative power as Mr Hansch had seemed to imply, but that there was also quite definitely a positive generating power in the Parliament.

There was no direct dialogue with the Council, which is an important point to note. Any such dialogue always used an intermediary such as the Commission, and I think it was Professor Constantinesco who pointed out that cooperation strengthens the role of the Commission because the Commission acts as a go-between in any indirect relations between the Council and the Parliament. He thought it was important that members of the Council were directly put in touch with leaders of political groups, chairmen of committees and on the other side MEPs with members of the permanent representations to the Communities, but that this direct relationship should not replace any other form of closer cooperation between the Council and Parliament. Mr Blumenfeld, in his report on the relations between Parliament and the Council, had felt for instance that Council representatives should be far more active in the work of committees, because obviously an opinion or a first reading and ultimately the whole cooperation procedure would largely depend on this type of cooperation.

So it now seems that the Parliament's role is that of a legislative power which is slowly increasing, but Mr Hansch is right in saying that it has not reached the extent at which one can consider Parliament as a co-decision maker. And it would of course be important to see that the Council could never over-ride a vote cast by the House with an absolute majority. The benzene case has shown that the attitude of the Parliament does not necessarily require the Council to reject such a common position and possibly one would have to take another example to see what could happen but I do think the most important thing is that the threat looming large over the Council should be a realistic threat.

Various colleagues felt that it was amazing to see that the cooperation procedure had so far worked so smoothly. One would like to regard the European Parliament as a trouble-making institution, a body which really put a spoke in the wheel and prevented governments from working out the decisions themselves. So far a number of decisions have been taken which have left the Parliament out, since the Parliament has agreed, for example, not to be

consulted again despite the fact it was entitled to be. Analogous observations can be made as far as international agreements are concerned. For example there were association agreements where the Parliament had been left out in the cold or was consulted after they'd already been signed instead of on a prior basis as has been provided for in the rules of procedure of the Parliament. So the Parliament, I think, is trying to play the 1992 game, which in most cases is a good thing. On the other hand some opportunities are lost to develop the role of the European Parliament as a co-legislator or as an imminent co-legislator and to have the cooperation procedure being a sort of laboratory test for co-decision.

At the same time, as a debating forum the Parliament is losing out, and this point was made by several participants. Some colleagues felt that it was regrettable that Parliament did have to make a choice, that 1992 was a too demanding priority and that taking part in the legislative process seemed to eliminate other tasks. On the other hand the Parliament tried to be the voice of European conscience in the world and at the same time listened to the moods of the nations, but the latter two functions seemed to be losing out in favour of increasing legislative powers.

The strategy of the Parliament was also discussed. The reports had insisted on a dual approach: on the one hand, 'to seek more juice from the Treaty as it is' (J. Pinder) and on the other hand, to ask for a reform of the Community. I believe that the Parliament has to conduct this dual strategy. It has to try to make the most out of every positive legislative wind that is blowing in its direction and it has also to try to be the instrument for institutional reform.

'Permanent constituent' seems to be a concept that some people have not entirely understood, the idea of the Parliament meeting as an assembly where everybody would debate a constitution for the future European union. This is of course not at all the image and is not at all the idea of permanent constituent power. What it means, actually, is that on the one hand all parliamentary powers should aim at developing the competence and the powers of the Parliament as an institution and as a co-player. It may be an ambiguous word, and we are all aware of that, but the term 'co-player' shows at least that the role of the Parliament would come closer to that of, for instance, the American Congress than that of a national parliament in the Member States. It

means that all the powers at its disposal should be used to their fullest potential. But, on the other hand, institutional reforms are inevitable, and all this despite the fact that one sometimes has the feeling that one should not overburden the Parliament and the Community itself, given all the work that it has to do to be ready by the 1992 deadline. There are many reasons indeed which will justify an institutional move.

The 1992 deadline is looming larger than life. If we are building a single market which is well balanced and which has full solidarity and expands to a true economic and monetary union, we need a centre of economic policy, both efficient and democratic. We should bear in mind of course that you can't have the Council taking its decisions by unanimous vote, for the management of a proper economic and monetary union, because, as you know, on economic and monetary questions a unanimous vote is still the rule in the Council.

Another element in the 1992 conjuncture is contained in Article 30, paragraph 12 of the Single Act, which stipulates that five years after its entry into force the political cooperation procedure is to be reviewed, and the intervention of the Parliament may well be desirable in this.

A further point on conjuncture relates to the Community's own resources: it has been pointed out that the decisions of February 1988 and the decisions taken in June on own resources and budgetary discipline will remain in force until 1992. There will be another opportunity to reflect on the financial autonomy and the fiscal power of the Community and a possible increase in the Parliament's powers.

There is another thing to be borne in mind. After 1992 the Commission will have seriously to consider any further enlargement. We can't keep the requests from various applicant Member States on ice constantly by saying that we are too busy with the internal market. It's an easy alibi, but sooner or later we will have to decide among ourselves whether we want to enlarge the Community any further or not. At the moment we keep saying we can't afford to add any further Member States because of the weakness of an institutional structure, but at the same time we say we can't discuss institutional reform either because we have just reformed the Treaty and we now have to give priority to the internal market.

I mentioned economic and monetary union, and Dr Pinder's report, which we debated yesterday, referred to the need for a draft of economic and monetary union to be woven into the whole Community institutional process. This is not a novelty at all, because European Union was after all an idea which aimed among others at slotting economic and monetary union into the overall legislative and decision-making process of the Community. Now we mean to take this a lot further, for example by the creation of a European Central Bank, which is an essential part of our future monetary policy. This implies that the European Parliament will most certainly want to have a say in this. In the United States, the Board of Governors of the Federal Reserve System reports to Congress. It would be interesting to provide for similar procedures within the Community. More generally, the building of a European monetary union would imply changes in the institutional structure and that is something to which the Parliament's attention should be constantly drawn.

I would like to conclude by saying that the Parliament needs a few allies and friends for the sake of progress, but who will these allies be? What about the Court of Justice? Is the Court of Justice a friend of the Parliament? Could we still consider the Court as an ally, because the Parliament might be a bit shy, having been bitten by the Court of Justice? This question is something that should remain with us. It seems that, regrettably, limits have been put to the constructive interpretation of the Court.

The Commission is another natural ally of the Parliament. It is in the Parliament's interests to keep a good friendship going with the Commission because its role is to act as a sort of screen between the Parliament and the Council. Hence very close contacts between the Commission and the Parliament or the Commission and members of the Parliament are definitely called for.

As regards Parliament's relations with the Council, permanent cooperation would be very useful to avoid violent clashes at the stage of second readings. As regards cooperation with individual governments, the Italian government was the only one mentioned in the Pinder report. The Italians have always been very pro-European and pro-European Parliament, but on the other hand we see that, when meeting at Council level, that same Italian government joins hands with the other eleven unanimously to share in decisions against the

Parliament's wishes. It is a bit contradictory and mysterious, but I am sure the Italian government is not the only one playing a double act in these situations.

A final word on the Community's impact on the European elections. The more the Community gets involved somehow the more the voters are turned away. The major political parties have a great responsibility for that. They have not yet devoted enough time and energy and money to European matters. Since the Parliament doesn't seem to have any 'true-blue' friends it is important for it to get in close touch with the political parties so as to be ready to animate public opinion.

The public, whenever requested to express its views by way of an opinion poll, always comes down in favour of Europe and thinks that the Parliament should be given more powers for the benefit of European Union and to bolster democracy. But is it possible to continue electing an assembly by universal suffrage if that assembly is not given sufficiently wide powers and actual co-decision making functions in the Community's process?

**Vice-President BARON:** Thank you very much Professor Louis. Thank you very much indeed for having been so concise. Now I will give Professor Verges the floor so that he can also give us a summary of what was done in Working Group 1.

