

Parliamentary debates in the House of Commons (7 February 1977)

Caption: On 7 February 1977, the House of Commons debates the issues surrounding the future direct election of the European Parliament.

Source: Parliamentary Debates. House of Commons. Official Report. Third session of the Forty-seventh Parliament of the United Kingdom of Great Britain and Northern Ireland. Twenty-fifth year of the reign of her Majesty Queen Elizabeth II. Dir. of publ. Hansard. 1976-1977, No 925; fifth series. London: Her Majesty's Stationery Office. "European Parliament (Direct elections)", p. 1065-1079; 1107-1119.

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URL: http://www.cvce.eu/obj/parliamentary_debates_in_the_house_of_commons_7_february_1977-en-1e685d7a-f760-4234-86d5-720a10f6f1c9.html

Publication date: 18/12/2013

Parliamentary debates in the House of Commons (7 February 1977)

European Parliament (Direct Elections)

4.4 p.m.

Mr. Hugh Dykes (Harrow, East):

[...]

The Government repeated their commitment in the Queen's Speech and in their White Paper, Command 6695, "Developments in the European Community", published in December. That publication contained an unequivocal reiteration of the commitment to direct elections. That is official Government policy, whatever happened at the Labour Party Conference in the autumn. It is also the official policy of the Conservative Opposition and of some other parties in the House. The House has a substantial built-in majority in favour of a direct elections Bill, for the principle behind it and for it to be introduced without further delay.

[...]

If we examine the other member States, we see that other countries are beginning this essential process. For example, the Irish have introduced their Bill, which proposes three European constituencies which reflect their existing parliamentary system — the multi-Member transferable vote system. We should follow their example by proposing a system based on our own first-past-the-post system.

Other member States are beginning their preparations. The Minister of State, Foreign and Commonwealth Office was incorrect when he said that other countries had not yet begun their preparations. I do not have time to read out all the details, but in Italy a Bill is to be published by the end of February and an announcement has been made. A Bill was published a fortnight ago in Luxembourg. In Holland a Bill has been available for some time and will be passed before Easter. In Denmark a Bill is expected to be published before Easter. The Federal Republic of Germany has published its Bill. There are problems, if any, most of all in Belgium, where there is still somewhat of a great debate going on, but it has nothing to do with the principle of direct elections.

It is a matter of sadness that in this country we see that the whole referendum about European membership is beginning to be opened up again when we should be discussing the next stage.

Mr. Spearing: Federalist!

Mr. Dykes: No, not necessarily. That will remain to be seen in the long-term future. There may be some who would like a federal structure in Europe, but that has nothing to do with the first set of direct elections. Most people would acknowledge that.

However on the point about other countries — I think I am right in saying that I am looking only at a draft; therefore, one has to exercise caution — on 25th January last, as I mentioned earlier, the Minister of State, Foreign and Commonwealth Office, speaking to the House of Lords European Communities Committee, said

"I think I am right in saying no other country has even started a formal, legislative process."

That was questioned, rightly, by Lord Gladwyn, who contradicted it. I wanted to remind the House of that and to repeat it, if only to underline that if there are Ministers at the Foreign Office — we acknowledge that they may have certain personal inclinations on this subject, which I would regard as being in the right direction — who can get matters wrong on this subject at this late stage, it only goes to show the insouciance of the Government and their carelessness about a subject solemnly promised in their own programme and

which has not yet appeared although everyone agrees that it is well overdue.

As Baroness Elles rightly said in the other place when speaking in the EEC debate on 15th December, the last such debate that the other place had:

“The Government will be aware of the bitter disappointment to those countries which are actively preparing for these elections and which recognise the necessity for democratic control of the European institutions if we ourselves are not ready by the proposed date. How often were we told that the European countries in the Community, apart from ourselves, looked for guidance and inspiration to the United Kingdom as the home of democracy with a Parliament and a Parliamentary system which is, or certainly was, the envy of the world. Have we even lost the entitlement to this claim, or are we in danger of losing it? So far as I am aware, other Member States have not expressed any doubt as to their capacity to be ready by May or June 1978.” — [*Official Report, House of Lords*, 15th December 1976; Vol. 378, c. 996.]

