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of the European Parliament**

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I. THE DEVELOPMENT OF THE EUROPEAN PARLIAMENT'S POWERS

The European Parliament has changed significantly in the more than thirty years of its existence. Although it has still not obtained full legislative powers, its competences and its influence, both within and outside the Community, have grown perceptibly, while its political legitimacy was established in 1979 with its direct election by the voters. Nor is its institutional and political influence confined to the frontiers of the European Community.

The ECSC Treaty, and then the EEC and EURATOM Treaties, originally conferred on the European Parliament a purely consultative role together with the power of political control over the Commission of the European Communities. The Community's budgetary powers increased when the European Parliament was given the power of co-decision under the 1970 and 1975 Treaties, although this is only a partial power, relating to the Community expenditure defined as non-obligatory. The European Parliament, in the person of its President, has also acquired the right to adopt the budget and the right to reject the budget, for important reasons, in plenary Assembly.

During the 1970s, the birth and development of European Political Cooperation were reflected by a variety of initiatives which enabled the European Parliament to play an increasingly important part in the definition and implementation of common objectives with a view to gradually creating a European identity in external relations.

The Solemn Declaration on European Union in Stuttgart in 1983 formally established various institutional practices in the field of political cooperation, many of them originated by the European Parliament.

The Single Act which entered into force on 1 July 1987 is the first real institutional reform of the Community since its inception. The adoption of the Single European Act is the culmination of the European Parliament's endeavours since its direct election in 1979, endeavours which had led in

1984 to the adoption of a draft treaty on European Union drawn up at the initiative of Altiero SPINELLI. However, this institutional reform has not entirely lived up to the European Parliament's hopes for it did not achieve any substantial reduction in the democratic deficit of the Community institutions. Such a situation would be inadmissible in a Member State of the EEC and considered contrary to the constitutional principles which govern the common political system of the Twelve.

For that reason, and with a view to making the utmost use of its powers under the Single Act, the European Parliament decided to adopt an institutional strategy designed to give new impetus before and after the 1989 European elections to the creation of a genuine European Union.

This paper is concerned with the European Parliament's powers as such and does not cover the content of these powers as provided by the Treaties (e.g. free movement of goods, common agricultural policy, transport policy). Its object is to give an overview that will bring out the powers of the parliamentary institution of the Community and explain the developments that have occurred on the road to European unification. It will also explain the European Parliament's involvement in this democratic structure in which it will find its rightful place.

II. THE POWER OF CONTROL

POLITICAL CONTROL

The political control exercised by the European Parliament relates directly to the Commission via a number of mechanisms laid down by the Treaties and its own Rules of Procedure. While its control vis à vis the Council was originally limited, it has grown considerably thanks to an institutional practice that is continually evolving.

As a result of that institutional practice, this power of control has become stronger and has now been formally established by the Single European Act.

1. The Commission of the European Communities

(a) The appointment of the President of the Commission of the European Communities: Paragraph 2.3.5 of the 1983 Solemn Declaration on European Union provides that prior to the appointment of the President of the Commission, the President-in-Office must obtain the opinion of the enlarged Bureau of the European Parliament regarding the appointment of the President of the Commission. To ensure that this consultation is more than merely a matter of form, on 15 June 1988 the European Parliament revised its Rules of Procedure and created a new provision in Rule 29 instructing the enlarged Bureau of Parliament to give a prior opinion regarding the appointment of the President of the Commission, after hearing to this effect the President-in-Office of the European Council. Henceforth the President-in-Office of the European Council must, therefore, be heard by the enlarged Bureau on this matter.

The appointment of the President of the Commission is a most important aspect from the point of view of Community policy, given the Commission's powers. Here we can see how the parliamentary majority in the European Parliament has no say in relation to the appointment of the President of the Commission. This is a weakness that forms part of the democratic deficit in the EEC and must at some point be remedied.

(b) The investiture of the Commission: In 1981, at the time of the appointment of the new Commission, the European Parliament tried to increase its political control by holding a vote on the investiture of the Commission. However, this institutional innovation did not become established until January 1985 when, by 208 votes to 34, with 30 abstentions, the European Parliament voted for the Commission's investiture. This is a new event in the institutional history of the European Community and one that was repeated in February 1987 at the time of the renewal of the mandate of the President of the Commission.

(c) The vote of confidence on the Commission's programme: Following the Solemn Declaration on European Union, the European Parliament now votes on the Commission's programme following a debate (paragraph 2.3.5 of the

Solemn Declaration). In 1987 the European Parliament passed a vote of confidence in the Commission's 1987 programme, as it did again in 1988 when it adopted the Commission's programme for 1988 which chiefly concerned the implementation of the Single European Act and the completion of the internal market.

The new Rule 29 of the Rules of Procedure (revised in June 1988) provides that Parliament passes a vote of confidence in the new Commission by a majority of votes cast.

If Parliament votes against the Commission, the European Council must begin the procedure again and choose a new Commission.

(d) The motion of censure: Article 144 of the EEC Treaty (Article 114 EURATOM) and Article 24 of the ECSC Treaty provide that Parliament may table a motion of censure on the activities of the Commission. This is an instrument of parliamentary-type political accountability by one of the Community executives vis à vis the parliamentary body. The Treaties establish a number of procedural guarantees, for instance on time-limits, for the vote on this motion cannot be taken until at least three days after it has been tabled and voting is only by open vote. The conditions under which this motion can be adopted are also specified. A motion of censure is adopted only if it secures a two-thirds majority of the votes cast, representing a majority of the current Members of Parliament.

If the motion of censure is carried, the members of the Commission must resign as a body, but they continue to deal with current business until they are replaced. Parliament has never yet passed a motion of censure. Four have been tabled in the past and two of them put to the vote, but not one has been adopted (Rule 30 of the Rules of Procedure).

2. The Council

The instruments of political control of the Council as set out in the Treaties were originally very limited.

Article 140 of the EEC Treaty provides that the Council shall be heard by Parliament in accordance with the conditions laid down by the Council in its rules of procedure (rule 56).

The Solemn Declaration of Stuttgart codified some existing practices: the Council and its members must respond to written or oral questions by Parliament and to any resolutions concerning matters of major importance and general concern on which Parliament seeks their comments (2.3.3).

Furthermore, the Presidency of the Council addresses Parliament at the beginning of its term of office and presents its programme for the coming six months. Similarly, it reports to Parliament at the end of its six months' term on the progress achieved during that period (2.3.4).

More specific instruments of information exist in the field of European Political Cooperation (cf Chapter III).

3. The European Council

An empirical creation, dating from the December 1974 summit, the European Council of Heads of State or of Government was institutionalized by the Single Act (Art. 2).

