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4 March 1983 DOCUMENT 1-1328/82

REPORT

drawn up on behalf of the Political Affairs Committee

on the draft European Act submitted by the Governments of the Federal Republic of Germany and the Italian Republic

Rapporteur: Mr L. CROUX

English Edition

PE 80.043/fin.

By letter of 4 February 1982 the Political Affairs Committee requested authorization to draw up a report on the draft European Act submitted by the Governments of the Federal Republic of Germany and the Italian Republic.

Authorization was given by the President of the European Parliament in his letter of 9 March 1982. The Committee on Youth, Culture, Education, Information and Sport was asked for its opinion.

At its meeting of 23-25 June 1982 the Political Affairs Committee appointed Mr Croux rapporteur.

The draft report was considered at the meetings of 19-20 October 1982, 19-21 January 1982 and 22-24 February 1983. At this meeting, the motion for a resolution was adopted in its entirety by roll-call vote, by 25 votes to 9.

The following took part in the vote: Mr Rumor, chairman; Mr Haagerup, first vice-chairman; Mr Croux, rapporteur; Mr Antoniozzi, Mr Balfe (deputizing for Mr Lomas), Mr Barbi, Lord Bethell, Mr Bournias, Mr Cariglia, Mr De Pasquale (deputizing for Mr Pajetta), Mr Ephremidis, Mr B. Friedrich, Mr Gerokostopoulos (deputizing for Mrs Lenz), Mrs Gredal, Mr Habsburg, Mr Hansch, Mrs Hannerich, Mr von Hassel, Mr Lalor, Mr Lynge (deputizing for Mr Schieler), Mr Majonica (deputizing for Mr Klepsch), Mr van Minnen (deputizing for Mrs van den Heuvel), Mr Mommersteeg (deputizing for Mr Penders), Mr Moorhouse (deputizing for Lady Elles), Mr Newton Dunn, Lord O'Hagan, Mr Piquet, Mr Prag (deputizing for Mr Fergusson), Mr Ripa di Meana (deputizing for Mr Zagari), Mr Romualdi, Mr Schall, Sir James Scott-Hopkins, Mr Seefeld (deputizing for Mr Brandt) and Mr Segre.

The opinion of the Committee on Youth, Culture, Education, Information and Sport will be published separately.

C O N T E N T S

A

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 draft European Act submitted by the Governments of the Federal Republic of Germany and the Italian Republic.

The European Parliament,

- having regard to the draft European Act submitted to the Council on 6 November 1981 by the Governments of the Federal Republic of Germany and the Italian Republic,

- having regard to the intervening deliberations on this draft in the Council, Commission and Parliament,

- drawing attention to the interim report of the Political Affairs Committee and to the resolution contained therein, which was adopted by the European Parliament on 15 October 1982 [1],

- having regard to the declarations subsequently made before the European Parliament by the Danish and German Presidents of the Council in December 1982 and January 1983 respectively,

- having regard to the discussions between the Council and the Bureau of the European Parliament on 24 January 1983 pursuant to the resolution of 15 October 1982 and concerning the further consideration of the draft European Act and the implementation of the institutional resolutions adopted by Parliament in 1981 and 1982,

- having regard to the report of the Political Affairs Committee and the opinion of the Committee on Youth, Culture, Education, Information and Sport (Doc. 1-1328/82),

[1] OJ No. C 292, 8 November 1982

A. noting that the consideration of the draft Act by the Council resulted in a minimum level of agreement being reached on a number of points, namely:

- the need to strengthen and extend Community policy in the social, economic and financial fields,

- the strengthening of political cooperation and the widening of its scope to include a number of political and economic aspects of security,

- the definition of new areas of European cooperation: cultural matters, harmonization of legislation, action against international, transfrontier crime,

- closer correlation between the various Community and political functions of the Council of Ministers,

- the role of the European Council,

whereas the positions adopted on a number of the above issues are still too vague and ill-defined and whereas no agreement has been reached on such very important matters as:

- decision-making and voting procedures with the Council,
- the powers of the European Parliament,
- the prospects for a new Treaty on European Union,

whereas at the meeting of 24 January 1983 it was decided to hold discussions between the Presidents of the Council and the Parliament in order to establish a procedure for considering Parliament's views,