The biggest sticking point recently was, of course, in the Republic of France, where perhaps the most severe test case of all — it was an interesting test case for the whole basis and the legal and constitutional rationale of direct elections — was resolved by a sensible and a correct judgment of the Constitutional Court, which, under the constitution of the Fifth Republic, is the final adjudicator on matters which appear under the relevant clauses of the Fifth Republic's constitution — the independence of the constitution, the sovereignty of the French Republic and the independence of the legislative body. The Constitutional Court found, with complete equanimity, I think, that these direct elections were in no way an infringement of the central sovereignty of both Houses of the French Parliament or the French Executive which is written into the French constitution as another arm of the total constitutional body.

Therefore, why the difficulty and the delay? Why are the Government vacillating on this matter when most people calmly and fairly expected the Bill to be introduced early on? February may seem as though there is plenty of time left here, and perhaps it could be March and there would be no problem. I have already tried to suggest that if the full processes were undertaken it would be very difficult indeed if no Bill came by the end of this month at the very latest, and even that would be one, two or three weeks too late.

[...]

Mr. Neil Marten (Banbury): Before my hon. Friend ends his speech, will he deal with a point that I find very obscure? One understands that if the European Assembly, as it is called in the White Paper, is to be directly elected, it is to receive more powers of some sort to deal with the Commission as what is called the democratic reason for it. I do not think that that is denied by anyone. However, those powers have to be agreed between all the national Parliaments. I think that that is not denied by anyone. If, having got a directly-elected Parliament, the proposals for new powers are put forward and then blocked — for example, and quite possibly, by the French Parliament — the directly-elected European Parliament will have no extra powers. That is the point. Surely it is logical, as we are doing in our devolution legislation, to set the powers first and then to have the direct elections. It seems to be putting the cart before the horse to force or perhaps bulldoze through — perhaps that is an unkind phrase — direct elections like this.

Mr. Dykes: I always admire my hon. Friend for his ingenuity. However, he is a number of jumps ahead. What he ought to do is to welcome the introduction of the Bill so that we can begin all that debate, which will undoubtedly begin as soon as the Bill is introduced. [Hon. Members: “Answer.”] I can answer best by quoting — in definite conclusion — the words of the Foreign Secretary, speaking to the European Parliament on 12th January, when he said:

“A directly-elected Parliament will be in a better position to strengthen the democratic voice in the Community. It will be better able to fulfil its rôle in relation to the Commission, and it will, I have no doubt wish to influence the Council of Ministers.”

4.30 p.m.

Mr. Michael Stewart (Fulham): It is clear beyond doubt that the Government are committed to bringing in a Bill of this kind speedily. They are committed to their colleagues in the EEC where we have made it clear that we would use our best endeavours to make it possible for the direct elections to be held here and in the other eight countries by May or June 1978.

We shall be interested to hear what the Government have to say about the steps already taken by the other Governments. It may be that the answer given to us recently was correct but that events have moved on since. It would be useful to have an up-to-date account of what legislative steps or preparations have been made in the other eight countries. Even if it were true that none of the other countries has yet taken steps, this would not excuse our Government from taking them.

We were pledged to use our best endeavours. It must be plain to anyone that if each of the nine countries were to say "Why should we move? No one else has moved yet", nothing would ever be done. That would please some of my hon. Friends who do not want the Community to work.

[...]

I take up the point raised by the hon. Member for Banbury (Mr. Marten) when he argued that the powers must be increased if we are to do anything at all.

[...]

The argument that he was advancing was that if we had the direct elections and the directly elected European Parliament demanded more powers and that were blocked by one of the Governments, there would then be the frustrated situation of a directly elected Parliament unable to get the powers it hoped to have. That is one arm of the general anti-Community argument. The other is to ask how, if we urge an increase of powers, we can increase the powers of such an undemocratic body as the present indirectly elected Parliament. If we try hard enough, we can always prove that since A ought to be done before B, or *vice versa*, it is better to do nothing.

[...]

Sir Derek Walker-Smith (Hertfordshire, East): Whatever aspirations and sentiments different people may have on these matters, surely as a matter of law it is clear that direct elections do not change or increase powers, because any changes of that sort require an amendment of the Treaty which, under Article 236, requires ratification by the national Parliaments. It may be that in the course of time a directly elected Parliament will have a greater good will to increasing its powers by an amendment of the Treaty, but it can only be by that way and subject, therefore, to ratification by the national Parliaments.

Mr. Stewart: I do not dispute that. There is no automatic increase in the powers of the European Parliament.

