

European Parliament Resolution on the practical arrangements for the codecision procedure (5 May 1999)

Caption: European Parliament Resolution of 5 May 1999 on the Joint Declaration on the practical arrangements for the new codecision procedure (Article 251 of the EC Treaty).

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European Parliament Resolution of 19 November 1997 on the Amsterdam Treaty

CONF 4007/97 — C4-0538/97

The European Parliament,

— having regard to the Amsterdam Treaty signed on 2 October 1997 and the Protocol on the institutions with the prospect of enlargement of the European Union (CONF 4007/97 — C4-0538/97),

— having regard to its resolutions of 17 May 1995 ⁽¹⁾, 13 March 1996 ⁽²⁾, 16 January 1997 ⁽³⁾, 13 March 1997 ⁽⁴⁾ and 11 June 1997 ⁽⁵⁾ on the Intergovernmental Conference and of 26 June 1997 on the Amsterdam European Council ⁽⁶⁾,

— having regard to its resolutions of 14 February 1984 on the draft Treaty establishing the European Union ⁽⁷⁾ and of 7 April 1992 on the results of the Intergovernmental Conferences ⁽⁸⁾,

— having regard to the opinions of the non-governmental organizations which responded to the invitation from the Committee on Institutional Affairs and took part in the joint session of 7 October 1997,

— having regard to the report of the Committee on Institutional Affairs and the opinions of the Committee on Foreign Affairs, Security and Defence Policy, Committee on Agriculture and Rural Development, Committee on Budgets, Committee on Economic and Monetary Affairs and Industrial Policy, Committee on Research, Technological Development and Energy, Committee on External Economic Relations, Committee on Legal Affairs and Citizens' Rights, Committee on Employment and Social Affairs, Committee on Regional Policy, Committee on the Environment, Public Health and Consumer Protection, Committee on Culture, Youth, Education and the Media, Committee on Development and Cooperation, Committee on Civil Liberties and Internal Affairs, Committee on Budgetary Control, Committee on Fisheries, Committee on the Rules of Procedure, the Verification of Credentials and Immunities, Committee on Women's Rights and the Committee on Petitions (A4-0347/1997),

A. whereas the peoples and the parliaments of the Member States and the bodies of the Union expect an opinion from the European Parliament on the Amsterdam Treaty,

B. whereas in view of the dual legitimation of the European Union as a union of the states and a union of the peoples of Europe, the task of the European Parliament must be to give voice, in complete independence, to the will of the peoples of the Union for integration,

C. whereas the recent Intergovernmental Conference has shown the limits of the method of diplomatic negotiation; whereas Parliament must claim a much greater role in respect of future treaty amendments, in view of the constructive role it played in the revision of the treaties and because of its function as the legitimate representative of European citizens,

D. whereas the future will demand a clearer Union identity to pursue the international interests of the EU,

E. whereas the additional political powers conferred on the Union by the Amsterdam Treaty are too limited to be a valid accompaniment to monetary union; whereas, consequently, there is a need to focus as quickly as possible on the institutional modus operandi of monetary union, in particular democratic accountability;

F. whereas the following six criteria in particular should be used to evaluate the new Treaty:

(a) any new step towards integration must enhance the democratic quality of the Union and must itself enjoy democratic legitimation,

(b) the dual nature of the Union as a union of the peoples and a union of states requires any step towards integration to strengthen the identity of the Union and to increase its ability to take action, while also

respecting and protecting the identity of the Member States, the core features of the constitutional cultures of the individual states, and retaining the equal status of the Member States and the cultural diversity of their peoples,

(c) the yardstick of any step towards integration is whether, and to what extent, it presents and develops the Union not only as a common market but also as a system of values, and what improvements it facilitates in the quality of life of its citizens, their job prospects and the quality of society, in particular the exercise in practice of European citizenship,

(d) any new step towards integration must involve progress, a constructive move beyond the present *acquis*,

(e) the present move towards integration will have to be measured against the requests and expectations expressed by the European Parliament before and during the Intergovernmental Conference,