**Professor Jean VERGES, University of Paris I (Panthéon, Sorbonne):** Thank you Mr Chairman. Ladies and gentlemen, the brief that was given to Working Group 1 was quite a tricky one. What we had to do was to look for a successful concept and measure the European Parliament's influence in main policy areas. This is a topic of obvious importance because our task was not merely to look at what had been achieved in the past by institutions, nor to look at intended changes in institutions, nor even at how the Parliament reacts in its environment. What we had to do was to look at this matter by considering the final purpose of all this. The actions taken by the institutions are not ends in themselves but should enable Parliament to exercise its function as efficiently as possible by showing European democracy to the best of their abilities. We were asked to assess the performance of the Parliament: in other words 'How efficient is Parliament?' At the same time we should look at how its performance could be improved.

Three papers were introduced: by Mr Jacobs, who outlined the main points of his preparatory document; by Dr Wessels, who spoke about the Parliament's performance since 1979 in terms of policy making and Professor Pelkmans, who considered the future, namely what would Parliament be doing once the internal market had actually been completed. Two MEPs, Mr de Vries and Mr Prag, gave us the benefit of their experience and also spoke about their vision of how the Parliament works. It was very interesting to hear their experience and to hear it set out so clearly. It is not an easy task to present a report of the ensuing discussion, in that it was very full, with a high level of debate.

We particularly focussed our attention on three main topics in the group. Firstly, it is very difficult to assess the influence of an organisation such as the Parliament, to quantify that influence and the way in which it is brought to bear. It is also difficult to find strategies likely to enable the Parliament to increase its influence.

I. The first question is how can the influence of the Parliament be measured. One approach would be to adopt a quantitative measurement, such as the number of resolutions or the number of oral and written questions. We were told that these had doubled over the last few years. There are other quantitative measurements that can be attempted. When measuring quantities, one could perhaps study the relationship between initiative reports and consultation reports, or, another possibility, could also consider the percentage of amendments which have been accepted by the Commission or the Council of Ministers as part of the cooperation procedure. An interesting fact worthy of note is that from July 1987 to October 1988, 72% of all amendments were accepted by the Commission and 42% were accepted by the Council at first reading in the cooperation procedure. I think that these are some very important indicators of influence, but that they do not really get to the root of things. They do show how activity has increased, but this increase in activity does not necessarily result in a corresponding increase in influence.

Another matter for consideration could be the opinion that its partners have of the Parliament. This is really a long term influence which would also be shown by the turnout at European elections. First of all, what does 'influence' actually mean? How does one define parliamentary influence? There are two aspects to this. First there is the influence that a parliament can exercise when it is involved in ideas and debates with an international



scope, as, for instance, when Parliament debates European security, human rights, Africa, baby seals or even babies themselves. What Parliament is trying to achieve here is to become a forum and thereby have a general influence on all these matters and from there bring indirect influence to bear on the decision-makers themselves.

There is another sort of influence, i.e. the influence which Parliament brings to bear when considering legislation, when dealing with budgetary matters, when passing legislation and when exercising its watchdog function. In this field one can see what sort of work has been done on individual proposals. Once again influence cannot be measured merely in terms of quantity: one can't just count the number of motions, amendments and resolutions that have been approved. Parliament's influence here will be measured in a different way. Its influence is felt even before the resolutions are adopted and is already discernible when the preparatory work is being done. Sometimes if you go back up the decision-making chain you will often find that it is Parliament that in terms of ideas has been the prime mover, that what the Commission says has been gleaned from parliamentary debates and that Parliament has been the driving force behind many main ideas.

II. The second general point which came out of this discussion was the very specific means by which this influence is expressed and the channels by which it is carried. As we said, the Parliament can be a forum for discussion, and it has a legislative role not unlike that of the US Congress; it also has the possibility of choosing its executive and being involved in its composition.

If one uses such a model as a yardstick one may be tempted to think that the Parliament has not been terribly successful in any of these functions. It does not have all of the powers that its models have. The European Parliament is by no means the US Congress: it does not have the latter's functions, neither does it have the gubernatorial function of the Bundestag. So measured against those yardsticks it falls short of expectations. But referring to models only gives part of the picture. The function of the European Parliament is very sui generis. It might be rather banal to say so, but I think we do have to bear that in mind, and I will explain why. The three functions that we have already identified are very finely balanced, as for instance between being a forum and being a legislator. It is important that the Assembly has the moral authority which will allow it to participate

in world affairs and also that it brings this authority to bear in deploying its legislative powers in budgetary matters, budgetary control and things of that nature.

It is of course a great drawback that the European Parliament does not enjoy gubernatorial functions. At the moment it is not involved in the appointment of the Commission. This absence of gubernatorial function means that the Commission does not need to rely on majorities and that therefore there is no automatic obligation on the Parliament to support a government that it has chosen. This gives it a certain amount of flexibility. So the absence of gubernatorial function can to some extent boost the legislative credibility of Parliament.

III. After looking at how the Parliament could become more effective, we looked at certain strategies that could be followed. We did not come up with any original ideas. As I have just said, these strategies can simply be a diversification of the bases of the various models that have been put forward. Its work as a forum enables it to be an international tribunal to some extent; it can express its ideas on the main issues facing the world today a fact which confers on the Parliament a certain degree of influence. It allows it to figure in the media and thus to have an indirect effect on the formation of world public opinion. It does in fact permit Parliament to be something of a world conscience, thus helping it to bolster its overall credibility, while at the same time requiring Parliament itself to be credible.

What we are trying to do here is to show that the Parliament is not merely involved in the normative work of the Community, that is Community legislation and the involvement with the budget where it does have a decision-making power. Its real influence lies in those areas where its rapporteurs have been able to follow through the implementation of a piece of legislation over a number of years. Useful though this is, there are a lot of areas which still have to be covered, and in this field Parliament must go beyond what it has so far achieved.

Let us think about the follow-up to Community decisions in future years. There may well be a follow-up to regulations and directives and there could well be a follow-up to Court of Justice rulings and this would offer Parliament a role of scrutiny which it could easily fulfil. On a personal

note and without taking too much time, as luck would have it in 1963 I carried out a study on the participation of the European Parliament in the development of European legislation. Now things have changed over the last 25 years, mainly due to the great increase in Parliament's power, now extended to matters such as cooperation, conciliation, and budgetary issues. Parliament has wide monitoring powers, and enjoys joint decision-making powers in certain areas, regarding accession and association status for other countries.

So things have changed, but the basic problems are still the same.

It is necessary to improve the efficiency of the work done by Parliament, and here the choice between an institutional role and Community work has always been very tricky indeed. The European Parliament wants very much to be the driving force behind the construction of Europe. Members want that to be their role, and they want the other institutions to fulfil that function as well.

Perhaps Members would not be living up to their vocation if they were not to do this. But if they overdo it they may well disappoint and dash the hopes of the electorate. The road they have to tread is not always an easy one: there is a very fine balance between not doing enough and doing too much. You have of course to convince voters, as it is not always easy to get them on their feet and off to the polls.

We do have to convince people that this is a useful institution, and that the institution is doing a good job of work. This has to be proven however, and I think it is only fair to say that the Parliament has done that. I think the Parliament has certainly done right by Europe, but that is the privilege of democracy. After all, all those who exercise power, all those who ask for power are accountable: they have to justify the use that they have made of that acquired power. That is democracy, that is the parliamentary system, and that is the European parliamentary system. It is very important indeed that every five years the Parliament is accountable to its electorate.

**Vice-President BARON:** Thank you very much. I now give the floor to Professor Joseph Weiler who will give us a summary of what was done in Working Group 3.

Professor Joseph Weiler, University of Michigan, Ann Arbor:

Group 3 dealt with the so-called interaction function of the European Parliament: how it relates to voters and the electorate and, to a lesser extent how it relates to national parliaments.

I shall divide my Report into three parts. I shall first report on a few methodological observations made in session. Then I shall survey briefly the highlights of the data presented in the papers. Finally, I shall report the analysis of this data which emerged in discussion.

I would then like to start with three methodological comments which were made by some of the rapporteurs.

1. When we talk about the European Parliament, no matter in which context, we inevitably utilise a preconceived notion of what 'a parliament' is, a notion which usually will be that of the parliament with which we are most familiar. We then set up the European Parliament against that preconceived notion and draw conclusions. The fact of the matter is that there is no unified concept of what a parliament is or should be. There is a multiplicity of concepts and those concepts are often defined vaguely. It is worth remembering that in relation to any function which parliaments may fulfill, one can find that the European Parliament performs 'better' than at least one state model. Its budgetary powers are probably greater than any similar parliament in Europe. Its legislative powers, which are quite weak, are still higher than some national chambers and so on and so forth.

