

Georges Spénale, The evolution of the European Parliament

Caption: Georges Spénale, President of the European Parliament from 1975 to 1977, outlines the evolution of this institution from its first meeting in 1952 until 1977.

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The evolution of the European Parliament

by

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1. Introduction

For the past 25 years, the *European Parliament* has given the people a say in the process of European integration. The European Parliament's origins go back to the 'Common Assembly' of the European Coal and Steel Community; today, however, it is increasingly assuming the responsibilities vested in it by the other two 1958 Treaties establishing the European Communities and by other agreements concluded between the Member States.

Since it first met, on 10 September 1952, Parliament has changed in nearly every respect, including its powers. Its membership has risen from 78 to 198. In geographic terms, it now encompasses not six but nine European Member States. The *supervisory* power originally conferred on it has changed into a genuine power of *participation*.

These past 25 years have also been marked by the hope, tinged with idealism, that a parliamentary system will be established within the Community and by the ambition to further or at least maintain the process of integration, to establish a community of peoples based on solidarity. The European Parliament has never given up that ambition or been content with any lesser achievement.

The most marked change for Parliament — direct elections, together with a rise in its membership to 410 MEPs — opens this new period. In *formal* terms, direct elections will have less effect on the Treaties establishing the Communities than, for example, the replacement in 1958 ⁽¹⁾, of the Common Assembly of the European Coal and Steel Community by a Parliament whose remit extended to all three Communities. *Politically*, however, this signals a new dimension for Parliament, the implications of which we cannot, at this point, fully assess. The Council Decision of 20 September 1976 on the holding of direct elections therefore constitutes, above all, a courageous step forward to a new stage that everybody agrees is most important although, as I said, it is impossible fully to assess all its implications. This courage is characteristic of an organisation that is alive and dynamic.

A brief look at the European Parliament as it was and as it may become may provide an opportunity for a fruitful dialogue between knowledge and aspiration, between the past and the future.

[...]

2. About the European Parliament, past and present

(a) However logical it may seem, the establishment of a multinational community made up only of parliamentary democracies, and, in particular, the election of a Parliament that can work efficiently, is still not something to be taken for granted.

This is a pity, because it makes it more difficult, if not impossible, for citizens to identify with the Community of which they form part and which affects their lives. Today, it is regarded as inevitable that powers must to some extent be distributed between the States and the international organisations. On the whole, however, we still are still not sure what forms are most appropriate or how they should relate to existing national institutions. This is particularly true of the Parliaments. There we still find some reservations, whose origins lie in history: in some Member States — France and the United Kingdom in particular — Parliament is regarded as the expression of a sovereignty that is felt to be exclusive and indivisible.

The creation of a multinational Parliament also means taking a fresh look at the doctrine of sovereignty

based on the absolute power of the State, while the development of international *governmental* bodies seems to have far less impact on the actual foundations of the State because governments are in a sense derived bodies, subject to national supervision and with no aspirations towards sovereignty.

Aside from the direct implementation of Community law, the most striking feature of the Communities compared with any other international organisation is the integration as of now in the European Coal and Steel Community, in the European Economic Community and in the European Atomic Energy Community of a European Parliament that is likely to continue developing.

The authors of the Treaties realised from the outset that, at a certain point, the Community would be unable to move ahead without the active participation of the peoples of the Member States. But before it could consolidate its position in the Communities, Parliament had to allay the distrust born of the traditional primacy of the Executive in cooperation between States. It also had to determine where it stood in relation to the Member State parliaments, which traditionally aspire to exclusive sovereignty.

Notwithstanding these obstacles and the fact that its role is doubly limited by the Treaties (Parliament has limited powers in the framework of the Communities' limited powers), the role of the European Parliament must be seen in relation to the political objective of the EC Treaties, as set out in the Preamble ⁽²⁾ and confirmed by subsequent summit conferences ⁽³⁾. But the very weakness of its initial position meant that Parliament had to prove that it was dynamic, improve its position and, in so doing, help transform the Community into a political union.

(b) During the period immediately after its first meeting, in 1952, the Common Assembly defined the future forms of European cooperation and Parliament's role in a European constitution. The Foreign Ministers of the Member States, anticipating the wording of Article 138 of the EEC Treaty, instructed Parliament as an 'ad hoc Assembly' to draw up a draft constitution.

Today, this text is still the main model for overall political cooperation between the Member States. It also reflects the way Parliament envisages its own future.

The Parliament (of the Six) was to consist of two Chambers, a Chamber of Representatives elected by direct universal suffrage and a Senate made up of representatives of the national parliaments.

It was to have full legislative powers: the adoption of a law would have required a simple majority of both Chambers.

Parliament was also to obtain a right to propose legislation, a right of scrutiny and a say on the membership of the Executive.

This draft constitution may not have gone beyond theory, but it is still taken as a model for the broad outlines of the institutional debates on the subject: Parliament is not relaxing its efforts to achieve, in particular, the implementation of the two key proposals: direct elections and legislative power.

