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European Communities

EUROPEAN PARLIAMENT

Working Documents

1980 - 1981

14 April 1980

DOCUMENT 1-71/80

Report

drawn up on behalf of the Political Affairs Committee

on the relations between the European Parliament and the Commission of the Community with a view to the forthcoming appointment of a new Commission

Rapporteur: Mr J. REY

1980
EUROPEAN
INFORMATION

At its sitting of 12 December 1979 the European Parliament referred to the Political Affairs Committee the motion for a resolution tabled by Mr LUSTER and others on behalf of the Group of the European People's Party (Christian-Democratic Group) on the appointment of the Commission of the European Communities (Doc. 1-586/79).

The Political Affairs Committee referred the motion to the Subcommittee on Institutional Problems and instructed it to draw up a draft report on relations between the European Parliament and the Commission with a view to the forthcoming appointment of a new Commission.

On 23 January 1980 the Political Affairs Committee appointed Mr REY rapporteur.

At its sitting of 11 March 1980 the European Parliament also referred to the Political Affairs Committee the motion for a resolution tabled by Mrs Hoff and others on the membership of the future Commission of the European Communities (Doc. 1-804/79).

The Political Affairs Committee considered the present report at its meetings of 20/21 March, 31 March and 1 April and at the last meeting adopted it by 30 votes to 2.

Present: Mr Estier, acting chairman; Mr Rey, rapporteur; Mr Antoniozzi, Mrs Baduel-Glorioso (deputizing for Mr Amendola), Mr Baillot (deputizing for Mr Ansart), Mr Berkhouwer, Mr Cariglia, Lord Douro (deputizing for Lord Bethell), Lady Elles, Mr Haagerup, Mr Habsburg, Mr Hänsch, Mr von Hassel, Mrs van den Heuvel, Mr C. Jackson, Mr Jakobsen, Mr Klepsch, Mr Lenz (deputizing for Mr Blumenfeld), Mr Macario (deputizing for Mr Rumor), Mrs Macciocchi (deputizing for Mrs Hammerich), Mr de la Malène (deputizing for Mr Debré), Mr Nothomb, Mr Pelikan (deputizing for Mr Faure), Mr Penders, Mr Radoux (deputizing for Mr B. Friedrich), Mr Romualdi, Mr Schall (deputizing for Mr Diligent), Mr Schieler, Mr Scott-Hopkins, Mr Segre (deputizing for Mr Berlinguer), Mr Seitlinger and Mr Zagari.

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The Political Affairs Committee hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

on the relations between the European Parliament and the Commission of the Community with a view to the forthcoming appointment of a new Commission

The European Parliament,

- considering that it has a duty, following its recent election by universal suffrage and with the further enlargement of the Community now imminent, to undertake a critical appraisal of the working of the Community Institutions,
- recalling its earlier studies and in particular the report of its Political Affairs Committee drawn up by Mr BERTRAND and adopted by the European Parliament on 10 July 1975,
- recalling its earlier examination of the report, published in 1975, by Mr TINDEMANS, who was instructed by the European Council in December 1974 to produce a study on European Union,
- having studied the report, published in September 1979, of the review body chaired by Mr Spierenburg and the report of the three wise men: Mr Biesheuvel, Mr Dell and Mr Marjolin, dated October 1979,
- having, for reasons of urgency, given priority in its deliberations to the problems relating to the Commission,
- having noted:
 - (a) the motion for a resolution tabled by Mr LUSTER and others on behalf of the Group of the European People's Party (Christian-Democratic Group) on the appointment of the Commission of the European Communities (Doc. 1-586/79),
 - (b) the motion for a resolution tabled by Mrs HOFF and others on the membership of the future Convention of the European Communities (Doc. 1-804/79),
- having regard to the report of its Political Affairs Committee (Doc.1-71/80),
- 1. Shares the view expressed in the aforementioned documents that the Commission plays and must play a key role in the Community, not merely at the administrative and technical level, but above all at the political level;

