

'Motion of censure: conditional vote of confidence' from Tribune pour l'Europe (January 1999)

Caption: On 14 January 1999, the European Parliament holds a vote on a motion of censure on the Santer Commission.

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Motion of censure: conditional vote of confidence

On 17 December 1998, the European Parliament decided not give the Commission discharge in respect of the implementation of the general budget of the European Communities for the 1996 financial year. After the vote, Mrs Pauline Green, Leader of the Socialist Group, tabled a motion of censure co-signed by 70 other Socialist Group MEPs. These Members felt that the outcome of the vote on the discharge meant the Commission could not be sure of Parliament's confidence. According to the text of the motion of censure, since the next three months would be some of the most difficult in the life of the European Union, the Commission must be able to work at full capacity and in close cooperation with Parliament. It could not do so in the mood of uncertainty created by the vote on the 1996 budget discharge. The signatories therefore called for this situation to be remedied as rapidly as possible by a vote of confidence in the Commission. Since there is no provision for this in the Treaties, the Socialist Group used the motion of censure procedure to call for a vote of confidence in the Commission.

That same day, Mr Hervé Fabre-Aubrespy (I-EDN, F) also tabled a motion of censure, co-signed by 69 other Members belonging to all the political groups and, with the exception of the Grand Duchy of Luxembourg, all the European Union countries. In it, Members noted that the decision not to give discharge had been taken after a majority of Members had expressed very serious criticism about the Commission's management of the budget; this showed that the Commission had forfeited the credibility and authority required for the effective performance of its tasks.

The signatories of this motion of censure pointed out that the Commission had not taken action on a number of requests that the European Parliament saw as being of key importance. In particular, it had refused to forward a number of fundamental documents, which made it impossible to check the real scale of the irregularities involving ECHO or to evaluate the measures which the Commission had taken to improve its management techniques. Nor had it forwarded the conclusive lists of ongoing internal inquiries into allegations of fraud and corruption involving officials of the European institutions or replied to the European Parliament's many questions about whether or not it had forwarded every case of fraud, corruption or other offences to the competent national judicial authorities. Given the role and tasks assigned to the Commission under the Treaties, and in view of the situation after the vote of 17 December 1998, the signatories considered that the European Parliament must clarify its evaluation of the way in which the Commission operated. Considering the gravity of the accusations against the Commission, there was clearly a political link between the refusal to give discharge and a motion of censure.

This is the fifth time in the history of the institutions that the Commission has faced a motion of censure. The first two motions of censure (February 1990 and July 1991) were tabled by the 'Group of the European Right' and concerned the common agricultural policy. They secured, respectively, 16 and 8 votes in favour. The third motion was tabled by Mr Paul Lannoye (Greens, B) and 71 other Members in December 1992, to criticise the Commission for the positions it adopted during the GATT negotiations. It received 96 votes in favour. Finally, the most recent motion of censure was tabled by José Happart (PSE, B) in February 1997, criticising the Commission's management of the BSE crisis. It was rejected by 118 to 326, with 15 abstentions.

Article 201 (formerly Article 144) of the EC Treaty provides for motions of censure and allows the European Parliament to oblige the Members of the Commission to resign as a body. It is a political instrument in the hands of Parliament, and its use is not subject to any special conditions. A motion of censure must be submitted by at least one-tenth of the Members of the European Parliament (i.e. not less than 63 Members) and must be duly justified. A double majority is required to secure its adoption: it has to be carried by a majority of the Members of the European Parliament (i.e. at least 314 votes) and by a two-thirds majority of the votes cast.

Since it is not possible to penalise individual Commissioners, the adoption of a motion of censure means that the Commission has to resign as a body.

The debate on these two motions of censure, which was held in Strasbourg on 11 January 1999, was

combined with a debate on oral questions concerning the refusal to give the 1996 discharge. It concluded with the adoption of a resolution on improving the financial management of the Commission, in which the European Parliament called for a Committee of Independent Experts to be convened under the auspices of Parliament and the Commission with a mandate to review the way in which the Commission detects and deals with fraud, mismanagement and nepotism, including a fundamental review of Commission practices in the awarding of all financial contracts. This Committee of Experts was to report by 15 March 1999 on their assessment in the first instance of the Commission as a body. Parliament also called on the Commission to throw full and unrestricted light on presumed cases of fraud. If responsibility was proved at any level whatsoever, it expected the Commission to act immediately, as its President had undertaken to do, and to take whatever measures might be necessary. It also called for Articles 215 and 216 (formerly Articles 159 and 160) of the EC Treaty to be applied to that effect (articles providing for resignation or compulsory retirement).

It also called on the Commission to submit before 15 March 1999 a set of detailed proposals for the establishment of a new anti-fraud agency to be run independently of the Commission's political control, to forward to Parliament the three codes of conduct concerning the work of the Commissioners, relations between them, their private offices and their staff, and the principles applicable to officials, to include the issue of professional involvement of relatives and personal acquaintances, to establish a formal agreement on confidential procedures in order to facilitate Parliament's right to secure any information from the Commission which it required in connection with the discharge procedure and other aspects of management and administrative accountability and to reform the Staff Regulations so as to ensure swift and appropriate disciplinary action, including dismissal, where fraud, or serious negligence of duties leading to mismanagement, was proved.

The European Parliament would debate these proposals and the report which the President of the Commission was drawing up for the Cologne European Council at its May [sic] ⁽¹⁾ 1999 part-session.

Parliament also stated, in relation to the discharge, that it was aware that a review of the European institutions' establishment plans would be necessary, in particular for accomplishing the new tasks facing the European Union, and considered that the zero-growth limit to the institutions' establishment plans must immediately be submitted to an objective reappraisal.

After this vote, Mr Jacques Santer, President of the Commission, declared that he had received the message to the Commission loud and clear and taken the criticisms to heart. He undertook to bring the ambitious programme he had proposed to a successful conclusion, on the basis of a precise timetable, and to act upon Parliament's requests.

The Socialist Group was also satisfied with the adoption of this resolution and decided to withdraw its motion of censure. Therefore, Parliament only had to take a decision on the motion of censure submitted by Mr Fabre-Aubrespy. It was rejected by 232 votes to 293, with 27 abstentions.

(1) ENA note: the Cologne European Council was held in June 1999.