To that end, Parliament has hitherto applied two distinct methods:

- it has sought to extend its powers and use them more effectively by consulting with the other institutions;
- it has sought amendments to the Treaties.

Parliament's authority today, as opposed to the early days, is founded mainly on its application of these two methods.

Aside from this, the summit conferences have, however informally, assigned Parliament new tasks.

Following the failure of the great 1953 project for a constitution, the Common Assembly concentrated on

improving the practical exercise of the powers conferred on it by the Treaties. Two particular achievements in this respect were the Commission's declarations of principle to Parliament and the exchanges of view between the Council and Parliament held on a regular basis — although neither was formally provided for under the Treaties ⁽⁴⁾.

Immediately after its first sitting, the new Parliament of the three Communities set out to seek a major qualitative amendment to the Treaties on the question of direct elections. At first, the preparations made by the working party chaired by Fernand Dehousse proved fruitless. On 17 May 1960, however, Parliament adopted a new resolution that can now be said to have marked the starting point of its further development.

In it, the Assembly affirmed the urgent need to expand its powers so that it could carry out the tasks of a genuine Parliament, including, in particular, a degree of legislative power and powers of political and budgetary control ⁽⁵⁾.

Parliament was being less demanding now than in 1953, when it called for *full* legislative power: in 1960, it had to admit that legislative power in fact resided with the Council of Ministers.

Later, Parliament further contained — and defined — its aspirations to exercise legislative power: in the Furler report ⁽⁶⁾ (1963), it called only for a power of *codecision*, a call repeated in the report on European Union ⁽⁷⁾ (1975).

In the meantime, certain procedures had actually been adopted in the budgetary field ('conciliation procedure') ⁽⁸⁾, which paved the way for *codecision*. At their summit conference in December 1974, the Heads of State or Government broke new ground by declaring that the Assembly's powers would be strengthened, in particular by the conferring on it of certain powers in the Communities' legislative process.

Given the obstacles which prevented it from securing legislative power, however limited, Parliament directed its efforts at two other aspects: firstly at strengthening its *quantitative* influence — failing any qualitative improvement — and secondly at the *budgetary procedure*.

(c) Parliament managed to take on a wider range of tasks at a fairly early stage. In 1952–53, it was instructed to draw up the statutes of the European Community as an 'ad hoc Assembly'.

The declaration of the Heads of State or Government of 18 July 1961 went even further: it invited the European Parliament to extend the scope of its deliberations to new areas, with the cooperation of the governments. These new areas had already been defined:

- the development of political union;
- education, culture and research.

Along similar lines, the 1972 summit conference instructed the European Parliament to put forward proposals on a European Union.

Parliament, like the other institutions, did as requested.

This means that Parliament was never refused the right to consider the various issues relating to political union, even though this did not fall expressly within its remit under the Treaties. As political cooperation developed between the Member States, procedures were defined for involving the European Parliament in that cooperation. They include the reports of the President of the Conference of Foreign Ministers, the colloquies with the Political Committee, replies to questions about cooperation and a possible say on the definition of foreign policy, for it was agreed that the Political Committee (a body made up of the Foreign Ministries' political officials) would draw the Ministers' attention to the foreign policy proposals adopted by the Assembly ⁽⁹⁾.

The increase in the range of Parliament's tasks included an increase, over and above what was provided for in the Treaties, in the number of proposals on which the Council consults Parliament. The normal legislative procedure now came very close to complying with Parliament's call in 1968 to be consulted on all proposals involving a political decision.

In regard to trade agreements and association agreements, the procedure for involving Parliament has not yet been fully clarified.

Yet the principle of participation is not in question: Parliament's right to scrutinise trade agreements, in particular, shows that it is well on the way to acquiring real powers in certain specific cases, while national parliaments are still far from having the right to scrutinise agreements of this kind.

Aside from acquiring greater powers in general, the European Parliament has particularly improved its position in regard to the budget.

The right to decide on the budget is regarded as the key measure of parliamentary power.

In accordance with the democratic principles shared by the Member States, the creation of own resources provided for under the Treaties (Article 201 of the EEC Treaty) meant that Parliament would acquire greater powers of control and decision-making at Community level.

Most national parliaments soon realised that the rather summary formula for transferring powers to the European Communities could not in itself explain or justify the loss of parliamentary influence on some of their public revenue.

The Community's revenue would in fact have come under the control of the Council, i.e. of the national Executives, had Parliament's powers not been increased at that time. This was soon realised, and it was therefore decided to focus the debates concerning the strengthening of Parliament's powers on budgetary issues; indeed parliamentary influence, i.e. democracy at national level, would have been weakened if the national parliaments' loss of power had not been offset by a strengthening of the European Parliament's powers.

We do not propose to trace the development of the European Parliament's budgetary power from the time of the Treaties establishing the ECSC, the EEC and Euratom, via the Commission's 1965 proposals on giving it wider powers, to the Treaties of 22 April 1970 and 22 July 1975.