Mr. Nick Budgen (Wolverhampton, South-West): Does the right hon. Gentleman agree that the legal position is relatively unimportant? Once we have a directly elected Parliament it will give to those directly elected representatives the moral authority to enable them to argue for more powers.

[...]

Mr. Stewart:

[...]

There is no automatic increase in the power of the European Parliament by virtue of direct elections, but the direct elections will give Members of the European Parliament more authority and, perhaps even more significant, more time to devote to the work of the European Parliament. Even with their present powers, they will become more effective users of them. Their capacity to criticise and to place under review the work of the Council of Ministers and the Commission will be increased even if there is no legal increase in powers.

In time, therefore, they will get the legal increase in powers as well. The job of a Parliament or an assembly within the Community cannot be done properly under the present arrangements. A number of decisions made by the Commission and the Council of Ministers would either not have been made or would have been made better if they had been subjected to the more powerful and constant parliamentary scrutiny that could come from a directly elected body.

Mr. Spearing: Such as the House of Commons.

Mr. Stewart: No, my hon. Friend is still not taking the point. He has a bee in his bonnet about the extent to which this House can supervise the work of the European Parliament. I agree that it is a problem, but for that reason I want the European Parliament to be a powerful and constant reviewer and critic of the work of the executive arms of the Community.

My colleagues who were in the European Parliament with me did a conscientious job, and I trust that I did, too. We were all conscious of the fact that this can be only a makeshift arrangement. It faces the Member constantly with the problem of where he should be — in Luxembourg or Westminster.

The very fact that we are having this debate at a time when the European Parliament is sitting illustrates the difficulty. The person who has chosen to be a Member of the European Parliament has to make a choice of that kind. He may be quite sure that whichever way he makes it some ill-natured interpretation of what he has done will be put on it by hon. Members who do not like the Market. One gets hardened to this kind of thing after a time. It is not really suitable to the importance of the job which the European Parliament has today.

Therefore, this arrangement of the indirect election by national Parliaments of some of their Members to go to the European Parliament if it is continued will act as a drag on the proper development of the parliamentary element inside the Community and will create continual problems for Members who are honestly trying to do their duty as best they can both in this House and in the European Parliament.

Mr. Spearing: I am grateful to my right hon. Friend for giving way again, because he has given way many times. He has used an important phrase — the proper development of parliamentary scrutiny. Does he agree that if the European Parliament becomes a proper Parliament, it will legislate and tax and will control the European Council and Commission and become in effect a federal Parliament? Is that what he wants? Is my right hon. Friend a federalist or is he not?

Mr. Stewart: I believe that one day the nations in the Community will be part of one federal State. I do not expect it to happen in my lifetime. It is a much bigger development than that. As none of us can foresee the future to that extent, there is not a great deal of point in arguing about it.

One thing is quite certain, however. A country cannot slip into a federal State unnoticed. That is exactly what cannot happen. It is extremely likely that the nine countries of the Community will practise an ever-closer union and that they will get a greater harmonisation of foreign policy and of economic and monetary matters. I think that that is likely to happen. However, it is not possible for a group of countries to turn themselves from being a group of nine sovereign States into a single federated State without being aware of the fact and without its being the conscious and willing decision of all the members of the federation.

That is why I say that for our purposes the point about federalism is not relevant to this Parliament. The idea that by making the European Parliament directly elected we shall somehow be lured into a federation without noticing it is complete nonsense. The decision to make a federation must be a conscious and deliberate one. Whether it will ever be made, I do not know. Looking back over the ghastly history of divided Western Europe for so many years, I feel that our descendants may be glad if it happens. However, that is not what we are arguing about now.

It is true, however, that the direct election of the Members of the European Parliament will help the process of closer co-operation among the nine countries. It is intended to do that. It will do that. If we are in the

Community at all, we are committed to work for that. It is perfectly clear from the Treaty of Rome and from everything that has been said since that the Community was not intended to be a completely static body and that its members would work for closer union and harmonisation in many matters.

Anyone who objects to that is really objecting to British membership of the Community at all. That, one would have thought, was settled in the referendum. Some of us who do not particularly like the area of referendums agreed to it on the understanding that we would abide by the result. The extraordinary fact is that it is those who demanded the referendum most eagerly who are most unwilling to accept its result.

[...]