2. The second methodological problem is not to get drawn into too much discussion of structure and process. In evaluating the European Parliament one ought to look at the substance as well: what are the values that are actually being taken up? What are the concrete achievements and failures? One can have a perfectly democratic parliament in terms of representation which will do pretty awful things.

3. The final methodological problem which affects what I have to say is the usual problem of the half empty -- half full glass. I shall shortly be talking about voter turnout. In relation to the European Parliament it is

around 50%: is that wonderful? Or is that disappointing? It all depends on one's expectations. This is a dilemma and we shall have to try and find ways around it.

It is possible to organise Group 3 discussion around a basic paradox. The paradox of the interaction function of Parliament is very simply stated. If we look at the situation of the Community (not of the Parliament) over the last three decades it becomes clear that the so-called democracy deficit of the Community has been growing. The stages of this growth are easy to define. The 1960s were characterised by the constitutional revolution whereby the norms of the European Community were declared to have direct effect, to be supreme, and to have the backing of a relatively efficient judicial structure behind them to give them effective force. This constitutional revolution paradoxically established the democratic deficit. When the Council of Ministers passes regulations which are binding, supreme, with effective judicial enforcement and there is no parliamentary check, it accentuates the democratic deficit. By contrast if the Community were to pass laws which can then be set aside by the Member States, it would not matter so much that the Treaty provided for so little parliamentary control.

The 1970s, the second phase, were characterised by an expansion of Community competencies. If we look at a small indicator, the usage of Article 235, it grew dramatically from 1973 onwards, and this by design. The Community went into a whole range of activities often not even contemplated in the Treaty and only derived implicitly from the powers granted it by the Treaty. Again that enhanced and accentuated the problem of the democracy deficit because this legislation was not only binding and supreme but was growing into areas with great social importance, not legitimised specifically in the Treaties, and yet still with no real parliamentary accountability.

In the 1980s, the last phase, the deficit was yet again enhanced with the increase in the number of Member States of the Community. The original number of Member States was doubled with, for want of a better term, more difficult social problems coming up in the North-South cleavage, and with an intense institutional debate on the future of the Community. And at the same time, if we look very closely we discover that in a large number of cases the

Council has actually moved to majority voting, which in some paradoxical ways takes away from national parliaments at least some vestige of control and thus removes democratic accountability even at that level.

If we put all this together, we come to see the basic paradox. One would have expected that this process of growing deficit would be accompanied by a corresponding, growing increase in the mobilising power of the European Parliament. One could have expected that national parliaments, seeing the transfer of power to a Council of Ministers devoid of parliamentary control, would seek out some sort of alliance with the European Parliament. One could have expected that social groups in Member States, seeing the transfer of powers to Brussels, would seek alliances in Strasbourg. And, finally, one would have expected a growing interest by voters in their MEPs and in the European Parliament. And yet the rapporteurs tell us, and it corresponds to our general knowledge, that this is not happening, or at least has not happened to a degree which one would have expected and hoped.

If we take voter turnout, we see that it is at the 50% level on average, and in many States less. We can argue if that is high or low. But when we learn that voter turnout is declining, this can only be negative. (It solves the methodological dilemma of an empty or full glass). If in 1984 the turnout is lower than in 1979, and if people get up here and, in my view credibly, say that unless something dramatic happens between now and the election this year they predict the turnout - 1992 hype notwithstanding - to be even lower, than something is happening which cannot leave the European Parliament complacent.

Support for increase in power of the European Parliament is another issue with which to test the interactive function of Parliament. Does the electorate, do European citizens, support an increase in the power of the European Parliament? The reply we heard in Group 3 is that about 50% do support an increase in the powers of the Parliament. And again one could wonder if this figure is high or low. But the trend is declining. Less and less people, we heard in the session, are supporting an increase in the powers of the Parliament. That is a sign on the wall that is not ambiguous.

Finally, turning to the quality of dialogue between MEPs and their electorate, we heard in our Working Group that the quality is low by comparison to the quality of dialogue between national deputies and their electorate. The number of encounters is lower, the quality, by the indicators developed by our reports, is lower, and the ignorance is greater. People frequently do not know their MEPs nor do they know the balance of power in the Parliament - an ignorance greater than comparable national scenarios.

The next set of empirical data that came to the attention of Working Group 3 was the quality of dialogue with national parliaments. Here the picture often varies. Generalisations are suspect. What is true for Belgium is not true for France and so forth. In some parliaments, notably the Belgian Parliament, they have explored new models of cooperation. But the general picture which emerged was one of hostility. A lack of confidence in MEPs, which even translates into treating MEPs in the party hierarchy - one mediating instrument between the European Parliament and national parliaments - as second rate citizens.

This again is not a picture which suggests a concern by national parliaments to the accentuation of the democratic deficit, and not an image which suggests the mobilisation necessary for a good inter-parliamentary cooperation.

So much then for describing the picture. How do we analyse it? Here I must be much less dramatic because the analysis is speculative; the Group just threw out ideas.

In discussing and explaining low turnout the first explanation was the most obvious explanation: that of the vicious circle. If the European Parliament is not an important intersection of power in Community life it is only to be expected that voter interest will be low. It is low in municipal elections, it is low in any elections where the stakes are low. Why do I say a vicious circle? If there is no power there is no voter turnout, if there is no voter turnout there is no power. One cannot get around that, and since it is pointed out that this Chamber does not dispose of the power it ought to have it is not surprising that it is difficult to elicit voter attention. It simply does not matter to the voters who is elected.

Second, it was also pointed out that if we take the total public expenditure of the twelve Member States, the direct public expenditure of the European Communities is a mere 2% of total national public expenditure.

Third, the Parliament in the eyes of the electorate - and that again is proven by empirical analysis in the Euro-barometer data - is often (and to me this was counter-intuitive) synonymous with 'Europe'. The questionnaires asked: When you think of Europe, what do you think of first? The answer was, the European Parliament. So if this Parliament means Europe, a low turnout means possibly a low turnout for Europe, which means that the interactive functions of Parliament suffer from a general lack of interest in Europe. (But see *infra*.)

The final explanation which was given was so-called rational voting. A rational voter would say: Why should we strengthen the European Parliament? If I am interested in pursuing sectoral interests or my specific interest, is the Parliament going to speak for me? Or am I going to get a strong voice in the Community through my Minister, or through some other forum? Maybe the rational voters say, the real game is not Strasbourg, why should I enhance the power of the European Parliament, and what confidence do I really have that through that channel my sectoral interest will be vindicated? This explanation provoked a very strong debate, but at least I mention it to give a reflection of our discussion.

Lastly, very dramatically one of our rapporteurs (Dr. Reif) said: I expect that at these coming elections, turnout will be less than 50% and the headlines will read the day after: 'Vote of no confidence in Europe, less than 50% turnout'. Is that correct? Is a vote of less than 50%, a turnout of 50%, a vote of no confidence in Europe? We should be cautious. One of the things that has happened, in my view, over the last several years has been an all too easy tendency to equate the notion of the legitimacy of the European Community with the fortunes of the European Parliament. As if Parliament is the only body that bestows legitimacy on the Community. That, with respect, is not so: Parliament is an important legitimator of the Community, but not the only one. Strangely enough the Commission has legitimacy and bestows legitimacy. The European Council has legitimacy and bestows legitimacy. Legitimacy is often derived from achievement, from success, from satisfying welfare needs of individuals, from people saying:



'With this structure I am better off'. All this the Community can do without direct reference to Parliament. It is quite plausible that if 1992 is a success, the electorate will find the European Community quite legitimate in terms of the welfare payoff (welfare being a public good in a very broad sense, not just pounds and pennies). And yet the European Parliament is not at all part of that legitimating picture. So the headlines will say: 'Vote of no confidence in Europe', but that is not necessarily so. The Parliament is not only fighting for the legitimacy of Europe but also for its own legitimacy in that pattern.