B. pointing out once again that both international and intra-Community political and socio-economic circumstances are now evolving in such a way that further delays in the process of European integration cannot be justified to the peoples and citizens of Europe,

C. confirming that the draft European Act should be seen in the context of recent initiatives at institutional level emanating from the different Community Institutions: Council, Commission and Parliament,

D. whereas, in connection with the future financing of the Community, the institutional functions and powers of the European Parliament are becoming an increasingly important issue,

E. noting that in the last few months the European Community and its institutions have entered a phase in which it has become a matter of urgency and of vital importance for the Community and all Member States to ensure that the functioning of the Community institutions is improved, consolidated and broadened in scope, that their resources are adjusted and used more effectively and that integration and cooperation take place more extensively and in greater depth,

that this has become apparent not only as a result of the unfavourable social and economic developments which have occurred, particularly with regard to unemployment, and the needs and requisites arising from the impending accession of Spain and Portugal, but also as a result of the increasingly numerous debates on the internal state of the Community: the tasks and functioning of the Council, Parliament and Commission, financial and budgetary problems, Community law, the internal market and relations with the rest of the world,

that the European Council of June 1983 will therefore be of vital importance and must conclude the European Act as a contribution to the achievement of European Union, a prospect which was intimated by the European Council as early as 1973 and subsequently on repeated occasions,

F. drawing attention to the need for a major effort to educate the public in the various Member States on the exact significance of, and the necessity for, European cooperation and integration - at institutional as well as other levels - with a view to protecting the rights and interests of the individual more effectively, combating unemployment more efficiently, and safeguarding the role of Europe and the peoples of Europe in the world,

1. Calls solemnly upon the Council to bring the deliberations on the draft European Act to a swift, constructive and forward-looking conclusion in such a manner as to ensure that it does not merely formalize what has already been sanctioned by custom but represents a major new landmark along the road to European Union;

2. Urges that the decision of 24 January 1983 by the joint meeting of the Council of Foreign Ministers and the Bureau of the European Parliament be swiftly and effectively implemented;

   requests that consultations be held between the Presidents of the Parliament and Council to ensure that decision-making by the proposed contact group can soon commence;

3. Draws attention to the fact that the European Act must be seen in the broader context of institutional development, as proposed by the European Parliament in its initiatives on future progress in this field;

4. Takes the view that the Act must necessarily be accompanied by new Community policies in the social, economic and financial fields, the aim here being to counter the economic crisis in an effective manner and to improve the prospects of employment;

   considers that the institutions should be strengthened and improved to provide a more adequate means of achieving such new Community policies;

   urges also that in this context the financial resources and budgetary policy be reviewed and adjusted;

5. Stresses once again the need to improve the operation of the Community's institutions with a view to the accession of Spain and Portugal;

6. Considers it indispensable for fresh policies and the enlargement of the Community to be accompanied by an increase in own resources;

7. Feels that, where the Council's decision-making procedure is concerned, the European Act should not depart from the rules laid down in the Treaties;

8. Makes the following recommendations to promote and guarantee adherence to the Rules laid down in the Treaties on the Council's decision-making procedures:

   (a) implementation of the resolutions of 9 July 1981 adopted by the European Parliament, in particular: the requirement of justification for a claim by a Member State that an issue is of 'vital interest'; use of abstention in voting;[1]

   (b) exclusion of 'vital interest' claims in the case of implementation measures;

   (c) broader conferral of power on the Commission (Art. 155 of the EEC Treaty);[1]

   (d) the introduction of an internal Council decision-making procedure so that, even if a new fundamental issue is claimed to be of 'vital interest' with a written justification, a decision can be taken in accordance with the Treaties, that is to say after a limited period of reflection, after which the Council is obliged in any event to take a decision;

   (e) in the absence of a decision by the Council within six months after a proposal has been submitted to the Council by the Commission, the organization of conciliation between the Council, Parliament and Commission;

9. Affirms that, with regard to the role of the European Parliament, the European Act must take account of the resolutions already adopted by Parliament in 1980, 1981 and 1982;