Mr. MacFarquhar (Belper): In terms of a mandate, there will be no responsibility to this Parliament at all. No directly-elected Member will have any responsibility to this place. [An hon. Member: "What an admission."] It is not an admission, it is a statement of fact. It would be ludicrous to suppose that any party would not take steps to ensure intense consultation and co-ordination between its Members in the European Parliament and its Members in this House. [*Interruption.*] I heard laughter from some of my hon. Friends below the Gangway. I sympathise because I notice the extent of the interest taken by this side of the House in our delegates to the European Parliament, and I agree that the actual consultation and co-ordination has not been considerable. However, the Labour Party would want to arrange things so that Members could take advantage of such consultation.

Another important objective of European direct elections is that these will mean that there will be greater control over the activities of the Commission and ultimately the Council of Ministers. Many hon. Members who opposed our entry into the EEC complained repeatedly over the years that there was no democratic control over the Commission. They complained about these bureaucrats — although the bureaucracy in Europe is very tiny compared with our own — and said that there was no way of controlling them. We are now finally getting to grips with the problem of democratic control, and this will spare many of my hon. Friends from long weary hours in this Chamber and "scorched earth" tactics late at night when they are trying to control European legislation. That burden will be taken from them by directly-elected Members who will have the time to deal with it.

Mr. Spearing: My hon. Friend has made an admission that after direct elections control of European legislation will not rest with Members of this House. That means that the Community will be a federal State, and he must be a federalist.

Mr. MacFarquhar: My hon. Friend keeps trying to push me into telling the House that I am a federalist. I am quite happy to say it. He and other hon. Members shout that word across the Chamber as if it is a taboo word, like "racist" or "parliamentary leper". It is a simple term which describes some — but not all — of my political views. I am happy to admit to it. Like my right hon. Friend the Member for Fulham, I believe that direct elections will be another step in the process of Europeanisation and will lead ultimately to the United States of Europe. I have no hesitation in stating that. To me there seem to be reasons for advocating that kind of federal unity which are neglected.

I hope that when we come to direct elections and we inevitably go over the same ground there will be an opportunity to discuss at greater length why those of us who favour that kind of movement do so. My right hon. Friend the Member for Fulham mentioned the need to end once and for all the devastating wars into which this Continent has plunged itself. There is the need to unite and rid ourselves of the narrow nationalism which is so characteristic of the people who oppose the Common Market. There is also the need to take decisions at the European level on economics, where there is an increasing need for such decisions to be taken.

[...]

6.12 p.m.

Mr. Richard Body (Holland with Boston): We have been urged to be brief and, therefore, I shall make only one point. All along and for years the hon. Member for Belper (Mr. MacFarquhar) has admitted being a federalist, and we respect him for doing so. I regret so much, however, that others in favour of direct elections have shied away from that phrase. We know perfectly well that most, if not all, of them believe in some kind of United States of Europe, even a supranational institution with powers that prevail over the subordinate national institutions. In plain words, they would like a European Parliament to take over the powers of this House. As the hon. Member for Belper was good enough to recognise, it is only when that is done that, in their view, they will have sufficient power over the European Commission and its bureaucracy.

Of course, the transfer of power cannot take place until the European Parliament itself is democratically respected, hence their plea now for direct elections. But they run away from the question of what precise powers they would wish the European Parliament to have. I have heard certain postprandial indiscretions on their part that catalogue a list of functions to be removed from this House that would make this House but a puny waif of its present self. We know that the federalists believe that progress towards a United States of Europe is along a series of ratchets. A directly-elected European Parliament is one such ratchet. Once over it, there is no going back. We would have to press on towards the transfer of power from the national Parliaments to the supranational version.

If this House in due course concedes that there should be a substantial transfer of power from it to Strasbourg, that Assembly should be directly elected. I hope we all agree about that. But there is no certainty that this House, with the democratic Assemblies of the other Eight, would in due course concede this transfer of power and functions. I therefore do not understand the necessity for all the paraphernalia and the expenditure of a European general election if there is not to be such a transfer of power and function.

I think my hon. Friend the Member for Banbury (Mr. Marten) said that we were putting the proverbial cart before the horse. The first question that the European Council, as it is now called, must answer is, what do we want a European Parliament to do? What functions will it perform and what powers should it have? If the answer is that it should be no more than it is at present, there seems to be no case for direct elections. If the answer is that there should be simply a modicum of transfer from this and the other democratic Assemblies, equally there might be no case for direct elections.