What about the quality of the dialogue? Not simply the turnout, or support for an increase in the power of the European Parliament, but this low quality of dialogue between MEPs and their electorate? Here are some explanations that were given. The first is very simple: the constituencies are too big. Instead of 100,000 to 200,000 you have 100,000 to 600,000 voters per MEP. There is no getting round that: you are not going to have a high quality of dialogue if the specific gravity of each voter is lower in the European context. It has nonetheless been pointed out that this can only be partly true. Senators in the United States often have much larger constituencies and yet the quality of the dialogue is still quite high. Obviously, it is partly their power to deliver tangible benefits to their constituents which accounts for their high interaction success, coupled with means put at their disposal for doing so.

It was also argued that organisation of constituency work would divert too much of the time of MEPs from other important parliamentary functions, such as plenary and committees. Put simply the ration of work, the burden of work, the distribution of work in the timetable of the MEPs is such that, if more time was dedicated to enhancing the direct quality of dialogue with the voter, maybe more important things would suffer in terms of the European construction; it is a possibility that has to be examined in greater depth.

Thirdly, as I already mentioned, MEPs feature low in party hierarchies. This is not true for every party and it is not true for every Member State, but several people from the floor suggested that it is true in general, across the board. They do not get the party support which their national counterparts get. This has a detrimental effect on the quality of the dialogue with their voters.

Fourthly, it was suggested that MEPs on the whole do not see their role as serving interest groups, but in thinking about the general European perspective. They do not operate on the classical principle of re-election: the need to satisfy A, B, C and D because they are crucial to re-election. This point was controversial because it plays both ways: what is better for Europe, to be clear and realistic and serve local, often national interest, or to take the more high, moral principled ground? One way or another, if the observation is true that MEPs do not act clientalistically, this in some way will decrease the quality of dialogue with their electorate.

Finally, bad media coverage was given as another explanation. The Parliament has not had a big success in mobilising media. (This might, however, be the dilemma of the half full or half empty glass).

The Group ended by discussing future perspectives. This was a brainstorming session with some ideas, quite frankly most of them not new. If I wanted to summarise the whole thrust of the suggestions it would be that the Parliament has to rethink the balance and the priorities of its own self-perception and the way it orders its attitude towards parties, Member States and the EC as a whole

Let me explain by examples what we meant by that, and here I will be deliberately dramatic in order to drive the point home. Let us first slaughter one holy cow. Maybe it is not such a sin to be nationalistic and to protect vigorously MEP's national interests as a way of mobilising public opinion. Of course one would not suggest this was 'the' remedy, but as part of a more complex strategy, but it should not be considered, perhaps, any longer as a cardinal sin. It could be the sign of maturity for the Parliament.

Likewise, one may wish to rethink the notion of partisanship - another well known point that comes up again and again. The President of the Belgian Chamber was in our Group. His perception was that the European Parliament emerges as unfocused in its ideological cleavages. When you relate to the Parliament, in his view, it is 'for' or 'against' Europe. I think that this has been changing in recent years, but his observation is that the change is not filtering through. So the second thing is that partisanship in

Parliament should be enhanced, differences and polarisations should be made as sharp as possible so as to give the notion that it matters whom you vote for, it matters who your MEP will be, because real choices are there to be made.

The third future perspective is differentiation from other institutions. The surveys seem to tell us, we heard, that 'Europe' equals the European Parliament. So it may be important to breakdown and differentiate the Parliament from the other institutions. We had a spell-binding intervention by Mr Wijsenbeek, MEP, giving us a blow-by-blow account of how the previous motions to censure the Commission had failed, and why they had failed. In a dramatic way, dismissing the Commission is something which will enhance the differentiation.

Likewise I think that the budgetary battle waged by Parliament had some electoral effect in this differentiation objective. The electorate must learn to think of the European Parliament as a 'counterforce', at least in some contexts, to the European 'bureaucracy'.

Fourth, probably the biggest success of the European Parliament in its entire history is the one issue which is most frustrating, the Single European Act. It is clear, at least to me as an outside observer, that mobilisation for the Single Act would not have happened without the Parliamentary Draft Treaty. There is a lesson here, and it came from several people in our Group. Parliament must be more active, and can be more active in setting the Community agenda. Why, some asked, is the Parliament, in going to the next election, not championing the issue of the social impact of 1992 in big way? So that it differentiates from the Commission and carries its own special role? Likewise, the proposals for a Declaration of fundamental human rights, for a Bill of Rights for the Community, is the same kind of issue, a mobilising issue as Europe integrates more. In these ways, even in the absence of a qualitative or dramatic increase in the existing powers of Parliament, those for whom the electorate votes, and the reasons why the electorate should vote will be enhanced.

Finally the Group discussed relations with national parliaments. One vision outlined was the vision in the paper submitted by Roger Morgan and Ghita Ionescu, which you have. It is the cooperative model that says: 'Let's have more dual mandates, let's have more joint committees, let's have more common

sittings, let's have all those things'. There was another vision too. This other vision suggested that the real game is about power. When the European Parliament says it wants to assert control over the Council of Ministers, in effect it also means taking power away from national parliaments. This might suggest a more confrontational attitude towards national chambers.

Does it have to be a dichotomous choice in the relationship with national parliaments? Cooperative or confrontational? It is probably a mixture of both. But to suggest as an ideal type of relationship an exclusive cooperative model is a bit naive and unrealistic. It is not only about democracy it is also about power.

**Vice-President BARON:** Thank you very much. That concludes the reports from the working groups, and we now turn to a strategy for the European Parliament. Professor Jean-Paul Jacqué from Strasbourg is going to present his paper to us now.

**Professor Jean-Paul JACQUE, University of Strasbourg:** Thank you Mr Chairman. Ladies and gentlemen, it falls to me to speak to you at the end of your Symposium so as to present to you the basic lines of a strategy for the Parliament. This is a doubly difficult task to the extent that you have just heard the results of the work that has been carried out in the working groups and it is very difficult to try to intertwine those ideas with mine.

It is equally difficult from another point of view, because working out a strategy for the Parliament means ultimately that you have to assume that the Parliament as an institution can have a strategy. I myself have certain doubts about that being the case, the so-called 'strategy' of the Parliament is the result of reactions to topical issues and of the political groups which actually make up the Parliament. Professor Weiler was referring to the possibility of making a declaration of social rights and putting a definite focus in the next election on the social dimension of the internal market. That certainly covers the views of some of Parliaments's political groups, but also it rubs against - and sometimes in the wrong way, incidentally - the ideas of some other political groups in the Parliament.

Thus it is extremely difficult for the Parliament to define a long term kind of strategy. This is something that is always being drawn into question once it is done by short term topical issues. It is also something that is very

special in as far as we can compare it with the national system. National parliaments are different from this Parliament insofar as the latter is an institution. The national system corresponds to a developing and evolving kind of national constitutional form which is slightly different from the European Parliament. Thus here we have specific interests to defend which actually go over and above normal, political distinctions and it actually does have a specific institutional role to play in the Community system which is subtly different from the constitutional role that national parliaments have basically to play.

Any strategy therefore which could be worked out, or any ideas that are brought out in the Parliament have a certain value in that context because the field is wide open. Whether you are talking about the Parliament as an institution or as a legislature all of the different aspects of the work and functions of Parliament and its members have some value. This is a point that you could actually agree with and that I would actually agree with, subject to one rider, which is that the Parliament has to establish certain kinds of priority. It is totally impossible to work on a strategy of a parliament as a Forum and also as a parliament as a factor of constitutional evolution or governmental function. We must therefore realise that every one of the functions that you have been discussing in your work actually costs quite a lot in administrative input. If therefore you continue to develop the idea of a forum - incidentally running the risk that the styles that you are going to have to defend will be difficult to defend in line with your strategy of forum - you will actually bring into question both the general nature of your parliament and the value of its image.