2. Considers that the membership of the Commission should be determined in accordance with the existing rules (now 13; after the accession of the three applicant countries, a maximum of 17);
3. Feels that it should be consulted when the mandate of the President of the Commission is renewed and that it should hold a public debate in his presence ending with a vote of confidence ratifying his appointment; it is essential, therefore, for Parliament to encourage the Commission to give priority to the political aspects of its activities;
4. Considers it essential for women to be adequately represented on the Commission as from 1 January 1981;
5. Considers it most important to improve the system of coordination within the Commission and its Directorates-General; approves, therefore, the proposal henceforth to appoint a vice-president of the Commission with the special responsibility for coordination to give full-time assistance to the President in this task;
6. Agrees with the Wise Men in reiterating formally that, under the Treaties, the Commission is the natural executive organ of the Community and that consequently the many advisory bodies set up to liaise between Community organs and national government departments must under no circumstances acquire powers other than the advisory powers assigned to them which would involve transferring to the Council the executive responsibilities of the Commission; therefore demands not only that this practice cease in the future, but also that a general regulation be issued as soon as possible to restore the existing bodies to their purely advisory capacity;
7. Considers that its right of censure implies that it should be consulted on Commission policy and should approve that policy before the Commission actually takes office and reserves the right to express its opinion each year on the Commission's programme, in the form of a vote;
8. Hopes, therefore, that its Political Affairs Committee will have the opportunity of holding a general exchange of views with the President-designate on the programme envisaged, before the Commissioners are appointed; once the Commission has been officially appointed, Parliament will hold a public debate with it ending with a vote ratifying and expressing confidence in its appointment;
9. Requests that as soon as the Commission has been appointed, it conclude with Parliament an inter-institutional agreement to be used as a basis for selecting the procedures to be adopted to give effect to the undertaking to consult Parliament on all preliminary draft Commission decisions and not to prepare definitive texts for submission to the Council until

agreement on the fundamental points has been reached with Parliament; requests the Commission, also, to make more correct use of the powers assigned to it by Article 149 of the EEC Treaty;

10. Instructs its President to forward this resolution to the Council and Commission, to the Governments of the Member States of the Community and the Greek Government.

EXPLANATORY STATEMENT

At the end of the meeting of our subcommittee of 30/31 January, it was agreed that the motion for a resolution would be amended to take account of the comments made and the alternative solutions proposed in the course of the discussion.

This new motion, together with a draft additional passage in the explanatory statement, inserted in support of paragraph 5 (ratification of the appointment of the Commission), have now been incorporated into this report.

The report does not include any proposal concerning the direct consultation of Parliament by the Commission. On reflection, I felt that it would be more logical for such a proposal to be inserted in the report relating to Parliament's right of initiative and Parliament's participation in the exercise of the Community's legislative power.

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The direct election of the European Parliament on 10 June 1979 by more than 100 million electors, has given it greater legitimacy and a new mandate to look into the working of the Community's institutions and to consider with the other institutions steps which might be taken to improve the way in which the Community works.

The call for such an appraisal is not motivated by any sense of pessimism. Far from it, in 1979 alone, the Community made significant progress and took some very important steps. In internal affairs, it adopted the European Monetary System, designed to improve and consolidate the process of bringing the Member States' currencies closer to one another and it held the long awaited direct elections to the European Parliament. In external affairs, it concluded the Tokyo Round, an important weapon in the fight against a return to protectionism. It signed a treaty with Greece which by the end of this year will make that country the tenth member of the Community. In addition, it signed the second Lomé Convention, which sets the seal on an association between the Community and about 50 developing countries and which gives the Community an important part to play in the creation of a new world order. And so it is with full confidence in the future that Parliament can now address itself to the institutional problems of the Community.

However, this confidence does not mean that the problems are any less disturbing or that they have already been solved. One thing is certain: the working of the Community institutions has become more ponderous through the years. This situation which is already giving cause for concern, threatens to get steadily worse with the accession of the new Member States. Ten years ago in 1969, the Commission was already warning the Community authorities of the danger and of the need to overhaul the Community machinery and to insist on the strict application of the Treaties. That need has become ever more pressing. It is therefore not surprising that, as the new Parliament gets down to work, it should be concerned from the outset with the workings of the Community.

Background

A number of documents provide an essential background for consideration of this question by the new Parliament.

1. Firstly, studies carried out by the old Parliament and in particular the report of its Political Affairs Committee drawn up by Mr Bertrand and adopted by Parliament on 10 July 1975 (Doc. 174/75 on European Union).