The European Council addresses a report to the European Parliament after each of its meetings, which are held twice a year. This report is presented by the President of the European Council at least once during each Presidency and gives rise to a debate.

The European Council also presents the European Parliament with an annual report on the progress made towards European Union (2.1.4, Solemn Declaration of Stuttgart).

This makes it possible to organize a direct dialogue with the Community organ made up of the most senior political leaders of the EEC.

These exchanges of view also enable the European Parliament to apply its political influence not only on decisions already taken by the European Council but also on those it is about to take.

An innovation introduced in 1987 illustrates this situation: the President of the European Parliament is now received and heard by the European Council at the beginning of its activities, which enables the President of Parliament to describe and defend his institution's point of view at a highly important moment of Community life.

4. The impact of own-initiative or urgent debates and resolutions

The political, institutional and media impact of the debates and resolutions (Rules 63 and 64 of the Rules of Procedure) adopted by the European Parliament now form an undisputable and normal part of Community activity.

These instruments of political and parliamentary control have a considerable impact, for the results of these deliberations are increasingly often taken into account at the various levels of preparation, decision or execution both within the Community institutions and in the Member States, as also in third countries, especially since 1979, when the European Parliament was first elected by direct universal suffrage. The entry into force of the Single Act merely underlines and reinforces that trend.

Article 137 of the EEC Treaty in fact states that the European Parliament shall exercise the advisory and supervisory powers which are conferred upon it by the Treaty. Article 140 enables members of the Commission to attend all Parliament's meetings and be heard on request.

Article 143 of the EEC Treaty provides that Parliament shall discuss in open session the annual general report submitted to it by the Commission.

The Council and the Commission take part in Parliament's debates and speak in plenary session on a regular basis.

Moreover, although Parliament is free to fix its agenda, the Council and the Commission are also involved. A representative of each of these two institutions attends Parliament's enlarged Bureau meetings and they are therefore able to reply to any questions that may arise and inform their institution thereof, which means that Parliament can deliberate in close coordination with these two institutions.

The Commission and the Council may also take part on a regular (although less systematic) basis in the meetings of the Parliamentary committees, which considerably strengthens inter-institutional cooperation and thus the European Parliament's influence on the direction of Community policy (Rule 124 of the Rules of Procedure).

5. Parliamentary questions

(a) **Written questions:** Article 140 of the EEC Treaty provides that the Commission shall reply orally or in writing to questions put to it by the European Parliament or by its Members. In 1962, 180 written questions were tabled. In 1987/88, 2629 written questions were put to the Commission and 184 to the Council and 160 to the Foreign Ministers meeting in European Political Cooperation (Rule 62).

At the close of the 1972 European summit the Council confirmed that it was willing to respond to written and oral questions by Parliament. The Solemn Declaration on European Union codified this principle (2.3.3).

(b) **Oral questions with or without debate:** Questions may be put to the Commission, the Council or the Foreign Ministers meeting in European Political Cooperation at the initiative of a Parliamentary committee, a political group or seven or more Members (Rules 58 and 59 of the Rules of Procedure).

These questions are submitted to the enlarged Bureau. During each part-session each political group has the right to put one oral question with debate.

If the question is on the agenda, its author may speak to the question for not more than ten minutes. One member of the institution concerned has the right to reply. Other Members of Parliament may speak once, for not more than five minutes.

The questioner may comment for not more than five minutes on the answer given.

In order to wind up the debate, any committee or political group, or twenty-three or more Members may table a motion for a resolution with request for an early vote.

If Parliament decides on an early vote, the motion for a resolution is put to the vote at voting time of the next sitting (Rule 58).

The procedure for oral questions without debate is similar (Rule 59).

In 1987/88, 159 oral questions, with or without debate, were put to the Commission, 42 to the Council and 21 to the Foreign Ministers meeting in European Political Cooperation.

(c) **Question Time:** In principle, Question Time is held at each part-session and questions are submitted to the President, who decides whether they are admissible. At each part-session, any Member may put only one question respectively to the Commission, the Council and the Foreign Ministers (Rule 60).

Annex II of the Rules of Procedure of the European Parliament regulates the conduct of Question Time in more detail.

Before the close of Question Time, any political group or at least seven Members may request that a debate, limited to one hour, be held immediately thereafter on the answer given by the institution concerned (Rule 61).

This mechanism constitutes a complementary political control procedure that has rarely been used since its introduction in 1973.

In 1987/88, 713 questions of that kind were put to the Commission, 205 to the Council and 153 to European Political Cooperation.

6. Committees of inquiry

At the request of one quarter of its current Members, the European Parliament may set up committees of inquiry to investigate alleged contraventions of Community law or incidents of maladministration with respect to Community responsibilities (Rule 109(3) of the Rules of Procedure of the European Parliament).

The creation of committees of inquiry, and their powers, are governed by the provisions applicable to the Parliamentary committees. Several committees of inquiry have been set up since 1981 (on the situation of women in Europe, drugs, agricultural surpluses, the revival of fascism and racism). One of them, the committee of inquiry into the storage and transport of nuclear materials, submitted its report in mid-1988. Certain difficulties arose, in particular with the Belgian Government, about the power of that committee to convene national officials. The German Minister for the Environment and several senior German officials agreed to give evidence before the committee, while the Council took the view that the European Parliament could not legally oblige national officials to give evidence but that the latter could nevertheless do so without hindrance by virtue of the principle of good cooperation with Parliament.

The activities of the committees of inquiry have a positive impact on the Community institutions, the Member States and public opinion and sometimes lead to practical action on the part of the responsible authorities.

It should also be pointed out that among the activities carried out by the Parliamentary committees, the system of public hearings is a more general means of achieving a similar object.

BUDGETARY CONTROL

In addition to its powers to draw up and adopt the annual budget of the EC, the European Parliament also has significant rights in the field of budgetary control, that is to say control over the implementation of the budget and therefore over the way the executive allocates the financial resources at its disposal in the course of the financial year. The European Parliament's budgetary powers were strengthened and established by law under the Treaty amending Certain Budgetary Provisions of 22 July 1975, which entered into force in June 1977 following its ratification by all the Member States. Under this Treaty a new Article 206(b) was inserted in the EEC Treaty giving Parliament the sole right to give the Commission a discharge in respect of the implementation of the budget. At the same time the European Court of Auditors was set up, which cooperated closely with Parliament and also resulted in strengthening the latter's budgetary control.