(f) the new move towards integration must be measured against the yardstick of whether it creates the institutional basis for forthcoming enlargements,

G. whereas further improvements in the interest of Union citizens are possible only if the criticism arising from application of the abovementioned criteria is translated, by all the political and social forces in the Union acting in a spirit of solidarity, into a constructive struggle with tangible pointers for the immediate future,

H. conscious that the values of peace, democracy, freedom, human rights, the rule of law, social justice, solidarity and cohesion underpinning the European Union can never be deemed to have been achieved but must always be fought for anew,

Overall evaluation

1. Recommends that the Member States ratify the Amsterdam Treaty;
2. Considers that the Amsterdam Treaty marks a further step on the unfinished path towards the construction of a European political union; considers that it represents some not inconsiderable advances for certain institutions but leaves other issues unresolved;
3. Regrets the absence from the Amsterdam Treaty of the institutional reforms needed for the effective and democratic functioning of an enlarged Union and affirms that these reforms should be completed before enlargement and as soon as possible so as not to delay the accessions;
4. Calls on the European Council to affirm that no accession will enter into force before the completion of the institutional reforms necessary for the proper functioning of an enlarged Union, to begin its work in this connection on the basis of this resolution, and to engage, in this context, in a political dialogue with Parliament on this subject;

Principles

5. Stresses that on the one hand the Amsterdam Treaty essentially gives precedence to the Community method, and on the other hand it reduces to an acceptable level the risks of differentiated integration (which is unavoidable in some areas) through precise criteria and its exceptional nature; emphasises, however, that more courageous and more consistent steps in the transition to the Community method would have been appropriate;
6. Regards the confirmation in the Amsterdam Treaty of the objectives of the Union and the principles of the Community as a sign of the requisite will for integration on the part of the people and the states; regrets, however, the absence of a preamble such as those used in previous treaties to express clearly a common political will amongst the contracting parties which should be directed towards belonging to a Community

which is more than the sum of its parts and more than a mere interest group whose members have no other aim than striking a balance between what they put in and the advantages they derive from it;

7. Stresses that the new opportunities afforded by the Amsterdam Treaty will only lead to tangible results if a sufficient political will, lacking at present, is generated for common action in all areas of the Treaties, and a new relationship of mutual trust develops between the Member States themselves and between them and the Community institutions;

Bases of Union policies

8. Notes, with reference to the details set out in the session document A4-0347/97 ⁽⁹⁾, that the Amsterdam Treaty has, in part, significantly improved the Union's instruments for shaping policy in the interests of its citizens, in the area of Community policies, such as employment and social policy, environmental and health policies and internal security; there is a need for further improvements; calls in particular on

— the Council to take speedy decisions to ensure that the general rules of the Community method will be applied, as soon as possible, to the communitarized area of freedom, security and justice and to enable further development on Community lines of the Schengen *acquis*; calls on the governments of Denmark, Ireland and the United Kingdom to take part from the earliest stages in the Community measures in this field;

— the Commission, the Council and the Member States to show the political will to use the new opportunities resolutely in the interests of all European citizens and, in particular, to use the new Community political instruments to achieve clear and lasting improvements in the employment situation throughout the Union;

— its committees to examine, prior to entry into force of the Amsterdam Treaty, what initiatives can be used, in those areas for which they are responsible, to use the new opportunities as effectively as possible;

9. Considers that although the Amsterdam Treaty contains a number of institutional, budgetary and practical improvements in the area of the Common Foreign and Security Policy, it clearly fails to satisfy expectations, and not merely in respect of the decision-making mechanisms; stresses, in particular, that

— the prospect of developing a common defence policy, in particular solidarity between the Member States in the face of threats to, and violations of, external frontiers, must be strengthened; welcomes the inclusion of the so-called Petersberg Tasks into the Treaty as an important step in the direction of a common European security policy equipped with operational capabilities provided by the Western European Union (WEU);