2. Next the work of the European Council. When it met in Paris in December 1974 under the chairmanship of Mr Giscard d'Estaing, it took the view in authorizing the direct election of Parliament that the elected Parliament should have greater powers. At the same time it decided that the Luxembourg agreement of January 1966 should be reconsidered and the question of the method of voting within the Council should be reviewed.

3. Finally, the reports of the wise men called in during the last few years. These are remarkable documents.

The first is the Tindemans report. Commissioned in December 1974, completed and published in December 1975, this document with its excellent suggestions has been astonishingly badly treated first by the Council and then by the European Council. Having been neither adopted nor rejected its proposals remain relevant and must be borne in mind by Parliament.

The second document is an independent report drafted under the chairmanship of Mr Dirk Spierenburg and published in September 1979. It contains a series of proposals for reforming the Commission of the European Communities. The third part of this document relates to questions of the internal administration of the Commission but the other parts of the document contain suggestions of broader scope, which merit serious consideration.

The third document is a report on the European institutions submitted to the European Council in October 1979 by Mr Biesheuvel, Mr Dell and Mr Marjolin, commonly called the report of the three wise men. It looks at the working of all the Community institutions in detail with the object of helping them to run smoothly and of ensuring progress towards European union, particularly with the prospect of the enlargement of the Community to twelve Member States.

The European Parliament wishes to state at the outset its firm belief that the smooth running of the Community and any improvements that can be made depend on a spirit of mutual confidence and cooperation between the institutions. Parliament has no intention of developing a superiority complex following direct elections and its increased political strength. Quite the reverse, it believes that the institutions should get together to consider the way in which they work and the reforms which are needed. It is therefore prepared to enter into a serious discussion with the Council and with the Commission with a view to making real progress in the Community's development.

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Chapter I The Commission

Parliament has decided to begin this appraisal with problems relating to the Commission. This is because these problems are particularly urgent. The mandate of the present Commission runs out this year. The name of the next President of the Commission will have to be made known in the course of this year, in fact in a few months from now. At the same time the number of members of the future Commission will have to be made known and a decision taken on the proposals contained in the documents referred to above. For these reasons the Political Affairs Committee considers that it should start its appraisal of the institutional problems with those relating to the Commission.

1. Criticisms of the Commission

The documents mentioned earlier contain some measured criticisms of the present Commission and its working methods.

Parliament has noted them with interest but does not think it advisable to examine them in public discussions. These criticisms are perfectly legitimate in view of the purposes of the groups which produced the reports but would appear to be intended for the future Commission to help it make any corrections which it may think fit.

It has to be said that the Commission's job has got more and more difficult over the years, whether on account of the general political and economic climate or a weakening of Community spirit within the Council, in which confrontations between individual Member States have become more frequent, either because of the Council's decision-making methods (abuse of unanimity rule) or because of the increased number of Member States of the Community and the increase in the Community's tasks. Any comparison between the Commission when it started life and the Commission as it is now must, if it is to be fair, take account of the change in its circumstances, as the wise men themselves observed.

The job of the individual Commissioner has also got much more complicated over the years. Not only has the number of subjects covered greatly increased but also the economic crisis of the last few years has thrown up new social and economic problems. The geographical area covered by the Community has also been greatly enlarged. The Commissioners need to be everywhere at once. They have to be permanently in Brussels to carry out their role of coordinating and directing the departments in their charge. They must also spend time in their own countries to maintain permanent contact and a two-way flow of political information. They have to develop contacts throughout the Community to ensure progress in finding solutions to their problems. If they use rapid means of transport too often, they are criticised for the level of their expenses. The writer of the present report was for more than 13 years a member or President of the Commission and so knows perhaps better than anyone else how difficult the job can be.

Therefore, rather than entering into a detailed discussion of complaints and cures, Parliament thinks it preferable to confine its remarks to two or three points which it feels to be of fundamental importance.

2. Number of Commissioners

The reports by Spierenburg and Biesheuvel-Dell-Marjolin agree that the number of Commissioners should be reduced in future to one for each Member State.