Only if we want to see a substantial transfer of power and functions from Westminster to Strasbourg is there an argument for direct elections. As we have yet to agree to that transfer, it seems premature for us now to proceed with direct elections. I hope, therefore, that all who are not federalists will see the argument in that light.

[...]

Mr. Nigel Spearing (Newham, South):

[...]

It is now becoming clear that either one takes the view of my hon. Friend the Member for Belper and the hon. Member for Saffron Walden (Sir P. Kirk), and maybe of others, that we believe in a federal State, in giving effective legislative powers either to the Assembly or to the Council of Ministers and the Commission, and in becoming part of a larger federal State, or one does not. The problem is that many hon. Gentlemen on the Opposition Benches do not make clear which side of the fence they are on. Direct elections make sense only if one believes in a federal State.

Perhaps I may direct the attention of the House to the statement by the right hon. Member for Sidcup, as contained in *The Times* of 30th April 1975. He is reported as follows:

“The first myth was that Community membership put the Queen at risk, he said in Chelsea. ‘I say now that that suggestion is nonsense, total nonsense, and dangerous nonsense.’”

We must look at that statement, because clearly it puts the Queen at risk, not in a personal physical sense but

in the sense of the Queen in Parliament. That is the constitutional significance of direct elections.

We are bound under an obligation under Section 2 of the European Communities Act. We are bound to the Treaty. I shall read part of Section 2, because many hon. Members may not be aware of what it says:

“All such rights, powers, liabilities, obligations and restrictions from time to time created or arising by or under the Treaties, and all such remedies and procedures from time to time provided for by or under the Treaties, as in accordance with the Treaties are without further enactment to be given legal effect or used in the United Kingdom and shall be recognised and available in law, and be enforced, allowed and followed accordingly”.

That is the obligation to accept inside this country direct legislation from outside this country. That is part of the European Communities Act, and it is part of what going into the Community means.

Legislation concocted elsewhere has to have a consultative procedure. The history of the House was related to its consultative powers joined to its powers of Supply and taxation. These powers have already been conceded by the system of direct resources to the EEC. We do not vote money out of the Consolidated Fund to the European Community. Direct taxation goes straight to Europe and the House does not control that. That is what happens now. Consultation before legislation is a historic function of the House, but it has virtually gone. We have consultation in Europe through an indirectly-appointed Assembly. That is where the official consultation takes place.

Of course we have our late night debates here, such as the one later tonight, for which we do not even have the necessary documents. The Minister will listen to our remarks on the taxation of road vehicles — a very important issue — but we are not properly consulted. If we want consultation, that should be the channel. That is how parliamentary democracy could really work. But if the Conservatives have their way and the electorate directly vote for people who will be consulted about legislation that will come from the EEC into this country — I mean consultation and not power — that consultation will short-circuit the House and the Queen in Parliament. The result of that consultation will be imposed on the Crown itself.

The Crown and the Queen's Government is a vacuum, filled by the majority party in the House. That would not be so in the case of the European Parliament, because it is not involved with the machinery of the Crown and its legislation is directly applicable to all British citizens and to British legal bodies whatever the House may say or think. We found that in the matter of skimmed milk. We were able to do nothing about that.

The right hon. Member for Sidcup said at the time of the referendum that the position of the Queen was not at risk and that any such suggestion was

“nonsense, total nonsense, and dangerous nonsense.”

He was wrong. The position of the House and the Queen in Parliament will not be merely put at risk but will be destroyed by direct elections, because the system of consultation that took place here before 1640 will leave the House and go to institutions across the Channel. Constitutionally, that cannot be gainsaid.

We must also consider whether the situation is worth that. I return to the remarks of the right hon. Member for Sidcup. I told him that I would be making these points today, and I hoped that as a great believer in direct elections he would be here today. Many hon. Members have said that direct elections would be worth all this to avoid the terrible risks of war. I do not decry that view. It is a honourable position, but it is trying to stop the Second World War which has already happened. The generation that fought and defended our freedom in that war, including the right hon. Member for Sidcup, were rightly obsessed with stopping the same thing happening again. But they ought not to judge the past and mix it up with the future.

The danger of a third world war is not between the old countries of Europe but between the Third World and the developed world, between the so-called rich and inward-looking *blocs*, of which the EEC is one, and the countries which, rightly or wrongly, are crying out for injustice. That is where the dangers lie and where the problems will be. That is where the House and the country could play a positive, independent and proper rôle. If it is a matter of the Commonwealth against the Common Market, the House has already chosen the

Commonwealth. The nations of the Commonwealth contain all sorts and conditions of men.