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[1] HÄNSCH report, Doc. 1-216/81, pp 28-31 (OJ NO. C 234, 14.9.81)

urges that the resolutions adopted by the European Parliament on the following issues be brought into effect without delay during the first half of 1983 by means of a joint declaration by the Council, Parliament and Commission:

- Parliament's right of legislative initiative[1]
- the role of the European Parliament in the negotiation and ratification of international treaties and treaties of accession[2]
- the extension of the conciliation procedure[3]
- relations between the European Parliament and the Commission[4];

10. Affirms that it attaches particular value to the draft European Act on the prospects for a new treaty on the European Union and requests the Council and Commission to pay particular attention to this, while taking account of the institutional initiatives already taken by Parliament;

11. Confirms the need for continuous reciprocal contacts and consultations between the European Parliament and the national parliaments with a view to achieving the institutional objectives;

Decides to create suitable procedures and channels for such cooperation and requests its Bureau to draw up proposals to this effect as soon as possible;

recalls, in this connection, its resolution of 9 July 1981 on this matter[5];

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1 VAN MIERT report, Doc. 1-207/81, OJ No. C 234, 14.9.1981; HÄNSCH report, Doc. 1-216/81, pp 28-31, OJ No. C 234, 14.9.1981

2 BLUMENFELD report, Doc. 1-685/81, OJ No. C 66, 15.3.1982

3 HÄNSCH report, Doc. 1-216/81, pp 28-31, OJ No. C 234, 14.9.1981

4 REY report, Doc- 1-71/80, OJ No. C 117, 17.4.1980
cf also Commission proposals on the same subjects, Bulletin of the European Communities 3/82

5 DILIGENT report, OJ No. C 234, 14.9.1981

12. Calls for greater efforts to be made, in all Member States and through the intermediary of all competent European and national institutions, to educate the public of Europe on the exact significance of, and the need for, European integration with a view to consolidating the Community's progress towards European Union;

13. Instructs its President to forward this resolution to the Council, the Commission and the national governments and parliaments of the Member States of the Community.

EXPLANATORY STATEMENT

Part 1

Origin and development of the proposal

The draft European Act appeared in the wake of a speech given in Stuttgart by the Foreign Minister of the Federal Republic of Germany, Mr H.D. Genscher, in January 1981 in which he expressed a wish for the resumption of the process begun in 1972 and intended to lead to European union. Shortly afterwards, Mr E. Colombo, Foreign Minister of Italy, speaking in Rome, lent his support to the initiative of his German colleague, but stressed that the extension of political, diplomatic and cultural cooperation between the countries of Europe should go hand in hand with a strengthening of the European Community on the basis of the existing Treaties.

The German-Italian proposal prepared jointly by the two chancelleries was forwarded by letter on 6 and 12 November 1981 to the other Member States, the European Parliament and the Commission. It took the form of a draft Act followed by a statement on economic integration (see Annex I) (1). The draft act falls into three parts. principles, institutions and perspectives.

On 19 November 1981 Mr Genscher and Mr Colombo outlined the essential features of their proposal at a special sitting of the European Parliament at which the speakers included the political groups' spokesmen and Mr Andriessen, Member of the Commission responsible for institutional matters. At that sitting the two ministers had the opportunity of explaining their aim: to consolidate the developments in the field of European political cooperation since the reports delivered in Luxembourg (1970), Copenhagen (1973) and London (1981) and to bring EPC and the European Community closer together within a European Union.

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(1) Bulletin of the European Parliament No 50 of 15.12.1981

As Mr Genscher said:

'Our initiative is basically a threefold one. First, it must spotlight the prime political objective of European unification. Second, the European Act must establish an overall framework for the five major institutional areas of cooperation. We thus wish to preserve what has been achieved, formalize and consolidate unwritten practices of cooperation, give fresh impetus to building upon past achievements and, more than anything else, strengthen the cohesion of the institutions and foster cooperation between them. Consequently, the Act contains proposals aimed, for example, at developing political cooperation, and it calls for greater convergence in the decision-making structures of the Community and of political cooperation under the responsibility of the European Council. It is particularly important to strengthen Parliament's decision-making and review powers. Another major objective is to improve the European decision-making processes in general. In this we particularly urge the Council to revert to the rule of majority decisions provided by the Treaties, and the 'vital interests' should be pleaded only in exceptional circumstances. Third, all the proposals that I have just made are aimed at putting together what has so far been achieved in the way of European integration and exploiting the scope for further development. We know that we must proceed with caution, but we believe it is absolutely essential for the political and economic aspects of European security to be brought within the common foreign policy of the future.'