Initially, in 1952 the High Authority of the European Coal and Steel Community consisted of nine members: two French, two German, one Italian, two Belgian, one Dutch and one Luxemburger. Italy was active in steel but not in coal and so was happy with one member. The second Belgian member was appointed to represent not Belgium but the trade union organizations. From 1958 onwards the three executives comprised nine members for the High Authority, nine members for the Commission of the European Economic Community, the so-called Hallstein commission, and five members for the Commission of the European Atomic Energy Community. For the three years after the executives were merged in 1967, the Commission had 14 members (three German, three French, three Italian, two Dutch, two Belgian and one Luxemburger). The Commission was reduced to nine members in 1970 but since the accession of Great Britain, Denmark and Ireland, it has comprised thirteen members, namely two members for each of the four big countries and one member for each of the other five.

The Spierenburg report and the report of the three wise men express concern at that number. They foresee that if the number of members is not changed, the forthcoming accession of Greece, Spain and Portugal will bring the total to 17, which they consider excessive. Those reports therefore propose that in future the Commission should include one member only for each

Member State. On 1 January 1981 the total number would be ten members, to be increased subsequently to 12 when the Community comprises 12 Member States.

The rapporteur was in favour of supporting the view expressed in the report of the three wise men but at its meeting of 20 February 1980 the subcommittee decided otherwise.

3. Coordination of work

The Spierenburg group and the three wise men are right to stress in their reports that the Commission's authority would be enhanced if its work were better coordinated.

One of the Commission's more difficult tasks is to reconcile apparently contradictory interests: those of greatly differing regions within the Community, those of farmers and other trades or professions and consumers, those of the development of social and regional policies with the limits imposed by financial prudence on the Community as a whole. In all these spheres the Commission's prime role is to act as umpire and to put forward balanced policies which give proper weight to the various competing claims. The authority of the Commission's proposals depends on its success in achieving this balance.

The Spierenburg report proposes an improved method of coordinating the work of the various departments and hence the Commission's policies. It suggests that henceforth the Commission should have a single vice-president with special responsibility for conciliation and coordination to give full time assistance to the President in this important task. It is an ingenious suggestion. If it is to succeed, much will depend on choosing the right men and on the President and vice-president being able to work together on a permanent basis. But rather than discuss the theoretical advantages or disadvantages of the idea, we think it would be better to try it out in practice. Parliament therefore supports the Spierenburg group's idea and asks that it be implemented on an experimental basis from 1981 onwards.

4. Management of the Community

The Commission's role is tellingly summed up by the three wise men in the following terms: 'Without the Commission the Community could never have been constructed. Without the Commission the Community could not function even with the limited efficiency that it does today'.

On the management of the Community, the wise men have this to say: 'The principle needs to be affirmed yet again that the Commission is the natural executive organ of the Community.'

As Community policies develop, the job of implementing them gets bigger and bigger. Who is capable of doing that job, if not the Commission? It is unreasonable to expect the Council of Ministers, composed of men whose visits to Brussels can only be occasional, to be responsible for day-to-day management. The Commission is there on the spot day in day out and so better able to determine common positions which it can then put into effect

This function may take various forms. It may arise from general authority delegated to the Commission under regulations to be implemented. It may also be carried out through intermediate bodies such as agricultural management councils standing between the Commission and the national administrations of the Member States. Whatever method is used, the Commission should be responsible for the political and administrative management of the Community.

It is not necessary to consider every policy in force or in preparation to see that this must be right. Some changes are needed at the moment. It is not Parliament's job to list them. That is for the Commission in the first instance. Parliament is at the Commission's disposal to examine jointly those fields in which the Commission's authority to act is not sufficiently well recognized or in which current methods should be changed.

5. Ratification of the appointment of the Commission

Parliament has long held the view that the right vested in it by the European Treaties to censure the Commission implies that it also has the right to conduct a genuine debate on the appointment of the Commission, covering the Commission's programme and normally ending with a vote of confidence.

Parliament's view in this matter is strengthened by its enhanced political role as a directly elected institution and by the more or less established practice whereby the President of the Commission is appointed first and consulted on the membership of the Commission.

It is to be hoped, therefore, that Parliament's Political Affairs Committee will have the opportunity of meeting the newly appointed President for a thorough discussion of the programme and, possibly, of the membership of the new Commission.

Once the Commission has been officially appointed, it should formally present itself and submit its programme to Parliament. This programme should be the subject of wide-ranging debate in public, ending with a vote ratifying and expressing confidence in the appointment of the Commission.

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These are the major issues on which Parliament thinks it should give its views at the present stage. It is of course ready to discuss them firstly with the Commission, then with the Council and the European Council during the coming year.