— all the members of the new troika, including the Commission, must cooperate closely, in a spirit of trust and as equal partners, in order to achieve the goals of greater visibility, efficiency and coherence;

— the policy planning and early warning unit must adopt a common Union perspective in the course of its work;

— in the area of external economic relations the Community must become competent for all questions considered in the context of the World Trade Organization; until the Treaty is amended, the Commission should point out to the Member States, promptly and clearly, the risks for the Community stemming from the fragmentation of responsibilities in future negotiations, and should propose to the Council that it take a speedy decision on the requisite transfer of responsibilities; this transfer of responsibilities should not, however, weaken democratic control over the actions of the executive in external economic relations;

10. Recognizes that there has been some progress in those areas of justice and home affairs remaining subject to intergovernmental cooperation, and calls on the Council and/or the Member States

— to take decisions as soon as possible on more effective common approaches towards fighting organized

and international crime;

- to establish working relations with Parliament that will allow consultations to run smoothly in this field;
- to improve the legal protection of Union citizens and, in particular, to deliver the requisite declarations so that appeals can be made to the European Court of Justice under the preliminary ruling procedure;
- to prevent loopholes in legal protection arising in the national implementation of Council acts;

Institutional matters

11. Acknowledges that the Amsterdam Treaty confirms, and in some areas further develops, the European Union as a system of values of a free, democratic, social Community based on the rule of law and solidarity and on shared fundamental freedoms and civil rights;

12. Welcomes the extension of the codecision procedure to numerous new areas and the right to approve the appointment of the Commission president; calls in addition, however, for

- any amendment of the constituent Treaties to be subject to Parliament's assent, and a new method to be introduced for preparing and adopting Treaty amendments;
- the codecision procedure to be extended to the remaining areas of legislation (in particular in the new Title IV (former IIIa) of the EC Treaty, in agricultural, fisheries, fiscal and competition policy, structural policies, tourism and water resources, the approximation of laws pursuant to Article 94 (former Article 100) EC and legislative acts under the third pillar); regrets the fact that, in four areas of particular importance for European citizenship (Article 18(2) (former 8a), Article 42 (former 51), Article 47 (former 57) and Article 151 (former 128) EC), the codecision procedure exists alongside unanimous voting in the Council, which in practice constitutes a significant reduction in the democratic legitimacy of this procedure;
- the Commission, pursuant to the declaration on comitology, to submit in June 1998 a proposal to amend the Council decision of 13 July 1987 on the understanding that the European Parliament must be involved in drafting and finalizing the definitive text, which must receive Parliament's agreement;
- the Union and the Communities to be merged into a single legal personality;
- significant international agreements to be subject to Parliament's assent;
- an equal, functional and democratic relationship to be established between the two arms of the budgetary authority in respect of budgetary matters, including the European Development Fund, and for the system of own resources to be reformed and made subject to Parliament's assent; calls further for substance to be given to the principles of subsidiarity, proportionality and solidarity when operational policies or measures are financed at Community level;
- the democratic accountability of the future European Central Bank to be defined;
- a specific charter of fundamental rights of the Union to be drawn up;
- any "suspension of certain rights of a Member State" (Article 7 (former F.1.) TEU) on the grounds of a serious and persistent breach by a Member State of general principles mentioned in Article 6 (former F) to be subject to control by the Court of Justice and under no circumstances affect Union citizens' rights;
- in the area of social policy, Parliament to be kept informed of negotiations between management and labour, and where agreements between the latter are implemented by a Council decision they should also be subject to Parliament's assent;

— progress in the field of equality between men and women at all levels to be implemented resolutely, and evolved further, and active promotion of women's interests to be pursued until full equality of opportunities is achieved;

— in view of the Amsterdam Treaty's new emphasis on the role of culture, qualified majority voting to be extended to this sphere; recalls the need to respect and promote the diversity of the Union's cultures;

— the mechanisms for solidarity and economic, social and territorial cohesion to be perfected with a view to an enlarged Europe;