For his part Mr Emilio Colombo stressed the indissoluble link to be established between political and economic matters which must merge together into a strategy for Europe. He defined the political aspects and the aim of European union in the following terms:

'We are proposing to give renewed impetus to European integration, strengthen the institutions, improve the decision-making process and promote and develop the pragmatic process of political cooperation between our ten countries with the aim of broadening political cooperation to take in security, culture and law enforcement in order to move towards the basic objective of European Union by following a comprehensive approach in which the political, social and economic elements will complement each other.'

On the subject of interinstitutional relations, Mr Colombo referred in very clear terms to the extension of the role of Parliament envisaged in the European Act:

> 'By the strength it derives from universal suffrage, Parliament is part of our design. We have taken heed of what Parliament wants: this can be seen from the scope of the proposed measures for giving Parliament a greater share in this venture. The conciliation procedure, which is the precursor of Parliament's right to be involved in Council decisions, will be extended'(1).

The proposal featured on the agenda of the European Council meeting in London on 26 and 27 November 1981, when the Heads of State and Government invited the Foreign Ministers to examine the proposal and report back to them at a future European Council meeting. Consideration of the proposal by the Council began under the six months term of office of the Belgian Presidency. An ad hoc working party consisting of senior officials deputizing in their personal capacity for ministers and under the chairmanship of Ambassador de SCHOUTHEETE was set up and met for the first time on 19 January 1982. After a number of working meetings, an interim document was submitted to the Council of Ministers on 23 February 1982. According to certain press reports, the proceedings of the working party took place in an atmosphere of optimism and the Belgian Presidency had high hopes of reaching an agreement on the draft Act before the end of its term of office. This hope was not to be realized and the ministers, meeting on 24 May and later on 20 June 1982, were unable to agree on a joint text. This being so, it was decided that examination of the proposal should continue under the Danish Presidency, the working party being placed under the leadership of the Danish permanent representative to the EEC, Mr Riberholdt. The ministers further agreed that the matter should once more be raised at Council level when the German and Italian delegations so requested.

Having been instructed by the Council of Ministers to make a statement to the European Parliament on the work carried out on the European Act, Mr Olesen, a Danish minister and President-in-Office, was obliged to say in Strasbourg on 7 July 1982 that:

(1) See the reactions of the political groups' spokesmen: Debates of the European Parliament, Annex to the O.J. November 1981, p. 215 et seq.

'Examination of the draft European Act has given rise to disagreements and differences of opinion between the Member States on a number of issues concerning the institutions, their procedures and their relations with one another. Some will regard this fact as being lamentable but I would reply to them that all forms of international cooperation carry a risk that the states involved may not necessarily agree on all aspects of a given question.

Some people might wish to see changes in the relations between the institutions while others may consider that the institutions function well under the existing arrangements. Nonetheless, the Member States are agreed on one point, namely that it is necessary to give new vitality and a new substance to cooperation (...) I doubt whether changed institutional procedures would have enabled better results to be achieved for the Member States and the Community'. The Minister then added: 'There are risks in forcing the pace of progress for which some are perhaps politically ill prepared.'

One cannot avoid being struck by the difference in tone between the speeches of the two ministers who devised the proposal in November 1981 and that of the Danish minister whose task it was eight months later to report to the European Parliament on the progress of work within the ad hoc working party. What happened? What were the major stumbling blocks to discussion? Before going on to identify points of agreement and points of disagreement within the text under discussion, it may be helpful to give a brief description of the general institutional background against which discussions on the draft European Act have been taking place.

Part 2

The general institutional background of the European Act

The concept of European Union, which was first launched at the Paris Summit on 21 October 1972, and which was to be achieved by the end of the 80s has never been defined with any precision. It still remains more a force of institutional momentum based on pragmatic considerations than a predetermined constitutional objective. The TINDEMANS report made a contribution which could have played a decisive part in defining European Union if more attention had been devoted to it by the Heads of Government who had originally commisssioned it.