We shall merely recall two very important factors. First of all, the Communities' budget can be established only by close cooperation between Parliament, the Commission and the Council. Secondly, now that Parliament has obtained the right to reject the budget as a whole, to decide on expenditure that does not increase the total amount of budgetary expenditure and to take the final decision on non-compulsory expenditure, it has acquired powers equivalent to those of the Member State parliaments.

At the same time, budgetary power cannot be dissociated from general legislative power, which still falls within the Council's remit.

Parliament has never lost sight of that fact. It sees the increase in its budgetary powers as a part of its long-term strategy for obtaining legislative powers ⁽¹⁰⁾.

(d) The new budgetary procedure includes two aspects that can help Parliament achieve its objectives. Firstly, in itself the new procedure serves as a model for decisions in respect of which responsibility is *shared*. This shared responsibility is defined in a Council resolution of 20 April 1970, which expressly provides for close cooperation between the Council and Parliament on budgetary expenditure. In practice, this resolution forms the basis for many of the meetings held between the Council and parliamentary delegations during the budgetary procedure.

In another resolution dated the same day, the Council undertook to cooperate closely with Parliament on the adoption of legal acts with financial implications. Aware that the budgetary powers which Parliament exercises under the provisions of the Treaties are meaningless unless Parliament also has some influence on the legal acts on which they are based, the Council declared for the first time that it was willing to improve Parliament's *qualitative* right to be consulted. This decision, which dates back to 1970, has since been consolidated by the joint declaration of the Council, Commission and Parliament of 4 March 1975 ⁽¹¹⁾ on the conciliation procedure.

Under the terms of that declaration, if the Council and Parliament have different opinions on acts of a general scope with major financial implications, they must endeavour to seek agreement through a conciliation procedure.

3. Summary

To summarise this brief look at the way in which the European Parliament's powers of influence have changed, we could say that, since the creation of the European Coal and Steel Community, the European Parliament has acquired far more powers and responsibilities than were initially provided for under the Treaties.

There were many ways by which it achieved this: wide use of the possibilities provided for by the Treaties; agreements concluded between the institutions; intergovernmental agreements and amendments to the Treaties. To date, the real motive force has been the dynamic way in which Parliament has responded to the requirements of democracy and involved the peoples of the European Community in the development of democracy.

The Council Decision of 20 September 1976 on the holding of direct elections in 1978 marks the successful conclusion of this endeavour.

Over the years, Parliament had worked constantly towards that decision. The first draft Treaty dating from 1960 may have been forgotten because of a certain amount of opposition to it; subsequently, the forces for change concentrated mainly on the problems arising from the enlargement of the Community. Not until 1970 could Parliament start putting forward new proposals and the Council draft new provisions.

Direct elections will allow the citizens to decide directly and for themselves about the political future of the Community.

So the Community will finally be satisfying the basic requirement of any democratic organisation. Another reason why direct elections are urgently needed is that Parliament's newly acquired powers will need direct legitimation, which can be provided only by representatives who may devote themselves to the European Parliament without any constraints whatsoever. A Parliament equipped with substantially wider responsibilities and powers and legitimised by the will of the peoples of Europe will be in a position to help resolve the most urgent problems facing the citizens of Europe.

This is a contribution it can make only within the framework of the Communities and in liaison with the other European Community bodies. The events we have briefly described do, however, give Parliament a political authority that the other institutions have to respect.

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At the end of a long and determined process, elections by direct universal suffrage will bring to Parliament, now equipped with real powers, the vital political force it needs.

It will be a big change when the peoples of Europe enter the Community, when the People's Europe consolidates the Europe of the States.

It was a long road.

In the end, however, there will be no turning back: nobody will ever be able to undo what the people, who are clearly involved in this process, want to do.

(January 1977)

- (1) Cf. Article 2 of the Convention on certain institutions common to the European Communities: 'Upon taking up its duties, the single Assembly referred to in Article 1 *shall take the place* of the Common Assembly provided for in Article 21 of the Treaty establishing the European Coal and Steel Community ...'
- (2) The Preamble to the Treaty establishing the European Coal and Steel Community provides as follows: 'Resolved to substitute for age-old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for a broader and deeper community *among peoples* long divided by bloody conflicts; and to *lay the foundations for institutions which will give direction to a destiny henceforward shared ...*'
- (3) Final declarations of the summit conferences of 18 July 1961, paragraph 1, and 2 December 1969, paragraph 4.
- (4) Cf. Wigny report 'The Parliamentary Assembly in the Europe of the Six', adopted on 28 February 1958, doc. 14/58.
- (5) Resolution of 17 May 1960, OJ of 1960, p. 840.
- (6) *Doc.* 31/1963–64; resolution of 27 June 1963.
- (7) Resolution of 10 July 1975, OJ C 179, 6.8.1975, p. 28.
- (8) See pp. 10 and 11.
- (9) *Report of the Foreign Ministers on political cooperation*, Copenhagen, 23 July 1973, Part 2, paragraph 10.
- (10) Cf. European Parliament resolution of 13 May 1970, OJ C 65, 5.6.1970, p. 33, paragraphs 7 and 8.
- (11) OJ C 89, 22.4.1975, p. 1.