Parliament can only make a proper decision on the discharge after careful examination and continuous monitoring of the way the Commission implements the budget. So the 1975 Treaty laid down in Article 205(a) that the Commission must submit annually to the Council and to Parliament the accounts of the preceding financial year relating to the implementation of the budget and forward to them a financial statement of the assets and liabilities of the Community. In view of the importance of this budgetary control, Parliament set up a standing Committee on Budgetary Control in 1979. Under the Rules of Procedure this committee is responsible for matters relating to:

- the control of financial and budgetary measures aimed at implementing Community policies,

- preparing the decision on the discharge in respect of the implementation of the EC budget;
- monitoring the implementation of the budget, particularly on the basis of the institutions' quarterly reports, and examining and monitoring commitments, transfers and the use of appropriations during the year;
- relations with the European Court of Auditors;
- preparing Parliament's opinion on the appointment of Members of the Court of Auditors.

Effective budgetary control requires very close cooperation with the Court of Auditors. At present Parliament has achieved a say in the selection of the Members of the Court of Auditors, for pursuant to Article 206 of the EEC Treaty the Council may not appoint them until it has heard the European Parliament. Then the Court of Auditors must, pursuant to Article 206 A (4) of the EEC Treaty, assist the European Parliament and the Council in exercising their powers of control over the implementation of the budget. It must present an annual report at the close of each financial year and submit it to the Community institutions. Furthermore, the Court of Auditors may at any time make observations on specific questions and deliver opinions at the request of any Community institution. Very close cooperation has developed between the European Parliament and the European Court of Auditors on this basis, as reflected by their continuous and joint consideration of specific areas of the Community's financial activities.

If it is decided, on the basis of all these control measures, to give a discharge, that means it has been established that the Commission has managed the Community resources in a regular and financially sound manner in the financial year in question. Although the Treaties do not provide for any sanctions in the event of a discharge not being given, a decision to that effect would be of such fundamental political significance as to be comparable to a vote of no confidence. That is consistent with the opinion delivered before Parliament in 1977 by the then Commissioner for Budgets on

behalf of the Commission, who said that not to give a discharge would be an extremely serious political sanction and would mean that any Commission censured in this way would have to be replaced. But even the decision to give a discharge gives Parliament new ways of influencing the institutions in the implementation of the budget. Under Article 85 of the Financial Regulation, Parliament may comment on specific areas of the implementation of the budget in its discharge decision. The financial controllers must take account of these comments. Moreover, the institutions must take all appropriate measures to take action on these comments. At the request of the European Parliament or the Council they must report on the action taken in response to these comments and in particular on the instructions given to the departments responsible for implementing the budget.

THE EUROPEAN PARLIAMENT'S PART IN THE OBSERVANCE OF COMMUNITY LEGISLATION

Judging by appearances at least, the European Parliament and the Court have little direct relations. Yet the European Parliament has managed to make use of the Court's jurisdiction as a means of further influencing the development of the European Communities and the control of the Community institutions. For its part, the Court of Justice, which is responsible for ensuring observance of the law, has begun to take an interest in the European Parliament's activities in view of the greater powers Parliament has acquired.

1. Petitions and the application of Community legislation

By setting up the system of petitions, the European Parliament has strengthened judicial control over the Member States. Under the European Parliament's Rules of Procedure, every citizen of the Community has the right to address written requests or complaints to Parliament. A special committee responsible for petitions was created in order to monitor the action taken on them, with the assistance of the Commission of the European Communities (Rule 128).

The use of the system of petitions by the European Parliament and the Commission has led the Commission to bring a number of matters before the Court of Justice after discovering, through these petitions, infringements of Community law.

Moreover, following a report by the Legal Affairs Committee on the application of Community law, the European Parliament has introduced a new mechanism relating to the responsibility of the Member States in the application of EC law. Since the adoption of the resolution of 9 February 1983, and in accordance with it, the Commission presents an annual report to Parliament on the application of Community law.

2. Control exercised on the European Parliament's own initiative

Since election by direct universal suffrage the European Parliament has taken considerably more part in Community legal disputes. Above all it is worth noting Parliament's application to intervene in the case of the Isoglucose affair, which led to two judgments by the Court of Justice on 29 October 1980. The Court considered the European Parliament's application to intervene admissible, pursuant to Article 37 of the Protocol on the Statute of the Court of Justice which authorizes all the institutions of the Community without exception to intervene in cases before the Court. The Court rejected the Council's argument that Parliament must prove an interest in the matter before being allowed to intervene.

These judgments recognized the fundamental nature of the consultation procedure and of Parliament's role in the Community system.

Some years later, the European Parliament brought an action against the Council for failure to act, on the basis of Article 175 of the EEC Treaty. It accused the Council of not having established a common transport policy and having failed to carry out the obligations conferred on it by the Treaty. The Court declared the European Parliament's action against the Council admissible and acknowledged that the Council had, to some extent,

failed to act, thereby violating the Treaty (judgment of 22 May 1985).

The European Parliament has thus found it very useful to use certain legal weapons in the political and institutional field.

In 1988, the European Parliament brought an action against the Council for failure to act because the Council had not presented the 1988 budget by 5 October 1987, the deadline fixed by the EEC Treaty. The Court did not go into the question of admissibility in this case, considering there was no reason to decide on the action brought against the Council by the European Parliament and the Commission for its delay in presenting the 1988 budget because the case no longer existed. The Court found that the illegality of the initial failure to act could no longer result in the measures set out in Article 176, i.e. the Council being required to present the draft budget. However, the Court sentenced the Council to pay costs because it had failed to present the 1988 budget to Parliament by the deadline fixed by the Treaty, it had not contacted Parliament when the deadline was approaching to give it assurances as to the date of presentation and it had not opened a dialogue on the procedure to be followed in such a case (Judgment of 12 July 1988).

The European Parliament instituted proceedings against the Council on the question of the Commission's executive powers ("commitology"). In its Judgment of 27 September 1988, the Court of Justice found (contrary to the conclusions of the Advocate-General who proposed that the European Parliament had the right to institute such proceedings in the event of infringement of its prerogatives) these proceedings inadmissible even though Parliament's powers had increased under the Single European Act, on the grounds that Article 173 of the EEC Treaty has not been amended.

On 4 March 1988 the European Parliament also instituted proceedings against the Council concerning the Council regulation fixing the maximum admissible levels of radioactive contamination of food. The European Parliament considers that the legal base chosen, i.e. Article 31 of the EURATOM Treaty, is not the correct one and that Article 100 A of the EEC Treaty,

on opening the cooperation procedure between Parliament and the Council, constitutes the appropriate legal base.