Also if you look at all the reports, if you revise all the internal rules of procedure, if you take into consideration this gradual evolution, you risk bringing into question some of your reputation and image on a world-wide or international level. So what I want to talk about is whether you should concentrate on this kind of strategy or whether you should look for other ideas. To a certain degree the Parliament has already grown out of the strict 'forum' age. If one were to revert back to the forum strategy, you would be actually taking a backwards step. It has already been argued that the Parliament understands the impact of the Single European Act, and it is

certainly the case that it has a specific function to fulfil in this context and must therefore move forward rather than necessarily accepting the status quo.

The context of a forum is only a base; the European Parliament has got to try and develop in a different style, and it must take into consideration the style of the Assembly of the Council of Europe. I talk about this in some knowledge of the facts, because I have been involved quite often with that Assembly. This is a strategy which has a degree of merit in an institutional system which is very much inter-governmental. That is one of the ideas one could actually look at, but I do not really believe that that is the fundamental objective of your parliament. There is in any case going to be a style of discussion in the Chamber - a forum style - which will be of value in the future.

I don't think necessarily this is something that you have slavishly to defend and develop in the future, but you should look at three fundamental areas in which you can move forward. One of these is something that has been brought up probably very little in your discussions and therefore I shall concentrate on this first, and then on the other two. I would cite the gubernatorial role that the Parliament can actually exercise. This actually sets a certain style of election depending on the prevailing style of government and governing authority within the Community. This is something that is generally followed in all national elections to choose parliamentary representatives. The general lines of the mandate of the government, the general direction in which the government will go and, apart from anything else, the personalities who will be involved with that function are derived from participation in a national election. People have the impression, in taking part in a national election that they will have a direct impact on the forms of their executive and legislative.

Now, whether this is a reality or possibility in the European situation is a very good question. It will ultimately be possible because the European Parliament has some of the embryonic capacity of being able to fulfil that function. There are difficulties as to the nomination of the Commission - the Parliament complains of not being able to nominate or even of not having any

influence on this subject. I think that I as a lawyer would specifically think that it would be a good idea for Parliament to develop some influence on the nomination of the Commission.

However, on the strategy side it is clear that the Parliament has a full right to get rid of the Commission. The Council would have to draw its own conclusions from any such major action, but the Parliament can actually threaten this and can actually make a conflict develop, which could give rise to a full vote of confidence in the Commission. This is a function that should be used so as to influence in some sense the composition of the Commission, to modify its attitude, to modify its line. Therefore, as we are moving into a context of working on an inter-governmental line - which is not necessarily always in line incidentally with the Treaty - and so as to have the 'call to order' take place, if you like, Parliament can certainly have some impact on the Commission, because of its no confidence vote. That exists as a possibility. This would involve the Parliament freeing itself from some of the trammelling difficulties of the past so that it would be able to get out of its cul-de-sac.

I believe it possible to establish a general approach which could have some influence on the Commission's activity rather than on just the national governmental, European Council level and so on. If one accepts this idea, then the Parliament could have an influence on the composition of the Commission - subject to discussion with the Council and the authorities involved. But you will realise that, if that were to come about, the Parliament would be able to make up a type of government majority on a specific programme. Then you would be able to go into the next phase - which is certainly the most difficult - which is to get the electors to vote on a specific mandate, to vote on a platform which would be put up by this government majority; thus it would no longer mean that people were working on strict national policy ideas when they voted.

Now here is the real problem; it is clearly the case that national policies have a major impact on the voting styles of the people when they vote in the European elections. It could be the case that one could have one day a real, federal kind of party and another party on the other side which would be a national rights party and that would be a kind of distinction to be drawn

between political attitudes in the future. But I can hardly imagine that our national political ideas would continue to work along those lines in the future.

It is important to take very carefully into consideration the fact that the procedure of the Single Act, as it involves the Parliament, means that coalitions must be established to obtain majorities which, if you like, are federal, or which actually take into consideration a much more partisan view on the national level. Now this can actually mean that you tend to have a less European attitude or a more European attitude, if you like to put it as bluntly as that. This however is extremely topical, in as far as the European Parliament has actually worked as a little Council trying to indicate national demands and needs. To try and involve this in the process of trying to achieve an absolute majority and allowing people to actually vote against but not with any real veto power because of the entrenched national interest is something that is already evolving in the Parliament. Whether or not it should be set on a more official level so as really to establish a government-style approach - actually to have a majority view with a programme linked to it - is something to be looked into.

People would in several respects resist a Europe splintered into a whole series of small political parties, but in fact there are national administrations that have perpetually to be in a state of negotiation so as to win people over to support them. I don't know whether it is really the strength of the majority which actually imposes compromises on the government or whether it is open discussion that throws up the compromise. There could be certain misgivings about the potential dictatorship of the Commission. The Commission could no doubt actually force people to take into consideration the kind of so-called governmental majority view without necessarily having a real convergence of consensus policy.

But if you are going to play the government game, a major obstacle exists, which is the resistance of national political forces to that game, because they see this as being a loss of their power, a loss of their sovereignty and everything else. One of the perfect examples of the vicious circle in this complex is something we must escape from because the participation of the elector means that you must have a clear programme and a clear impact on the



activities of the Commission. But this implies that you must present the programme to the electors. They have got to know for whom they are voting and for what ends they are voting.

Therefore the national political parties are inclined to see the European elections as being a test of their own national policies. It is not a real European view. The idea of getting majorities and so on at the government level, the use of the European elections as being a test of national attitudes and so on can ultimately give rise to the difficulty of having a very low turnout because there is likely to be a lack of comprehension between the two.

I think that the strategy therefore for the Parliament would have to be to construct the means and methods to get out of this double stricture and to try to make sure that they move towards a clear European government, a European idea, a European style of politics. This will not happen in one year, two years or three years but we must try to ensure that we do follow the development of the system in Europe. You can see a very good comparison in the early years of federalism as it is established in the United States.

The second aspect I want to bring up is the function of the legislature. I am sorry not to have heard anyone in the reports from the working group talk about certain difficult issues which I feel could have come out. Mr Hansch obviously touched on this. We are used to him doing so, and he has actually forced us to make steps forward quite often in very useful directions. But the whole idea of taking up too much time on legislation is quite often a trap. The whole idea of legislation as it links up with the Parliament's own strategy is something that obviously must be reinforced. It should be taken into account because it already exists. The external forces playing on the Parliament assume that it will actually intervene in the legislative procedure. Professor Weiler actually talked about the interaction of the interest groups and the lobbyists, but you can imagine the kind of lobby that might be able to impose its point of view if it used the Parliament as a supporter. It would be extremely difficult if people were actually able to force Members to vote in favour of baby seals rather than in favour of other major ideas.

If we are not careful we will see a gradual undermining of our legislative strength if we do not further get involved in functional legislative programmes. This is something that I have referred to in the past quite often, as have others. In effect you are embracing a number of political ideas and trying to act for the best without having a very clear idea of Utopia. Some people say that Europe can be constructed without the Parliament, yet on the other hand others quite often accuse you of being the people who have stood in the way of having satisfactory European legislation. They say that Community laws are badly drafted because of the work of Parliament which has actually got things wrong. So Parliament is criticised for being utopian on the one hand and for turning out badly drafted laws on the other hand.

So Parliament should exploit its position a little more in two ways. You can argue in favour of small steps forward, the gradualism process and so on, as various people have done in the past. But I argue that it is not enough just to take a small step here and a small step there. Parliament must fill all the gaps in a grey zone which exists. For example, Parliament has some powers as far as the budget is concerned. They should be expanded and filled in so as to ensure that it realises its power to the full. It is certainly the case that the whole process of European integration would not be the same now unless there had been full exploitation of the consultation procedure, and there is a lot more that can be done in this direction. There could be a future veto right, a veto power, and there could be much more complete legislative powers in the future. But the Parliament has established its foundations and has actually made the consultation procedure work. If this process were to be imposed more strongly on the Member States in the future you would make further progress along this line.

On the other hand, to reply to what Professor Weiler has said, there is one factor which I think is totally absent from this process, and that is the exploitation of legislative procedure so as to get the national policy makers involved in the Community legislation procedure. I understood him to be talking about the agriculture policy when he talked about sacred cows. Parliament's new strategy will mean that we will be able to undermine some of these sacred cows, not to say slaughter them. Parliament has to do what it can, it must try to fill in the gaps as I have said. It must exploit to the full the role it can actually play in this process, and make sure that its

amendments to legislation are accepted. In addition we must ensure that European Parliament members actually play a necessary role as a corollary to that of their national parliamentary colleagues.