After the direct elections to the European Parliament a twofold effort at institutional revitalization began. In the Political Affairs Committee and the Subcommittee on Institutional Affairs, Parliament set out to formulate a series of proposals intended to bring progress in interinstitutional relations within the framework of the Treaties. So it was that eight resolutions were therefore adopted by Parliament and the 'Subcommittee on the application of the institutional provisions of the Treaties' is now seeking agreement with the other institutions on a definition of a procedure for translating them in practice.

In addition, Parliament decided in July 1981 to set up a standing committee with the task of making proposals for amending the Treaties and advancing European integration. This committee, which was set up in January 1980, is now continuing its work after piloting through Parliament a resolution laying down guidelines in July 1982.

The Commission and Council have also been considering the prospects for revitalizing the Community. In October 1981 the Commission submitted a communication on institutional relations and subsequently published documents on the application of the conciliation procedure to legislation and the ratification of international treaties. The Council and Commission have entered into discussions with Parliament with a view to securing a better balance between compulsory and non-compulsory expenditure and thus streamlining the budget procedure.

In addition, following the Mandate of 30 May 1980, a number of proposals have been drawn up on the working of the institutions. During the British Presidency, new ground was broken in the procedure for European political cooperation with the adoption of the London report (December 1981).

It should also be noted that the French government made a number of observations on institutional questions in its memorandum of 7 October 1981 on the reactivation of the common policies.

Paradoxically, it was because this multiplicity of new proposals and fairly limited improvements failed to measure up to the demands of those who were concerned at the poor functioning of the Community and the lack of progress in constructing Europe that in certain capitals it appeared necessary to formulate proposals on a broader scale.

Several factors made it necessary to seek to revitalize the Community:

- The worsening economic and social crisis bred among public opinion a feeling of doubt as to the ability of the EEC to deal with the difficulties affecting the Member States. The temptation to resort to protectionism gained many followers.

- The prospect of enlargement to include Spain and Portugal, which would expand the Community of Ten, already suffering from functional problems, into an even more heterogeneous Community of Twelve, came closer during negotiations but without any solution being found to the institutional and financial problems (decision-making procedures, financing of funds and common policies).

- The growing wave of pacifism and neutralism in certain countries of the Community gave expression to the insecurity felt by an increasing section of population in the face of the risks of nuclear conflict.

Faced with the need to re-define and to defend its specific position in the Atlantic Alliance, the Community could no longer continue to produce its coordinated and sometimes joint diplomatic proposals without including in them the political aspects of security.

In addition, the Mandate of 30 May called for a new definition of the importance and position of the common policies, the means of financing them and, as a corollary, the contributions of each of the Member States.

The European Act proposed by the German and Italian governments may be seen as an attempt to codify the relations between the institutions on the basis of the Treaties, the European Communities created by the Treaties of Paris and Rome and institutions or practices, such as the European Council and European Political Cooperation, which have become established by custom.

The proposal refers back to the declaration made at the European Council meeting held in the Hague on 29 and 30 November 1976 on the progressive construction of European union and in particular the goal of attaining a common, overall and coherent political view. A further aspiration was to extend the activities of the Member States to new fields other than security, such as cultural cooperation, legislation, and coordinated action against international crime.

In order to remove all ambiguity as to the intention of its authors, the draft Act is followed by a statement on questions of economic integration which states that the realization of European union requires new progress in the field of economic integration within the framework of the Community.

Part 3

Points of agreement and disagreement between the Member States on the draft European Act

It would appear that between the 'draft European Act' prepared jointly by the German and Italian governments and the final version of the draft(1) discussed by the Foreign Ministers on 20 June 1982 a number of changes were made which have in general diminished the scope of the Act. It is also clear that the points of disagreement which form the subject of reservations or differences of interpretation between certain delegations and in some cases certain groups of delegations concern matters of central importance such as the aims of political cooperation, the Council's decision-making process and relations with Parliament.

a) Points of agreement

- As regards aims, the Ten agree on the need to 'strengthen and further to develop the European Communities as the foundation of European unification by extending existing policies and formulating new policies within the framework of the Treaties of Paris and Rome'.