3. Control over the European Parliament's acts

The Court of Justice's jurisprudence also covers the European Parliament's acts and the Court has acknowledged Parliament's passive legitimation, which formally establishes its institutional position within the Community system. In two judgments on the European Parliament's seat, on 10 February 1983 and on 10 April 1984, the Court of Justice recognized that decision-making acts by the European Parliament could be subject to judicial control, pursuant in particular to Article 38 of the ECSC Treaty.

In its judgment of 3 July 1986 on the budget adopted by the President of the European Parliament, the Court declared admissible the proceedings initiated by the Council and found that the European Parliament and the Council had equal budgetary powers.

In its judgment of 23 April 1986 in the case of the Greens versus the European Parliament, the Court reaffirmed that the Community is a *de jure* Community and that both its Member States and its institutions are subject to controls to ensure that their acts are consistent with the basic constitutional charter represented by the Treaties. The Court recognized that proceedings for annulment could be instituted against acts of the European Parliament with legal implications vis à vis third parties.

On 22 September 1988 the Court rejected the action brought by France against the European Parliament's resolution of 24 October 1985 on the infrastructure needed for holding meetings in Brussels, concluding that that resolution did not go beyond Parliament's competence to organize its own activities and did not violate the decisions taken by the governments on the provisional places of work of the Community institutions.

III. PARLIAMENT'S LEGISLATIVE AND BUDGETARY POWERS

The European Parliament's legislative power, which was at first no more than embryonic in the Treaties, has been increased by the Single European Act which creates a procedure for cooperation between the European Parliament and the Council in respect of certain Community policies. The European Parliament does not have any formal legislative power of initiative, except to propose a draft uniform electoral procedure, although the President of the Commission has encouraged it along that road and has taken the same road on several occasions.

Yet this institutional progress remains modest and is far from making up for the democratic deficit in the Community which the European Parliament has criticized so often.

Meanwhile, the European Parliament is resolved to make the utmost use of its new powers. That is likely to give it a new and greater influence in future, perhaps a decisive one, in formulating Community legislative rules.

1. The consultation procedure

This procedure has not been affected by the entry into force of the Single European Act. The EEC Treaty makes it obligatory for the Council to consult the European Parliament on several sectors of Community activity, such as the free movement of goods (Article 14), the common agricultural policy (Article 43), the right of establishment (Article 54), transport policy (Article 75) and association agreements (Article 228).

One important institutional development that has gained ground over the years is the optional consultation of Parliament by the Council on most of the Commission's legislative proposals (Council declarations to Parliament in 1964, 1968, 1973 and 1982).

For its part, the Single Act introduces new areas of consultation, such as economic and social cohesion (Article 130 D), technological research and development (Article 130 Q) and the environment (Article 130 S).

(a) The Council forwards the Commission's proposals to the European Parliament for its opinion. The President of the European Parliament refers the proposals to the committee responsible for consideration and possibly to other committees for their opinion (Rule 36 of the European Parliament's Rules of Procedure).

(b) Examination of the validity of the legal base. This examination is of fundamental importance, for the legal base determines whether the cooperation or the consultation procedure apply to the Commission proposal. For that reason, the European Parliament's Rules of Procedure now make this examination obligatory. Where there is any dispute about the validity of the legal base, the committee responsible may refer the matter to Parliament, reporting orally or in writing (Rule 36(3)).

This system is designed to ensure respect for Parliament's powers during the consultation or cooperation procedure.

In practice difficulties can certainly arise and in that case it is important to persuade the Commission to reconsider its choice of legal base.

Accordingly, on 4 March 1988, the European Parliament instituted proceedings against the Council for annulment of a regulation fixing the maximum levels of radioactive contamination of food, mainly on the grounds that the Council's legal base was not appropriate.

(c) Procedures designed to speed up the decision-making process:

- Urgent procedure: A request for urgent procedure may be made by the President of the European Parliament, by a committee, by a least twenty-three Members, by the Commission or by the Council. This request must be

made in writing and supported by reasons. The vote on the request is taken at the beginning of the sitting following that during which notification was given of the request. Before the vote, only the person making the request, one speaker in favour, one speaker against and the chairman and/or rapporteur of the committee responsible may be heard. In this way Parliament tries to prevent this procedure being abused or used against it to weaken its institutional position, as it would, for example, if the Council, after delaying its deliberations, requested urgent procedure in order to make up for lost time at the cost of the reasonable period of time which Parliament must be given (Rule 75);

- Delegation of the power of decision to Parliamentary committees: This procedure was introduced into the Rules of Procedure of the European Parliament in 1981 to speed up Parliamentary business, but little use of it has been made to date. The President of Parliament, at least twenty-three members or a Parliamentary committee may propose to Parliament that a request for an opinion or for advice be referred to the appropriate committee with the power to take a decision. This referral does not take place if at least one-tenth of the current Members of Parliament are opposed. Where one-third of the members of the committee to which the request was referred request that the matter be referred back to Parliament, the normal procedure applies. The agenda for this meeting and any deadline for tabling amendments are published in the EP Bulletin.

Once the committee responsible has adopted its decision, the President informs Parliament thereof at the beginning of the next sitting and the committee's decision is recorded in the minutes of that sitting (Rule 37).

- Procedure without report and procedure without debate: Where they are of lesser importance, proposals from the Commission may be approved without report. Unless at least four members of the committee responsible object, the chairman informs the President of Parliament of the approval of such a proposal. At the recommendation of the President of Parliament or

following a proposal from its chairman, the committee may deliver an opinion on a proposal in accordance with the simplified procedure (Rule 116).

The procedure without debate can also be applied. A Parliamentary committee may request that its report be adopted by Parliament without debate. The Commission proposal and, where appropriate, the draft legislative resolution contained in the report are put to the vote without debate unless a political group or at least thirteen Members of Parliament lodge a protest in advance (Rule 38).

(d) Adoption of the proposal from the Commission: The committee responsible or Parliament in plenary sitting may adopt amendments to the proposal and amend the proposal to that effect. The European Parliament may also approve a proposal as it stands or reject it. Parliament votes first on the amendments to the proposal, then on the proposal, amended or otherwise, then on the amendments to the draft legislative resolution, then on the draft legislative resolution as a whole, which only contains a statement as to whether Parliament approves, rejects or proposes amendments to the Commission's proposal and any procedural requests. The consultation procedure is concluded if the draft legislative resolution is adopted.

The text of the proposal as approved by Parliament and its accompanying resolution are forwarded to the Council and Commission by the President as Parliament's opinion.

(e) Request for withdrawal: If a Commission proposal fails to secure a majority of the votes cast, the President may, before Parliament votes on the draft legislative resolution, request the Commission to withdraw the proposal. If the Commission does so, the President of Parliament holds the consultation procedure on the procedure to be superfluous and informs the Council accordingly. If the Commission does not withdraw its proposal, Parliament refers the matter back to the committee responsible without voting on the draft legislative resolution. In this case, the committee

responsible reports back to Parliament within a period decided by Parliament which may not exceed two months.