If MEPs move away from the forum kind of context they will actually be able to be real actors in the socio-economic sense. In certain grass roots forms the Parliament will become much more national, but it should try to act as a corollary to the national systems and not be taken over by them. I think that the role of the groups in the European Parliament is to inform and consult the electors. If this role were to be reinforced, it would be more fruitful than at present, when we have these rather grand publicity stunts which the groups undertake in the media to get their message across.

Thus Parliament must be considered as a partner which is really unavoidable for the other institutions and indispensable for the elector. I don't want to dwell longer on this point because I have actually written on the subject in the past as well. This is why we talk about this dual strategy of reinforcing the legislative power so as to make it more effective, of creating closer contact with the electors and improving it by means of the procedures that have been actually established by the gradualistic approach.

If then you wish to change and reform the system by making it evolve, there are various specific steps that you must take so as to make this come about. People have actually talked about these ideas but they are not always necessarily that clear. I believe that there is great potential in establishing a new kind of Single European Act, because everybody knows that if you establish one such Act, there will be another one. Before 1992 we cannot perhaps do anything more about that, but that does not necessarily mean that we shouldn't prepare for a further step into the future. So we must therefore work out the general context in which we are intending to function, a strategy.

Parliament, using its committees, should revise its Spinelli Draft Treaty so as to adapt its future to the present situation as it develops. I think that this is a very good reference context in which we can work. There have been some national reactions to this which could be corrected in the future, but I believe that the Spinelli idea is something which is actually useful in order to make some progress. It is not a case of creating a type of European union

as a utopian idea, but to have a functional written strategy for attaining European union. Even if we realise that we won't actually achieve it tomorrow, it is a horizon to which we can work.

Not only should we set this aim but use it also as a framework for thought, if you like. There are two or three areas in which Parliament's functions could actually be extended relatively rapidly. The first of these areas is quite clearly the question of a European monetary union, where there is a very definite and urgent call for its achievement. There are some initiatives underway already, but certain institutional initiatives will have to be undertaken in this field to develop it further.

Another domain which is very important for the extension of Parliament's functions is the opening under the Single Act for European political cooperation. The Act states that it will be reviewed in five years' time, that is, three years from now. We must not start too late in proposing some changes in the existing political cooperation procedures. There is a great opportunity here. If you don't do anything I am convinced that the governments will conclude after a relatively rapid and quick discussion, that the time is not ripe, etc., etc., to develop political cooperation. The Spaniards and the Portuguese are now actually in Western European Union and we must take account of this and of further developments in political cooperation in other areas. If the Parliament misses the boat on this then no one else will try to develop political cooperation.

Now what can we say by way of reply to Professor Weiler on the subject of fundamental rights, a kind of Bill of rights or a charter being established? This would have to be done on a social level before even the Commission comes out with its own proposals for a social charter. If that were to happen, obviously Parliament would not be anything like in the vanguard. But the Parliament has got to be in the vanguard, and it must make sure that it brings out this charter first.

For these reasons, Parliament should adopt this framework and make it develop in these two areas, monetary union and in the direction of this social charter, as well as in other ways.

The idea of getting the elector to express an opinion on procedures and such matters is not very satisfactory. What you should present to the electorate is a general framework. The kind of question you should put to them is, whether you should endow Parliament with constituent powers for the purpose of creating the European union. To get the electorate to actually say what they think about this constituent role the Parliament must have a draft, a framework, on the basis of which you could actually put the question to them. So in this context Parliament has obviously something to do. The experience we have gleaned under the Single Act is obviously going to be developed in the future, demonstrating that the Parliament will not get more than it asks for. I feel that here is the opportunity to ask for more, and indeed to be very ambitious in this area.

By way of conclusion I would argue that Parliament has a three-way strategy to follow. There is the governmental strategy that I spoke about, which is a very long term idea involving the restructuring of the political forces that play in our societies; this will take a long time, but it is not impossible. There is the second strategy, which is that of legislative action which must be reinforced. And there is also the strategy of the development of the system. A strategy which already exists, but which demands also a greater degree of review and a more in-depth review than that actually ongoing at the moment.

**Vice-President BARON:** Now as we have some time I would like to ask you whether you have any questions or any comments that you would like to make. We have about ten minutes, so we could have a brief question and answer session.

**Dr Karlheinz REIF, European Commission:** Professor Weiler has reported about Working Group 3 and its results and I should like to make a short comment. When I said yesterday, if we have less than 50% turnout newspapers the next day will write 'vote of no confidence in Europe' I did not myself mean that this would be a true statement. It will be part of reality but I would not myself as a political scientist subscribe to it. Secondly, I do not believe as a political scientist in opinion polls being able to give legitimacy. They cannot replace elections and referenda - if one adheres to the idea of referenda. History tells us that Al Rachid at one time went himself among the masses in disguise and listened to what they were saying. President

Mitterrand, Prime Minister Thatcher, Chancellor Kohl and President Delors don't do it themselves nowadays, they have opinion polls done instead. Every now and then an old custom that has been practised in Persia a couple of thousand years ago poses a professional risk today to those who do, or order, or analyse opinion polls. If the messenger arrived with bad news, he was killed.

**M. Jacques MALLET, MEP, Chairman of the External Economic Relations Committee:**  
I wanted to say how unfortunate I have been in not being able to follow all of your work. We had a heavy agenda in the Parliament and I had to intervene in a debate this morning. But I was able to hear at least some of what Professor Jacqué said.

I know of his analyses in this field in the past, but still I would like to put a question as to the real risk that is involved (and I put this as a Frenchman) - the real risk of people not participating in the European election. If you take into consideration what has happened recently in my country you can see this is a real risk. I think that we would be tempted to say that the best remedy for abstaining in the election would be to inject a tremendous amount of political heat into it, even though that is a risk. I think that people will talk a lot more about Europe in the next elections than maybe in the past because the approach of 1992 is something that actually throws up a lot of questions. It will mean that in the campaign we will obviously have to play an educative role, for the average citizen is clearly not particularly able to get to grips with the real questions which come up in this field.

The second comment I wanted to make is not necessarily on a legislative level, but rather concerns external relations, for as a member and indeed as chairman of the REX committee I have some experience in this field. The opinions which Parliament has to give on association and accession agreements mean that Parliament is now playing a major role in foreign policy. Some people have spoken of this as a kind of atomic bomb.

You can understand this in two different ways; the first way would be that the Parliament should not use the strictly political dictates of its power in this field, in which it would be using ideas and exploiting a situation which was completely different from the matter at issue. But under the second way it is

certainly the case that by using this weapon the Parliament has brought about improvements in the Israeli financial protocols in regard to the physical exports and the amounts of exports and so on from the Occupied Territories to the Community. So there have been actually some improvements in the matters strictly within the protocol as well as on the political issue.

In the final analysis we are quite often faced with a fait accompli kind of agreement - we just have to take it or leave it. I believe that the spirit of the Single European Act means that we must make some progress in the quality of the information that is given to the Parliament at an early stage of this kind of negotiation. Clearly there are certain limits which would apply for the purposes of confidentiality, and it is obviously the case that the Commission doesn't want the negotiations to go off at half-cock by having to give too much information to Parliament too early.

Nevertheless, we must strive for a major development in this field, particularly as to the assent procedure. This has actually recently been considered by Commissioner Willy De Clercq in terms of the improved dialogue with the Commission. In this field the dialogue with the Council certainly leaves something to be desired at the moment but we can try to improve that too. I would say that the assent procedure has given us a new power, which we still do not know specifically how to exploit. In this field Parliament's role and its effectiveness should not necessarily be measured in strict terms of new power but in the sense of influence that it can bring to bear. I think it should therefore use this power with moderation, with a great awareness of its responsibilities and in very close cooperation with the Commission of the EEC.