They are also agreed on the need to promote closer cooperation in cultural matters, the harmonization of certain areas of legislation of the Member States and coordinated action against international crime.

- As regards institutions, the role of the European Council is broadly defined (to give a general political impetus to the construction of Europe, to provide general political guidance for the Communities and EPC, to discuss matters concerning European Union, to initiate cooperation in new sectors of

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(1) Information from certain well-informed press sources

activity, and formally to state joint positions on matters of international relations). The draft specifies that where the European Council acts in matters concerning the European Communities it shall do so as the Council envisaged under the Treaties. The European Council will submit a written report to the European Parliament following each of its meetings and in addition an annual report on progress achieved towards European Union.

As far as the Council of Ministers is concerned, the question of the dividing line between Community measures and political cooperation is settled as follows:

> ' In order to narrow the gap between the institutional apparatus of the Community and that of political cooperation, the Council shall deal with matters for which it is responsible under the Treaties in accordance with the procedures laid down by the Treaties and its members shall, in addition, deal in accordance with the appropriate procedures with all other matter arising in connection with European Union and in particular matters concerning European political cooperation'.

- As regards the matters covered in the draft Act, four chapters deal in succession with the European Communities, foreign policy, cultural cooperation and the harmonization of laws.

The account of the common policies already set up and now to be strengthened within the framework of the Communities contains no innovations going beyond the final statements made at the recent meetings of the European Council: overall economic strategy, greater economic discipline, strengthening of the EMS, solving structural problems in less well-off regions, common commercial policy, development cooperation policy, completion of the internal market, continuation of development of the CAP, industrial strategy, solidarity in the field of energy, research, regions etc....

As regards the other three sectors, it would seem that the representatives of the States confined themselves to agreeing on fairly cautious formulas codifying present practice in the field of diplomatic cooperation, extending cooperation to cultural matters and calling for the harmonization of laws in civil and commercial matters together with cooperation in matters concerning judicial proceedings.

b) Points of disagreement

With regard to the aims of political cooperation, it is now agreed that the Ten discuss certain political and economic aspects of security. This confirms and even lends greater force to the London report of December 1981. Whereas the London report envisages a pragmatic approach which would enable certain key foreign policy matters, including the political aspects of security, to be discussed within the political cooperation framework, the draft of 20 June 1982 speaks of the formulation and adoption of common positions and common measures based on closer consultation in the external policy field, including the coordination of Member States' positions on the political aspects and certain economic aspects of security. However, certain delegations objected to political cooperation being reinforced by the formulation of a common foreign policy, and this represents a step backwards from a declaration issued by the European Council in November 1976, which spoke of a 'common external policy'.

The question of voting procedures within the Council was at the centre of the Council's discussions of 20 June 1982. While the members of the Council agreed on a statement that 'the application of the decision-making procedures laid down in the Treaties of Paris and Rome is essential to improve the ability of the European Communities to function', they were unable to reach unanimous agreement on which of four alternative formulae to adopt:

(a) 'The Presidency shall put matters to the vote where the Treaty so requires';

(b) sentence (a) followed by: 'it being understood that the vote shall be postponed if one or more Member States so request invoking the need to safeguard a vital national interest';

(c) sentence (a) followed by: 'it being understood that the vote shall be postponed if one or more Member States so request invoking the need to safeguard a national interest directly related to the subject under discussion, which they shall confirm in writing';

(d) sentence (a) followed by: 'it being understood that the vote shall be postponed if one or more Member States so request invoking the need to safeguard a vital national interest, which they shall substantiate in writing. Where this is the case, the matter shall be included on the agenda of the next meeting of the Council which shall take a decision thereon'.

The emergence of these four variants representing the positions of each of the four groups of countries gives cause for concern. It is apparent that since the crisis of June 1965 and the Luxembourg 'agreement to disagree' of January 1966, the same differences of opinion continue to exist in relation to one of the major provisions of the Treaties. On 18 May 1982, in taking a decision to put a matter to the vote in accordance with the Treaties but in breach of a custom followed since 1966, the Belgian Presidency succeeded in having the Council adopt the agricultural prices for the following marketing year by a qualified majority. Certain delegations considered it necessary at that time to state that the vote of 18 May could not be considered as a precedent that might call into question the 'spirit of the Luxembourg compromise'. Since as far as the Commission and certain other delegations were concerned this custom had no legal force and the Treaties alone were validly applicable, it was inevitable that a fundamental divergence on the essential nature of voting within the Council would appear during the proceedings regarding the European Act.