The object of this procedure is to exercise pressure on the Commission so that it will take account of Parliament's views on the proposal in question (Rule 39).

(f) **Postponement of vote:** In order to persuade the Commission to adopt its point of view, Parliament may also postpone the vote on the draft legislative resolution until the Commission has stated its position on each of Parliament's amendments. At each part-session, the Commission informs Parliament of the action it has taken on Parliament's opinions and amendments.

If the Commission announces that it does not intend to adopt all Parliament's amendments, Parliament decides whether or not to proceed to the vote on the draft legislative resolution (Rule 40).

(g) **Renewed consultation of the European Parliament:** The President may, at the request of the committee responsible, call on the Council to reconsult Parliament in three cases: where the Commission withdraws its original proposal to replace it with another text; where the Commission or the Council substantially amends or intends to amend the proposal on which Parliament originally delivered an opinion; or where, through changes in circumstance, the nature of the problem with which the Commission proposal is concerned substantially changes.

These provisions were incorporated in Parliament's Rules of Procedure to take account of the Court of Justice's jurisprudence (Isoglucose case) and of institutional practice. They force the Parliamentary committees continually to monitor the follow-up action taken by the Council on Parliament's opinions (Rule 42).

(h) ~~Follow-up to Parliament's opinion:~~ Under the Rules of Procedure, the chairman and the rapporteur of the committee responsible must monitor the progress of any Commission proposal in the course of the procedure leading to its adoption by the Council to ensure that the undertakings made by the Commission to Parliament with respect to the amendments are properly observed.

The Council may, in certain circumstances, request a renewed consultation procedure. During that period, and at least once every three months, the Council or the Commission must furnish all necessary information to the committee responsible. That committee brings to Parliament's attention any potential or actual breach of undertakings made by the Commission to Parliament.

The committee responsible may, at any stage of the follow-up procedure, table a motion for a resolution inviting Parliament to call upon the Commission to withdraw its proposal, or to call upon the Council to open a conciliation procedure or to call upon the Council to reconsult Parliament or to decide to take such other action that it deems appropriate. This provision, as applied to the consultation and cooperation procedure, considerably strengthens Parliament's influence on Community legislation (Rule 41).

(i) **Conciliation procedure:** Where, in the case of certain important Community decisions (Rule 43), the Council intends to depart from the opinion of Parliament, a conciliation procedure with the Council, with the active participation of the Commission, may be opened by Parliament. This procedure is initiated by Parliament or by the Council. The delegation which consults with the Council consists of a number of Members corresponding to the number of Members of the Council and reflects the political composition of Parliament. It includes the chairman and rapporteurs of the committees concerned. The delegation is led by the President of Parliament or by one of the Vice-Presidents.

The committee responsible reports on the results of the conciliation. This report is debated and voted on by Parliament.

So far, the use of this procedure has not proved very fruitful. That is why Parliament is considering taking another look at the question of expanding the conciliation procedure and adapting it to the requirements arising out of the Single European Act.

(j) **Failure to consult the European Parliament:** Where Parliament has not been consulted, although this is required under the Treaty, there is an infringement of Article 173 of the EEC Treaty and can lead the Court of Justice to declare the act concerned to be void (Isoglucose judgment of 29 October 1980, Cases 137/79 and 138/79, where Parliament had intervened). This judgment by the Court of Justice confirms the constitutional rights enjoyed by Parliament under the terms of the EEC Treaty and which the Council must observe.

2. The cooperation procedure

This procedure, introduced under the Single European Act, applies to the internal market (Articles 7, 49, 54(2), 56(2), 57, 100 A and 100 B), to social policy (Article 118 A), to economic and social cohesion (Article 130 E) and to technological research and development (Article 130 Q). This institutional reform represents a first timid step towards the allocation of genuine legislative powers that go further than mere consultation and Parliament has decided to use this to the utmost effect.

The mechanism of the cooperation procedure provides for two readings and is likely to strengthen Parliament's influence on Community legislation if institutional cooperation, especially with the Commission, works satisfactorily. The first reading is identical to the procedure laid down for acts requiring only one reading (consultation procedure, cf. preceding paragraph), especially for examining the legal base.

(a) Adoption of a common position: At the end of the first reading the Council decides by a qualified majority to adopt a common position which it must substantiate and justify before Parliament, communicating the reasons which led it to adopt it. The Council and the Commission must furnish all necessary information to the European Parliament (Article 149(2)).

The common position is forwarded to the European Parliament which must decide within a period of three months. Communication of the common position of the Council takes place when it is announced by the President in Parliament (Rule 45). The three months time limit begins the following day and can be extended, with the Council's agreement, following either the communication of the common position to Parliament or the presentation of the Commission's re-examined proposal by a maximum of one month (Rule 46).

Parliament can adopt the common position without amendment or vote. It can also amend or reject it. Amendments may be tabled only by the Parliamentary committee, a political group or at least twenty-three Members. Any Member may, however, table a proposal to reject it, in writing and before a deadline fixed by the President.

If the Council's common position is rejected, the President requests the Commission to withdraw its proposal. If the Commission does so, the President holds the cooperation procedure on the proposal to be superfluous and informs the Council accordingly (Rule 50).

If it decides to amend or reject a common position, the European Parliament must act by an absolute majority of its Members (260) (Rules 49-51).

(b) Consideration of amendments adopted by the European Parliament: Firstly, it should be noted that in the absence of amendments or in the event of tacit approval, the Council adopts the act definitively in accordance with the common position.

If the text has been modified by amendments, the Commission must within a period of one month re-examine the common position on the basis of the amendments proposed by the European Parliament and amend the proposal accordingly, which gives the Commission the power of selection over the amendments adopted by Parliament. The European Parliament has means of influencing the Commission during this procedure. Experience will show whether the interinstitutional cooperation between the Commission and Parliament is working satisfactorily.

If the Commission does not accept certain amendments by Parliament these are nevertheless forwarded to the Council communicating the Commission's opinion on them and the Council can still adopt them by unanimous decision. Moreover, the President of the European Parliament can request the Commission to inform Parliament of the reasons which led it to fail to accept Parliament's amendments and may, by a majority of its current Members, request the Commission to withdraw its proposal (Rule 42).

The Council, acting by a qualified majority, must adopt the Commission's re-examined proposal and may amend it only by unanimous decision.