We see the problem that now exists in Rhodesia, and it may occur later in other parts of the world. There are elements within the Commonwealth that combine and cut across political views and aspirations, measures of wealth and levels of education. There is a band through the world of which the House and the country should be proud. If the country is to help to prevent a third world war, it will be through those institutions. We will not be able to help if the country is kept bound and captive inside a European federation.

[...]

Mr. John Davies (Knutsford):

[...]

I wish first to deal with the difficult problem of the relationship between the European Parliament and the Westminster, or any other national Parliament. No hon. Member would charge me with anything but a determined defence of the interests of Parliament over the Executive, whether that Executive is here or in the Council of Ministers. In the past three years, I have shown clearly my determination to ensure that Parliament has the greatest opportunity to voice its views on these matters, and it would not be in character for me to abandon that position. However, I must stress that the value of an efficient European Parliament to our activity is enormous. The House finds it virtually impossible to cope adequately with both the enormous stream of domestic material and the European legislative process. The European Parliament has complementary advantages to us. It would greatly facilitate our ability to exercise the sort of influence which we, as a Parliament, ought to exercise on our Executive, and to secure the right degree of impact on European legislation.

Members of the European Parliament have the opportunity, which we do not have, of speaking to those who formulate directives within the Community while the drafts are being formulated. We do not have that opportunity even in relation to our domestic legislation, but the European Parliament maintains a constant dialogue with the Commission and, through its committees, tries to improve the legislation and to bring into view national questions and ensure that draft directives and regulations take as much account as possible of the views of member States, as represented by the delegations. That Parliament has a capability which we neither can, nor should, have.

Another important factor is that the European Parliament can maintain that dialogue throughout the emergence and development of the legislative processes in the Community. Many hon. Members know how difficult it has been to keep up to date with the evolution of those processes. Members of the European Parliament can exercise pressure on individual Ministers in the Council and through the Secretariat.

The advantages of the European Parliament are of great value to us co-operatively. It is a wild misunderstanding to believe that the European Parliament has competitive functions. On the contrary, it has complementary functions which can be made to work admirably. If hon. Members have it fixed in their minds that they will not tolerate such an arrangement, it cannot be made to work, but if they take my view, that this is an instrument which, if used properly, could ensure that the legislative system of the Community is kept under surveillance, the influence of the national parliaments within that organisation will be of the greatest value.

Mr. Marten: Will my right hon. Friend give away?

Mr. Davies: I cannot. I have refused many interventions and I am sure that I am about to deal with a matter which will interest my hon. Friend — increased powers and federalism.

Nobody could seek to identify me as a committed federalist. That is not my view. The Community will develop in all aspects with which nation States gradually find themselves unable to cope. Whether that leads to some form of communal government I do not know, but if it does, it will be long after I am gone. Over

the years matters will arise which exceed the capability of individual nations effectively to control. For example, our shipbuilding industry faces problems. It would be folly to imagine that we could organise effective safeguards for that industry on a national basis. We must look for international solutions.

To those who complain that we are surreptitiously seeking to pass off to some external organisation the rights that we should exercise, I say that that is not so. What will happen is that certain matters will gradually exceed our capability, and we shall find that there is a body that is capable of dealing with those matters. The increased powers issue is a red herring. The powers of the European Parliament are circumscribed by the Treaties and some slender amendments which have been passed in the last couple of years concerning budgetary restraints. There is little probability that these powers will be exceeded in the foreseeable future. My hon. Friend the Member for Banbury (Mr. Marten) is constantly referring to a phrase in the Tindemans Report, but he must remember that that phrase is a personal one and has been universally set aside by the Governments of member States.

The House would have to agree to any extension of powers. Such an increase in powers in the legislative and executive sense would require more drastic action in other countries. In Denmark, for instance, it would require a change in the constitution, and similar action would be required in France. Both countries would have to introduce major internal Acts. Not one of the French parties that are concerned with the future of the Community would subscribe to direct elections if the executive and legislative powers of the European Parliament were to be extended.

The powers of the European Parliament are those of influence. They will be exercised more effectively when Members are elected, and when the Community embarks on further external action, not least on political co-operation. It is important that we should have in the European Parliament people who are representative of constituencies in this country and who take an active part in our affairs. By virtue of the evolution of external foreign policy the Community will have a formidable role to play.

[...]