MOTION FOR A RESOLUTION (Doc. 1-586/79)

tabled by Mr LUSTER, Mr KLEPSCH, Mr RUMOR, Mr BLUMENFELD, Mr NOTHOMB,
Mr PENDERS, Mr DILIGENT, Mr RYAN and Mr SPAUTZ

on behalf of the Group of the European People's Party (Christian-Democratic
Group)

pursuant to Rule 25 of the Rules of Procedure

on the appointment of the Commission of the European Communities

The European Parliament,

- legitimized through having been directly elected by the citizens of all
the Member States of the Community;
- giving expression to the ideas on democracy which are shared by all the
Member States;
- taking into account the proposals made by the Spierenburg review body
for a reform of the Commission of the European Communities and its
services;
- concerned to improve further and enhance relations between the institutions
of the European Community, i.e. the Council, Commission and Parliament;

1. Resolves,

- (a) to urge the Council of Ministers to inform the European Parliament
in good time before the term of office of the current Commission
expires and a new Commission is appointed of its intentions concerning
the structure and composition of the new Commission, to seek the
views of the European Parliament, to give consideration to these
views and, should they not concur with its own, to enter into
consultation with Parliament with a view to arriving at an under-
standing on this matter;
- (b) to draw in this connection the attention of the Council of Ministers
to the fact that application of this procedure ensures the earliest
possible prevention of a motion of censure against the Commission
under the terms of Article 24 of the ECSC Treaty, Article 114 of the
EAEC Treaty and Article 144 of the EEC Treaty;

2. Instructs its President to forward this resolution to the Governments
of the Member States, the Council and the Commission.

MOTION FOR A RESOLUTION (Doc. 1-804/79)

tabled by Mrs HOFF, Mrs Van den HEUVEL, Mrs CHOURAQUI, Mr GLINNE, Mrs MAIJ-WJGGEN, Mr SPINELLI, Mrs WIECZOREK-ZEUL, Mr JOHNSON, Mrs BONINO, Mrs DESMOND, Mr PELIKAN, Mr PÜRSTEN, Mrs von ALEMANN, Mrs DEKKER, Mrs CARETONI ROMAGNOLI, Mrs VAYSSADE, Mr BEUMER, Mrs WALZ, Mrs GROES, Mr ARNDT, Mr NOTENBOOM, Mrs KROUWEL-VLAM, Mrs RABBETHGE, Mrs WEBER, Mr LINDE, Mrs BARBARELLA, Mr MAHER, Mr PURVIS, Mr SEEFELD, Mrs LENZ, Mrs HERKLOTZ, Mr RADOUX, Mr BALFE, Mr JOSSELIN, Mr von der VRING, Mr ROGERS, Mr ALBER, Mr ORLANDI, Mr PENDERS, Mr SCHWENCKE, Mr PETERS, Mr HANSCH, Mr SCHÖN, Mrs SEIBEL, Mr PULETTI, Mr WAWRZIK, Mr SCHIELER, Mr DANKERT, Mrs SALISCH, Mr MUNTINGH, Mrs VIEHOFF, Mr SUTRA, Mr SCHINZEL, Mr HOFFMAN, Mr SIEGLERSCHMIDT, Mr COHEN, Mr NORDLOHNE, Mrs QUIN

with request for urgent procedure
pursuant to Rule 14 of the Rules of Procedure

on membership of the future Commission of the European Communities

The European Parliament,

- having regard to paragraph 11 of the communiqué issued by the Heads of State or Government at their meeting in Paris on 9/10 December 1974,
 - having regard to the vital role played by the Commission in the legislative process of the European Community and in ensuring compliance with the Treaties, which also affect millions of women in the Community,
 - having regard to Directive No. 76/207/EEC on the implementation of the principle of equal treatment of men and women as regards access to employment, vocational training and promotion, and working conditions,
1. Calls on the governments to ensure that women Members are appointed to the Commission in future;
 2. Instructs its President to forward this resolution to the Council, the Commission, and the governments and parliaments of the Member States.

JUSTIFICATION OF THE REQUEST FOR URGENT PROCEDURE

Now that initial consultations for the appointment of the new Members of the Commission have begun, it appears imperative for Parliament to take timely action.