(c) Deadlines: The Council must decide within a period of three months, otherwise the Commission proposal becomes void. This period can be extended by one month if the Council and Parliament agree. The Single Act does not lay down any deadline for the Council with regard to adoption of its common position at the beginning of the second reading. This omission may give rise to serious difficulties if the institutional process within the Council should not run smoothly.

Moreover, to prevent a Commission proposal from becoming void, the Rules of Procedure of the European Parliament lay down that the committee responsible may request a dialogue with the Council in order to reach a compromise (47 (5)).

Furthermore, if the Council fails to adopt the common position by the expiry of the period laid down for its adoption and Parliament has neither amended or rejected that position, the President of the European

Parliament may bring an action against the Council before the Court of Justice under Article 175 of the EEC Treaty (Rule 54), after consulting the Legal Affairs Committee.

3. Other procedures for participation in Community legislation

(a) **Own-initiative reports:** In formal terms, the legislative initiative belongs to the Commission. However, Rule 121 of Parliament's Rules of Procedure lays down that a Parliamentary committee that has not been requested for an opinion or a motion for a resolution may draw up a report on a subject within its competence and submit a motion for a resolution in plenary with the authorization of the enlarged Bureau. In 1987, 139 own-initiative reports of this kind were adopted.

This procedure has become an established means of participation in the Community's legislative process and is accepted by the other institutions.

During the January 1985 debate on the investiture of the Commission, the Commission President, Mr Jacques DELORS, proposed sharing some aspects of legislative initiative with the European Parliament.

(b) **The annual legislative programme:** Rule 29(4) of Parliament's Rules of Procedure introduces the concept of the legislative programme into relations between the Commission and Parliament. This programme is adopted by Parliament's enlarged Bureau and the Commission once the latter has presented its annual programme and it has been debated by Parliament.

The first legislative programme was adopted on 25 February 1988 and covers the period from 1 April 1988 to 31 March 1989. The procedure is as follows: In January the President of the Commission presents the guidelines of his annual programme, followed by a plenary debate.

Before the February part-session, the Commission's annual programme and its draft legislative programme are forwarded to Parliament which holds a vote

of confidence in the Commission and votes on a resolution on the annual programme during the March part-session. Then the enlarged Bureau and the Commission adopt the annual legislative programme.

The conclusion of this kind of agreement responds to two needs: it underlines the institutional cooperation between the Commission and Parliament and organizes the examination of Community legislation as effectively and rapidly as possible, while also establishing a link with the Council in order to take account of the indications of the next presidencies of the Council concerning its working programmes.

This agreement constitutes a political commitment which reflects the desire to put through a programme which will achieve the objectives of the Single Act.

The progress made is considered during quarterly meetings between the Commission and Parliament's enlarged Bureau and the Council is invited to take an active part in this procedure.

(c) **Joint declarations:** The system of joint declarations began in 1975 (when the text on the conciliation procedure was adopted) and was followed by other declarations, on fundamental rights (1977), budgetary procedure (1982), racism and xenophobia (1986) and budgetary discipline (1988).

The object of these declarations is to implement new procedures not provided under the Treaties but not forbidden under them either.

These joint declarations entail legal obligations binding on their signatories. Consequently, any derived legal acts which contravene such declarations could be declared void by the Court of Justice.

The institutional role of joint declarations is to promote closer inter-institutional cooperation in accordance with the spirit of the Treaties.

4. Budgetary powers

The European Parliament acquired its main budgetary powers with the creation of the Communities' own resources in 1970. The Council was the chief budgetary authority as long as Community resources came from contributions from the Member States. The creation of Community own resources on the basis of the decision of 21 April 1970 required a treaty, called the Luxembourg Treaty, which conceded a number of budgetary powers to Parliament. Since certain financial resources were now withdrawn from the control of the national parliaments, the Communities' own resources had to be subject to democratic parliamentary control at European level, in line with the democratic structure of the Community. The Luxembourg Treaty was supplemented by a second treaty on 22 July 1975 which was ratified by the national parliaments like the first one and entered into force in 1977.

Since 1975 Parliament therefore shares the budgetary powers in the Community with the Council. The distribution of powers proved difficult in practice and necessitated a number of interinstitutional agreements, sometimes in the form of simple exchanges of letters between the President of the Council and the President of the European Parliament, in order to resolve problems that arose in the interpretation of those treaties. In spite of these agreements and although a procedure for budgetary cooperation was introduced in 1972, budgetary conflicts have arisen between Parliament and the Council nearly every financial year since the first direct election in 1979. The most critical moments were the total rejection of the 1980 and 1985 budgets and the proceedings instituted by the Council and some Member States before the Court of Justice against the adoption by Parliament of the 1986 budget. In addition to the institutional problems of demarcating the powers of the two arms of the budgetary authorities, further crises were sparked off by the fact that in recent years the Communities' own resources have been exhausted and some budgets could only be financed by special contributions from the Member States. With the financial reform adopted in 1988 and the 1988 interinstitutional agreement

between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure, which also commits the institutions concerned to observe a five-year financial perspective, fewer conflicts should arise in coming years.

The current distribution of budgetary powers, as laid down in particular in Article 203 of the EEC Treaty, may be summarized as follows:

- The Council has the "last word" on what is called the Community's obligatory expenditure. This is expenditure necessarily resulting from the Treaty or from acts adopted in accordance with the Treaty, which in effect mainly means expenditure in relation to the common agricultural policy, which in turn depends on the common agricultural prices fixed by the Council.

- Parliament has the "last word" on what is called the Community's non-obligatory expenditure. That means the Council cannot finally reject amendments adopted by Parliament on this type of expenditure. Indeed, Parliament can adopt them at second reading by a majority of three fifths of its Members. However, Parliament may not increase non-obligatory expenditure at will, but must remain within an annually fixed maximum rate. At the beginning of the budgetary procedure, the Commission fixes this overall maximum rate of increase in respect of non-obligatory expenditure on the basis of objective criteria, such as the trend of GNP within the Community and the average variation in the budgets of the Member States. This maximum rate can be increased further, but only by agreement between Parliament and the Council, acting by a qualified majority.

In practice, non-obligatory expenditure includes the appropriations for new Community policies which were created or expanded in the last ten years: common regional policy (through the ERDF), common social policy (through the European Social Fund), energy policy, research policy, environmental policy, and so forth.