The other question I would also like to have brought up is the development of political cooperation. I am a substitute member of the Political Affairs Committee and I would say that generally our quarterly discussions with the Presidency have given useful results which we have been able to use in the Press, apart from anything else. But these colloquies are somewhat inadequate, and a bit anaemic at the moment. On the question of security and defence the field is wide open, and I feel we should try to think how we can view the development of the Parliament's role in the fields of security and defence.

**Mr Sergio SEGRE, MEP, Chairman of the Committee on Institutional Affairs:** I would like to say that I find the strategy and scheme that has been put forward by Professor Jacqu  very convincing. It is broadly, in any case, the same system that the Institutional Committee of Parliament has been following for the last couple of years, to the extent that we must constantly emphasise the potential of moving towards union, and keep this in mind. We must also analyse all the new factors in this field, and how we can develop all the political and philosophical principles and ideas that are involved. In my view, Parliament has undervalued the dynamic of the Single European Act.

I would also put a question to Mr Jacqu , as if we wish to move in this direction, I would like to hear his opinion on the subject. We think we ought to identify the existence in Europe of certain major problems, because what we are doing today will certainly have a major impact on all foreseeable future developments. In the context of a democratic system the powers of the Council and those which the Parliament should have must be looked at in the context of each other.

It is obvious that the possibility of developing in this field will have to take into consideration much closer cooperation with national parliaments who are in some sense natural allies. I believe that the European Parliament is very often looked at as being a kind of competitor, which is not necessarily the case. This Parliament is always regarded as encroaching on national parliaments' sovereignty and taking away powers from them. I think that is not the case. The European Parliament will probably actually take away from the Council the overmighty powers which it has in some fields, and therefore be a natural ally for the national parliaments. I would like to have some further idea of Professor Jacqu 's thoughts on this point.

**Vice-President BARON:** I am going to have to close our speakers' list otherwise we will run out of time. I wonder whether the same strategy of the small steps that has been described by Professor Jacqu  would be possible after the number of failures that we have suffered. I wonder also whether we could also include resident foreigners on the electoral rolls in the Member States. Could that be part of a strategy? It would have symbolic force, and I think that it would perhaps be a way in which we could launch our strategy.



**Mme Marie-Claude VAYSSADE, MEP, First Vice-Chairman, Legal Affairs Committee:**  
I must say that I agree with a lot of what Professor Jacqu  said but I believe that there is one field which calls for further argument. He said that there was a clear distinction to be drawn between the forum function and the legislative function. Now there may be a distinction to be drawn between the various powers of an institution but I wouldn't accept the forum function. The most important power we have is our own ability to take initiatives, but I fear that at the moment, since our workload is so enormous, it is very difficult to make further progress in terms of achieving more legislative power as the work on the Single Act takes up so much time. It is all very well to say that political cooperation problems, etc., should be given a fresh impetus, but the problem has been that in the Parliament we always had (and even more so since direct elections) a role of pointing to problems in society, of trying to slot them into a Community framework even if they are not mentioned by name in the Treaty. Now that is a parliamentary function - at least I think it is. You may call that a forum function; I wouldn't use that word, but I do think that this is a role which we will always keep and it should not be sacrificed entirely.

**Mr Fernand HERMAN, MEP, General Rapporteur of the Committee on Institutional Affairs:** Yes, I take Mr Jacqu 's point but there is one thing which I think hasn't been dealt a fair hand and that is the fact that the Parliament does now have better means at its disposal to make its voice heard. I think that after 1992 and even today, the pressure on the further enlargement of the Community will become enormous. Pressure is already being brought to bear on us at the moment, and as a result of the need for legislation on future enlargement the Parliament has been given a lot more leverage. Mr Mallet picked this point up and said that the Parliament may well decide to use its powers in an unselfish manner. It is all very well to say that we cannot blackmail others with this power, but it is totally consistent to say that there is no point in having a Community if it is diluted down from its present institutional model. That in my view is the tool and the leverage that we have, and I think that this is something that we should more or less shout about from the rooftops, rather than giving in and saying to everyone, Well, join the club. It is always nice to please all and sundry, but the Community would be totally diluted in the end.

Professor JACQUE: Very briefly, Mr Chairman, I take Mr Mallet's points and I do agree with him that a leverage of future Community enlargement should certainly be used to bring pressure to bear on the Council to change the existing institutional structures. We agree totally, I think. With regard to Mrs Vayssade's comments, the concept of a forum is not necessarily the ideal word, and one should bear in mind that Parliament has a certain right of initiative which is part of its legislative powers. But to go as far as forcing the Commission to enable Parliament to take full initiatives would be to do what the Parliament is not at the moment empowered to do, that is to take initiatives. So one has to be very cautious when opting for certain debates in order to avoid problems, although it seems to me that Members of the Parliament tend to choose in an intelligent manner from among the subjects they can tackle in that field.

In regards to comments made on the vote being given to foreign nationals, there are various sides to this. I may have overlooked some of them, but this is something that has to do with the strategy of national governments. The most important thing is to come back to a uniform electoral law. At the moment things seem to be blocked to a certain extent, and at the end of the day of course national political parties will never have a full grip over European elections unless the voting system itself has been harmonised and standardised throughout the EEC. Because obviously the minimum requirement is that EC nationals can vote wherever they wish during European elections. As to their rights to vote in local elections and regional elections in their countries of residence, that will have to be debated in the future.

In reply to Mr Mallet I would like to say that what applies to Mr Herman applies to him as well. We may not be ruled by those who possess all knowledge, but I do remember the President of the French Republic saying on the subject of nuclear weapons that they would remain with us in Europe for a long time because of their deterrent role, and that implies that the nuclear deterrent is effective. I am sure that Parliament too has its own deterrent which will be effective provided it is used at the most appropriate moment. If it is used left, right and centre it is no longer effective, and then the Parliament really will look like the constant spanner in the works, trying to grind the whole European machinery to a halt. So, as I said, the deterrent function may be important but it is better possibly to move from a deterrent role to a cooperative role. It may in the future possibly include security

matters and that would certainly imply progress on political cooperation through which Parliament might be involved in more serious matters. But for the time being I don't see how we could enhance the role of the Parliament in EPC because of its very nature compared to that of other national parliaments; it would in my view be better to concentrate on the Parliament's present efforts to be involved in European political cooperation and also to be heard in terms of security debates.

**Vice-President BARON:** Before closing I would like to read out a message that Mrs Veil gave me before she left:

'I would ask you to accept my apologies that I cannot be present at the closing session as I would have wished. Unfortunately I had to go to Paris yesterday and I have certain commitments in Portugal tonight so I can't come back to Strasbourg. I would like to thank all of those who, through the studies and scholarly papers presented, have been able to help us to think about the matters that have been on the agenda over the last two days, and I trust that we will be able to draw fruitful conclusions from them. Not only for the future of your work but also with a view to creating the European citizen and enhancing the prestige of its Parliament. I was certainly interested to hear what the experts had to say in their learned papers and I am sorry that I was not able to be present at your working sessions. I know that parliamentarians have been to your sessions and that you have been able to benefit from their experience. They have been able to guide the experts along practical lines in their approach to parliamentary matters.

I know too that it is not always possible for outsiders to understand the dynamism of the political groups within the Parliament and the actual role that they have to play, so as to understand the richness of our diversity, and the unity in diversity that exists within the Parliament.

We also have to consider the importance of the role of the Parliament which is directly elected. The choices that have been expressed by the Parliament are choices which are made on behalf of the electorate. Most people would want to have greater European integration and therefore as a legislator we cannot underestimate the importance of this. Here we are talking about joint legislation and with that view the Parliament is going beyond what has been

suggested by the Commission. We will certainly look at ways in which we can integrate. It is not just abstruse matters that we are debating here, these are precise problems which require a political answer. This Europe should be inspired by Conservative, Socialist, Christian Democratic ideas and that is of course very much our debate at the moment. We all have our ideas that we want to put across. Behind these technical discussions we are really talking about political will and the political decisions that will be taken. Of course we will have to look at what the actual political majority is. Since the Single Act we now have the system of a qualified majority and this is certainly based on a considerable compromise. We must try to push Europe forward, and we have also to make sure that this is in the minds of our citizens and we hope that their ideas can be expressed through the Parliament in all its actions.