— the treaty provisions for the further development of European political parties to be improved;

— the Euratom Treaty to be revised as a matter of urgency, in particular with a view to making up the democratic deficit in its functioning,

regrets that the Amsterdam Treaty has determined the seat of the European Parliament without the latter's involvement;

13. Recognizes that there has been progress in the area of transparency and publicity as a result of a simplification, and reduction in the number, of decision-making procedures, through rules in the Treaty on access to documents and through a simplification of the text of the Treaty; stresses, however, that the principle of public access requires the completion of these efforts with

— implementing measures to ensure that the public really have efficient access to information;

— documents which are comprehensible to Union citizens and which show who bears political responsibility;

— consolidation and simplification of the founding Treaties;

14. Regrets that the Amsterdam Treaty has failed adequately to improve the efficiency of decision-making procedures by extending qualified majority voting;

15. Stresses that in the Protocol on the institutions the Amsterdam Treaty recognizes the need for further institutional reforms before enlargement of the Union to more than twenty members; in this context unreservedly approves of the joint declaration by Belgium, France and Italy advocating such reforms as the precondition for any enlargement;

16. Calls therefore for the following steps to be taken before any enlargement:

— adjustments to be made to the weighting of votes in the Council and to the number of Commission members, with the Member States retaining equal status with each other;

— qualified majority voting to become the general rule in the Council;

— the requirement of unanimity to be restricted to decisions of a constitutional nature (amendments to the Treaty, accessions, decisions on own resources, electoral procedure, application of Article 308 (former 235) EC);

— all other reforms required for enlargement to be adopted;

17. Calls on the Member States to ensure that the possibility provided for in the Amsterdam Treaty in the context of foreign policy and of 'closer cooperation' — of preventing a decision by a majority vote on the grounds of important national interests — be used as a brake only in dire emergencies;

Future strategy

18. Considers that the Amsterdam Treaty marks the end of an historical era when the work of European unification could be undertaken, stage by stage, using the methods of classic diplomacy;

19. Is convinced, instead, that politics should become the driving force behind shaping the new European Union and that the European Parliament and the parliaments of the Member States should play a full role in this respect;

20. Calls on the Commission to submit to Parliament, in good time before the European Council of December 1998, a report with proposals for a comprehensive reform of the Treaties, which is particularly needed in institutional terms and in connection with enlargement; requests that this report, in accordance with the new protocol on the role of the national parliaments in the European Union, be forwarded to the parliaments of the Member States; intends in due course as part of this process to define its own position in the light of these proposals in order to launch a dialogue between the Commission and the European Parliament; requests that, even before Article 48 (former N) is amended, Parliament should be fully involved in the next Intergovernmental Conference and that a common binding arrangement (e.g. modelled on interinstitutional agreements) will be achieved to the effect that the Treaty may enter into force only with Parliament's approval;

21. Awaits with interest the views of the parliaments of the Member States on this report; declares its intention to increase, on a systematic basis, its contacts with the parliaments of the Member States in order to conduct a political dialogue and to discuss jointly the future shape of the European Union;

22. Calls on the Commission to then take over the position of the European Parliament and to submit formal proposals for a revision of the treaties pursuant to Article 48 (former N) of the EU Treaty; calls for the European Parliament to be associated on an equal footing in the follow-up;

23. Instructs its President to forward this resolution to the Commission, the Council and the parliaments and governments of the Member States and to ensure that, together with the session document on which it is based, it is made available to the public in Europe.

(1) OJ C 151, 19.6.1995, p. 56.

(2) OJ C 96, 1.4.1996, p. 77.

(3) OJ C 33, 3.2.1997, p. 66.

(4) OJ C 115, 14.4.1997, p. 165.

(5) OJ C 200, 30.6.1997, p. 70.

(6) OJ C 222, 21.7.1997, p. 17.

(7) OJ C 77, 19.3.1984, p. 53.

(8) OJ C 125, 18.5.1992, p. 81.

(9) See the Explanatory Statement in the report on which this resolution is based.