- Since the second Treaty of 1975, parliament has the right to reject the budget as a whole "for important reasons", acting by a majority of its current Members and two-thirds of the votes cast. Since the first direct elections Parliament has exercised this right on several occasions, in each case achieving far more than the required majorities: in 1979 when it rejected the 1980 budget, in 1982 when it rejected the 1982 supplementary budget and in 1984 when it rejected the 1985 budget.
- The President of the European Parliament has the right, upon completion of this procedure, to declare the budget finally adopted by signing it. This right, on which the Court of Justice laid particular emphasis in its judgment on the 1986 budget, is the expression of the transfer of budgetary powers to Parliament and has important practical legal implications. For instance, on 21 December 1981 President Simone Veil declared the 1982 budget and the 1981 supplementary budget finally adopted in spite of some unresolved disputes, which gave rise to renewed conflict with some Member States. The Council and some Member States also instituted proceedings against President Pflimlin's adoption of the 1986 budget in December 1985, whereupon the Court of Justice revoked the adoption of that budget.
- Thanks to its new budgetary powers, the European Parliament managed to have a systematic conciliation procedure, based on legislation, set up between the Council and Parliament in the 1970 Treaty. This procedure can be opened for proposed legal acts that have substantial financial implications

The strengthening of Parliament's budgetary powers since 1970 has led to considerable progress, but a number of problems remain, which can be summarized under four main headings:

(a) **The problem of implementing expenditure:** Within the framework described above, Parliament can decide on an item of expenditure independently. But it has no power to implement it. The Commission is the executive body in respect of the budget and does not consider itself bound to implement expenditure

entered by Parliament for which no legislative base exists. Parliament, however, takes the view that in certain areas, Parliament's budgetary decision to enter an item of expenditure in the budget constitutes a sufficient legal base for implementing that expenditure.

(b) **The problem of classifying expenditure:** When the 1970 Treaty was drawn up, an empirical classification of expenditure into obligatory and non-obligatory was introduced, to become known as the "Harmel list". With the creation of new common policies, such as regional policy, classification became a matter of dispute between Parliament and the Council. Meanwhile Parliament also began to question the classification of certain budget headings in the common agricultural policy, such as food aid, which led to a conflict with the Council on the 1982 budget and resulted in the Council taking the matter before the Court of Justice. This led on 30 June 1982 to the joint declaration by the European Parliament, the Council and the Commission on various measures to improve the budgetary procedure, which was concerned primarily with the classification of expenditure and included a list classifying each existing budget heading. A procedure was also agreed for the classification of new budget headings or existing ones which had been put on a new legal basis. But differences of opinion between the Council and Parliament on the classification of expenditure as obligatory or non-obligatory remained in various areas, even after this joint declaration.

(c) **The inclusion of certain expenditure in the budget:** Although Article 199 of the EEC Treaty sets out the classical principle recognized by all the Member States of the all-embracing nature of the Community budget, it has turned out that the Community also manages appropriations not included in the general budget which would make up a significant part of that budget, and which are as follows:

- expenditure financed from the ECSC levy;
- lending and borrowing operations, which have increased with the creation of the New Community Instrument (NCI);
- expenditure by the European Development Fund which continues to be financed from Member States' contributions.

Parliament continues to urge that all these appropriations which are not included under the budgetary procedure introduced in 1970 and 1975 should be included in the general budget of the European Community.

(d) **The problem of own resources and future financing:** Besides the Community's traditional sources of revenue (customs duties, agricultural levies, etc.), the 1970 Treaty transferred to the Community an amount of up to 1% of the Member States' VAT revenue as own resources. The escalation of the common agricultural policy and the creation or expansion of various Community policies meant that this 1% ceiling was soon reached, so that the problem of the Community's inadequate own resources has become increasingly acute in recent years. The decision to raise the ceiling to 1.4% in 1986 and the proposed rise to 1.6% in 1988 still could not cover the requirements, so that some budgets could only be financed by special contributions from the Member States. In February 1988 the European Council in Brussels agreed on a package of measures to guarantee the future financing of the Community. They introduced a new category of own resources, calculated on the basis of a percentage of the Member States' GNP. Measures were also agreed to check agricultural expenditure and improve budgetary discipline, as reflected in the "Interinstitutional agreement on budgetary discipline and improvement of the budgetary procedure", which also defined the financial perspective for 1988-1992, adopted by the three institutions involved in the budgetary procedure, Parliament, the Council and the Commission. That should ensure the financing of the Community until 1992, the year of completion of the European internal market.

IV. PARTICIPATION IN EXTERNAL RELATIONS AND THEIR CONTROL

In this area, the Single European Act has shifted the inter-institutional balance quite considerably in favour of the European Parliament, which now has a power of co-decision in respect of association agreements and accession treaties and, in the field of European Political Cooperation, knows that the Foreign Ministers must take due account of its resolutions. However, the democratic deficit in this highly important sector remains, especially as regards the common commercial policy (Article 113 of the EEC Treaty).

1. Parliament's assent

Articles 237 (accession treaties) and 238 (association agreements) of the EEC Treaty establish the need for Parliament to give its assent before the conclusion of such agreements by the Council. The European Parliament pronounces by an absolute majority of the votes of its current Members (at present 260 votes).

This power may be regarded as a co-decision power now shared between the Council and the European Parliament. Rules 32 and 33 of Parliament's Rules of Procedure set out the information procedures. Any application by a European State to become a member of the Community is referred to the appropriate committee for consideration. Parliament may decide, on a proposal from the committee responsible, a political group or at least twenty-three Members, to request the Commission and the Council to take part in a debate before negotiations with the applicant State commence.

In the case of association agreements, the European Parliament may, on a proposal from the committee responsible, a political group or at least twenty-three Members, ask the Council to be consulted before the negotiations on the conclusion, renewal or amendment of an association agreement or financial protocol commence. In this case the information relates to the negotiating mandate the Council proposes to give the Commission.

The Commission and the Council must keep Parliament informed, through the appropriate committees, of progress in such negotiations.

When the negotiations are completed, but before any agreement is signed, Parliament may decide to hold a debate on the proposed terms, in the case of an application for accession.

The European Parliament gives its assent to an application for accession to the Community by a majority of the votes of its current Members on the basis of a report by the committee responsible.

In the case of association agreements, when the negotiations are completed but before any agreement is signed, the draft agreement is submitted to Parliament for assent.

2. Significant international agreements

Parliament may decide that it considers any international agreement, other than accession treaties or association agreements, as significant within the terms of the Solemn Declaration on European Union (Rule 34 of the Rules of Procedure).

The European Parliament decides on the basis of a report by the committee responsible and after being informed by the Commission.

The procedure set out in the Rules of Procedure relating to association agreements also applies to significant international agreements.

3. Trade and cooperation agreements

Parliament may ask the Council to be consulted on the negotiating mandate which the Council intends to give the Commission before the negotiations on the conclusion of a trade or cooperation agreement commence (Rule 35 of the Rules of Procedure). Parliament must be kept informed before the negotiations begin

and in the course of the negotiations and will then hold a debate on the basis of a report by the committee responsible.