I am sorry that I cannot be with you this morning, but I did want to give you some ideas that had occurred to me when considering the activity of this Parliament.' Signed: Simone Veil.

**Vice-President BARON:** I am not going to make the speech which I prepared, but I will attempt to draw together some loose ends and reach some conclusions on the basis of what we have heard in this very interesting seminar. I think the academics and the scientists who have been at this meeting have worked very well. I remember during the Franco dictatorship in Spain there was an anecdote of a journalist who went round the country and when he spoke with the people about the situation he was told that everything was very bad. He told this to a person in power, who said, If you think things are very bad you should not travel around the country and you mustn't read the newspapers, and then you will think that everything in the garden is wonderful.

So I really think that what you did was a good idea. You have travelled about, you have been all ears but you have read less perhaps, you have been like St. Thomas; you have really put your finger into the wound, you have been deliberately doubtful, you wanted to have it proved to you.

We discussed this meeting at length in the Bureau of Parliament and with our friends from TEPSA, and we thought that it would be a very good idea for all of us to hold this brainstorming session so that we could have a frank and fearless debate between academics, parliamentarians, journalists and all those

who are interested in European affairs. It is interesting to look at the work that has been done and particularly that based on what I might call the profits of the past. It has been very good.

It is of course important that this is being done, because the European process is speeding up now and it is against that backdrop that this meeting has been held. The Community today is moving towards a union of twelve parliamentary democracies, which each possess democratic and institutional elements. But as yet this process is not really fully defined at European level and there certainly is a democratic deficit in that sense which was pinpointed by Mr Toussaint's recent report to Parliament.

There is also a question of dialectic here. The return to majority voting embodied in the Single Act is certainly different to an inter-governmental system of alliances between countries; this is going to mean that the Parliament has a greater role to play.

But we do have to face up to the reality of where most decisions which are taken, and we were reminded this morning that Jacques Delors has said that in ten years' time 80% of social and economic decisions would be taken at Community level. You can certainly discuss the actual percentage but you can be sure that basically speaking there will be a great deal more done at Community level. Without claiming that everything will be done within the Community and that there will be a uniform Europe, as Napoleon himself wanted to have in his day, we are going to have much more give and take and much more cut and thrust in the system.

Members of the Parliament and political scientists are here from twelve countries and some of them are monarchies and some have a presidential system. But we have no difficulty in agreeing as to how a democratic assembly should actually work in spite of the different backgrounds that we come from. I think that this indicates very clearly that we do have shared ideas of the concept of a democracy. I was very interested when we discussed the Parliament as a forum or as a legislator and as a governing body. On this aspect I think there has been something of a metamorphosis in the Parliament since the Single Act came into force in July 1987. The Parliament, which was a sort of cross between the UN and a student group of May 1968, has now really changed. It has developed.

In spite of certain misgivings which some of us had at the outset, Parliament has learnt to work with the new system of voting by a majority of Members. This is subject to much more stringent rules than voting in a national parliament because systematically you require a majority of Members to vote together, which in the normal way would only be needed in national parliaments for electing a head of government - the so-called 'Kampfermehrheit' in the German system - or for a constitutional change. So you have to have 260 votes and all 260 have to vote for the same thing, which is of prime importance.

This means that the Parliament has to work with broad majorities, and this makes it very interesting in a Parliament where no group has an absolute majority. There are eight political groups, so to achieve 260 votes means that there has to be agreement between the Socialists and the Christian Democrats at least; then you have to broaden that agreement to bring in other groups, and this is often done with the Communists, particularly the Italian Communists, or with the Liberals or with the Conservatives or the Democratic Alliance. So I think it is a very good idea for us to look closely at this whole process of decision making.

At the same time we still argue about things from ideological platforms. For example, when the United States attacked Libya, or when we were debating Nicaragua, or South Africa there were very clear splits along Left/Right lines; we also debated problems of decolonisation, such as in New Caledonia, and often there are splits within political groups, along national lines or on other bases, so we are not mealy-mouthed. I think it is very important that this should continue in the next term of office of the Parliament.

I believe that the Commission has done its duty and the Parliament is beginning to shoulder its responsibilities, but the problem occurs in the Council. Certainly certain directives, particularly those on plant and animal health and on the free movement of people, are held up in Council, and this is creating a very serious problem. As it is the Council that holds the whip hand up to 1992 we are going to have to make it very clear that decisions will have to be taken every week by the Council so that they can stick to their deadlines. This will be very difficult indeed, because the Parliament at the moment only has negative rights.

I would now like to say something very quickly about the main topics that the Parliament is going to have to face and the present line-up of political forces in Europe. I think the essence of the Single Act is that as we want to advance, as we want to develop the institutions and so on and as we want to make security a priority, we have to concentrate on a main theme, and try to create the notion of citizenship of Europe. Our citizens need a European identity.

You can argue that there could be two parts in a new constitution for the Community; first, the dogmatic part - and here I think it would be difficult to improve on the Convention on Human Rights of the Council of Europe. It has taken a very long time to get human rights enshrined in law, so I don't think we are going to achieve many changes on that front. But we also have to look at the organic side of a constitution. Here we often find that the Community institutions don't work in the same democratic way as their counterparts do in their own countries. This is something that we Latin constitutionalists like to say and this is the way we think to a certain extent. You will find this approach in Spain, Italy and Portugal and there are about a half a dozen countries where we think along these lines. In other countries - the Commonwealth countries and the UK for example - there is a very different approach to the whole matter.

But I think that in spite of these differences and these different backgrounds it is important that we agree as to how the Commission can become a democratic federal government or as to how the Council can actually work better, so that we can progress beyond the current context. It is vital that this be taken into account. For example, it is important that the Minister who is responsible for a certain area, having taken a Community decision in Brussels in the morning does not put a nationalistic gloss on that decision when he returns home in the afternoon. So there is some schizophrenia, and it is often quite difficult to explain that to people. This is one of the most important facets of the future of the Community, and I think that it is also something that is directly related to the creation of European political forces.

In 1984 people said that European political forces were at a low point, a low ebb. On the other hand the fundamental issue is to take into consideration the European political forces which actually did play a part. This is

something of very great importance. If you reflect on the recent EPP Congress which took place in Luxembourg, for example, you will realise that they actually managed to agree on the idea of voting by majority in the internal context of the party. This is very important to note, and the same question has come up in the Socialist Group as well. There is an increasing awareness that it is essential to achieve, at least cautiously, some kind of relationship between the national party programmes and the Community programmes.

By way of conclusion I would like to say that the security and defence of the Community are really of major importance. We should seek to make progress towards Community security and defence policies, because they do appeal to the public, or they are understood by the public in the context of the economic policies. And again, the so-called social cohesiveness that we are trying to establish in the Community must not be forgotten. I believe that gradually people will behave less egotistically and will become less blinkered. When you take into consideration the regional and social programmes you really do see progress being made, and people have already a sense of the Community's objectives. This can be seen in France and it is coming in various countries in the Community. The Parliament has made a great contribution to this evolution, and will continue to do so.

**Professor Jacques VANDANNE, Chairman of TEPSA:** Mr Chairman I would like to thank you very warmly for your concluding statement today and also for your participation in our work. You have played the role of a good partner, and you have helped us greatly. We are very grateful to you and to all the Members of Parliament who have actually participated in our discussions during the last two days. I think we have achieved our objective which was to organise a discussion between the people who are on the political side of the Parliament and those in the outside world. With my thanks to the Members of the European Parliament go my thanks to the officials who have organised this Symposium so satisfactorily. Mr Neunreither particularly, Mr Poehle and Mr Millar have all been involved from the outset and I would very much like to thank them for their efforts and their commitment, which made possible the success of the Symposium.



I would also like to thank the representatives of the national parliaments who stayed here until the bitter end, if we can call it that. That is not always a very easy thing to do, taking into consideration their other commitments, but their presence has obviously made our debate much more rich and fruitful than would otherwise have been possible.

**Vice-President BARON:** The Symposium is concluded.

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