

EUROPEAN PARLIAMENT

Working Documents

1980 - 1981

31 October 1980

DOCUMENT 1-539/80

MOTION FOR A RESOLUTION

tabled by Mr Hans-Joachim SEELER

pursuant to Rule 25 of the Rules of Procedure

on an improved and wider legislative role for
the European Parliament within the present terms
of reference of the European Community

PE 68.494

The European Parliament,

- considering that:
 - while no increase in the powers of the European Community is feasible at the present time, there is a need for changes to the arrangements whereby the Community's existing powers are exercised by its institutions,
 - the resolutions of the European Parliament are often not implemented and that it is powerless to alter this state of affairs,
 - the Council is not bound by Parliament's resolutions;
- convinced that, in view of the democratic authority acquired by Parliament by being directly elected, it is entitled to play an appropriate role in the exercise of the powers of the European Community;
- assuming that the European Community does not intend to continue to disregard the principles of the constitutional exercise of the sovereign powers transferred to it by its Member States insofar as the political role of Parliament in the legislative process and in its supervision of the executive is not effected in a manner which fulfils constitutional requirements;
- concerned that:
 - the confusion between the legislative and executive powers held by the Council could lead to politically uncontrollable despotism since, while the right to participate of the national parliaments has disappeared as a result of the transfer of certain national sovereign powers to the European Community, participation by the European Parliament has not yet become secure and a constitutional vacuum has thus been created,
 - the unanimity principle applied to numerous Council decisions hampers necessary progress towards European integration since the veto of one Member State is practically sufficient completely to block a European initiative by the other Member States;

1. Calls for

- (a) cooperation between the Council and Parliament in the drafting of Community law in such a way that no Council regulation or directive can enter into force until after approval by Parliament.

The rejection by Parliament of a regulation or

directive shall require the approval of a majority of its Members (at least 206 votes). Where Parliament has not delivered an opinion within a certain time-limit after the submission by the Council of a draft regulation or directive, it shall be deemed to have given tacit approval;

- (b) a right of initiative to propose Community legal acts, similar to that enjoyed by the Commission.

Such legal acts proposed by Parliament shall enter into force if they are approved by the Council. They may be rejected by the Council by a qualified majority. Where the Council fails to deliver an opinion within a certain time-limit after receipt of Parliament's resolution, it shall be deemed to have tacitly approved such acts;

- (c) the widening of the conciliation procedure beyond the limits set in Rule 22A of the Rules of Procedure;
- (d) a right of participation in the ratification of treaties by Council regulation in accordance with the procedure set out in (a) above;
- (e) the limitation of the principle of unanimity in respect of Council decisions to the matters specified in the Treaties;
- (f) its decisions to be just as binding on the Commission as those of the Council.
2. Instructs its President to initiate negotiations with the Council for the achievement of the above objectives and to report to it on the outcome of those negotiations as soon as possible.

Justification

It has been one of the experiences of the European Parliament since its direct election by the peoples of Europe that while it has got through a great deal of work and prepared some careful and thorough reports, little action has been taken on its resolutions. The Council is not bound by Parliament's resolutions; indeed it is not even obliged to take any account of them at all. There are draft directives and regulations before the Council on which Parliament gave its approval after receiving them from the Commission over ten years ago and which the Council has still not finally adopted (e.g. the proposal for a Council directive on a common taxation system applicable to parent companies and subsidiaries of various Member States and the proposal for a Council directive on a common taxation system applicable to mergers, hive-offs and transfers of assets among

companies of various Member States).

The Commission is not bound either by Parliament's resolutions, although it is required to take some account of its opinion as if it fails to do so it can be forced to resign by a vote of no confidence. The constitutional position in the European Community is extremely unsatisfactory. The Member States have transferred certain of their sovereign powers to the European Community, e.g. the right to conclude trade agreements with third countries and groups of countries. As a result of this transfer of powers the national parliaments' cooperation with the political control over the national executives have disappeared. Its powers in this field are now limited to political control over the members of the national governments meeting in the Council.

The rights thus acquired by the European Community are now exercised by the Council which is the common institution of the national governments, but at European level there is no parliamentary participation and control of the kind effected at national level. This constitutes a violation of the principles of the division of powers, which form the basis of government in all the Member States. This defect can be remedied only by the reorganization of the relationships between the European institutions and increased powers of participation for Parliament.

An additional consideration is that by being directly elected Parliament has now been given democratic authority by the citizens of the Community and has become the direct democratic representative of the peoples of the European Community.

The proposals outlined in this motion for a resolution are based on the assumption that any widening of the present sphere of responsibilities of the European Communities would encounter the resistance of certain Member States. The proposal is therefore confined to recommending that the manner in which the Community's existing powers are exercised by its institutions be brought into line with the fundamental principles of the democratic constitutional state.