4. Other external powers resulting from the Single European Act

In the field of research and technological development, the Community may cooperate with third countries or international organizations on the basis of international agreements negotiated and concluded pursuant to Article 228 of the EEC Treaty (Article 130 N of the EEC Treaty).

Environmental policy may involve similar measures of international cooperation and the conclusion of similar agreements (Rule 130 R (5) of the EEC Treaty).

In this context, the European Parliament must be consulted in accordance with the various applicable procedures.

5. The Luns-Westerterp procedures

For the time being these procedures remain applicable in spite of the entry into force of the Single European Act, but they are sure to be adjusted to the new situation in time.

Association agreements

The Council decided (LUNS procedure) in February 1964 that a debate may be held in the European Parliament before the commencement of negotiations on the association of a third country with the Community. During such negotiations, close contacts are maintained between the Commission and the responsible Parliamentary committees. When the negotiations are completed, but before any agreement is signed, the President of the Council or his representative inform the responsible committees confidentially and unofficially of the substance of the agreement (Minutes of the Council meeting of 24/24 February 1964, p. 26).

Commercial agreements (Luns-Westerterp procedure)

In October 1973 the Council laid down the procedures for the information and consultation of the European Parliament:

Before the beginning of negotiations on commercial agreements with a third country and in the light of the information provided by the Council to the responsible Parliamentary committees, the Parliament may in appropriate cases hold a debate.

When the negotiations are completed, but before any agreement is signed, the President of the Council or his representative inform the responsible committees confidentially and unofficially of the substance of the agreement.

Bearing in mind the Parliament's interest in the conclusion of commercial agreements by the Community, the Council will inform the Parliament of the substance of such agreements before they are signed or concluded.

(Council Note of 16 October 1973).

The Council laid down implementing procedures for the "LUNS-WESTERTERP" procedures, considering that experience has shown the need to distinguish between general agreements and others.

The Solemn Declaration on European Union

This declaration provides that in addition to the consultations provided for in the Treaties, the opinion of the European Parliament will be sought before the conclusion of other significant international agreements by the Community and the accession of a State to the European Community.

The existing procedures for providing the European Parliament with confidential and unofficial information on progress in negotiations will be extended, taking into account the requirements of urgency, to all significant international agreements concluded by the Communities (Solemn Declaration on European Union, paragraph 2.3.7).

6. European Political Cooperation

In this field, the Solemn Declaration on European Union codifies a number of earlier practices.

The Presidency of political cooperation keeps the European Parliament regularly informed through the Political Affairs Committee of the subjects of foreign policy examined in the context of European Political Cooperation (paragraph 2.3.4).

Since 1973, the Foreign Minister have met on a quarterly basis to hold colloquies with the Political Affairs Committee (Rule 57(4) of Parliament's Rules of Procedure).

Once a year the Presidency reports to the European Parliament in plenary session on progress in the field of political cooperation (paragraph 2.3.4 and Rule 57(3) of the Rules of Procedure). Parliament discusses this report.

The Single Act also codifies certain practices, henceforth included in an act with the value of a treaty.

One sign of Parliament's increasing importance in external relations is that the Foreign Ministers meeting in European Political Cooperation must take due account of the resolutions of the European Parliament (Article 30(4) of the Single European Act).

These provisions give the European Parliament fairly wide powers to monitor the joint implementation by the Foreign Ministers of European foreign policy, as laid down in the Single Act, with respect also to questions of European security where closer cooperation is envisaged, together with coordination on its political and economic aspects.

Rule 57 of the Rules of Procedure provides that the Presidency of European Political Cooperation shall report regularly to Parliament on the foreign policy matters examined in the framework of European political cooperation and also on the extent to which the views of Parliament on these matters have been taken into account.

Parliament may hold a debate on this matter, during which the Commission will also be heard. The Presidency of European Political Cooperation and the Commission must also ensure that the external policy of the European Community and the policies agreed in European Political Cooperation are consistent and must inform Parliament of all contradictions which arise.

Henceforth the European Parliament will play a fundamental role in giving the necessary impetus to the creation of a European foreign policy and monitoring its implementation, especially when all the machinery that has been proposed and progressively set up becomes operational.

V. THE EUROPEAN PARLIAMENT'S STRATEGY FOR REDUCING THE DEMOCRATIC DEFICIT IN THE EUROPEAN COMMUNITY

The European Parliament is pursuing the objective of achieving European Union. To that end, it is now resolved to make the utmost use of the opportunities offered by the Single European Act and to improve its relations with the other Community institutions, while also adjusting its working procedures to its new responsibilities in the legislative field.

Moreover, it would seem likely that institutional progress will be easier to achieve if there are major advances in the actual substance of the Community policies.

The priority objective of the European Parliament is to reduce the democratic deficit, an aim indissolubly linked to the creation of the European Union. In a resolution adopted on 17 June 1988, the European Parliament deplores the fact that the loss of democratic powers by the

national parliaments was not counterbalanced by increased control at the level of the European Community. The concentration of legislative powers in the hands of the Council and the manner in which these powers are exercised, especially the fact that legislation is adopted in camera, has created an institutional imbalance which is responsible for this democratic deficit.

Consequently, this democratic deficit can only be corrected at the level of the Community itself, by a redistribution of powers between the Council and Parliament.

The European Parliament considers that the best way would be for the Parliament elected in June 1989 to be instructed to draw up a draft treaty on European Union and for a referendum to be organized at European level or, failing that, in those Member States that agreed to it. That would also act as a means of involving the people of Europe more closely in the creation of European Union.

This strategy needs the support of public opinion and the active backing of the political forces. To that end, the European Parliament will take account of the views of the various national bodies (parliaments, political parties, economic and social groups) with a view to obtaining the widest possible consensus on the final text of the draft treaty.

Within the European Parliament, the political groups (which are not a subject of this paper) play a key role in making proposals on this matter and increasing the pressure at Community and national level.

Another aspect of this strategy is to ask the political forces in the Member States and the national parliaments of the Member States to take the necessary steps to obtain the assent of the national governments for this proposed Union and for public opinion to be consulted on granting the European Parliament constituent powers (resolution of 17 June 1988).

BASIC SOURCE MATERIAL

- Treaties establishing the European Communities
Treaties amending these Treaties
Single European Act
Resolutions - Declarations
1987 - Luxembourg: Office of Official Publications of the European Communities, 1987

- Solemn Declaration on the European Union
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- Rules of Procedure of the European Parliament (4th edition), June 1987

- Decision amending the Rules of Procedure of the European Parliament of 11 December 1986, OJ C of 12 January 1987, pp. 83-98

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