Your rapporteur's opinion is that the only interpretation that is legally correct and politically desirable is the following:

> 'The Presidency shall put matters to the vote where the Treaty so requires'.

If absolutely necessary in order to obtain an agreement which at the time seems somewhat elusive, the rider ('it being understood that the vote will be postponed if one or more Member States so request invoking the need to safeguard a vital national interest, which they shall substantiate in writing. Where this is so, the matter shall be included on the agenda of the next meeting of the Council which shall take a decision thereon') would be acceptable if its effect were to defer the decision because of particularly serious circumstances which were formally substantiated by the state concerned. While it is necessary to be realistic about the distance between

the positions of certain states as regards the aims of European integration, of which the voting procedure is one of the most powerful components, Parliament cannot afford to compromise on compliance with the Treaties which the abuse of the veto has already diluted far too much.

- Relations with the European Parliament

and its role in institutional relations are dealt with in a particularly detailed section of the German-Italian draft Act. Paragraph 1(3) states that the 'Heads of State and Government re-affirm the central importance attaches to the European Parliament in the development of the European Union, an importance which must be reflected in its participatory rights and control functions'. Eight practical improvements are proposed concerning:

(a) the matters which Parliament may debate,

(b) the submission of a report by the European Council,

(c) the action taken by the Council on Parliament's resolutions,

(d) the consultation of Parliament before the appointment of the President of the Commission and the investiture debate,

(e) the extension of the conciliation procedure,

(f) the rights of Parliament in relation to the conclusion of treaties of association or accession,

(g) the legitimacy of Parliament's resolutions on fundamental rights,

(h) contacts between the European Parliament and the national parliaments.

While containing no spectacular innovations aimed at giving Parliament a predominant position in the institutional dialogue, these proposals as a whole at least have the merit of opening discussion on a series of practical points not requiring any revision of the Treaties. It would appear that the text under discussion on 20 June 1982 is generally speaking a substantial step backwards in comparison with the German-Italian proposal and includes a large number of bracketed alternatives reflecting disagreement by one or more

delegations with the formulae proposed. Parliament should protest at the fact that it was not consulted at any time on the drafting of that part of the proposal which directly concerns it. It should moreover be pointed out that that part was drafted and discussed not within the ad hoc working party under the chairmanship of Mr de SCHOUTHEETE but by the General Affairs Group (GAG) under the authority of the Committee of Permanent Representatives (1). The meagreness of the results obtained and the negative attitude of certain delegations towards the European Parliament and its role in relations between the institutions are inconsistent with the declarations of the European Council and represent a failure to take full account of the importance of the elections to the European Parliament by direct universal suffrage in June 1979.

Part 4

Conclusions of the rapporteur

1. Assessment of the nature and aim of the proposal for a European Act

Now that, through the work of the Committee on Institutional Affairs, it is engaged in a process aimed at extending the Treaties, it is legitimate for Parliament to ask whether there is any need for a European Act in the form proposed by the German and Italian governments. Does the idea of bringing together in an overall framework the existing European Communities and intergovernmental bodies such as the EPC ministers and the European Council not entail the risk of accentuating the predominance of the latter over the former thus diminishing the already very small proportion of supranational power flowing from the Treaties of Paris and Rome?

This concern is justified if we recall all the many attempts throughout the history of Europe as a Community aimed at restoring the intergovernmental element to relations between the Member States. In the present case it would seem that the two authors have built into their proposal a number of safeguards with the aim of strengthening the existing Communities. It is furthermore significant to note the addition of a 'draft statement on questions of economic integration' which dispels possible fears that a

1 When the Presidency passed to Denmark on 1 July 1982, the relevant part of the proposal was taken up by the ad hoc working party under the chairmanship of Mr RIEBEHOLD.

fundamentally political proposal for the revitalization of Europe could simply amount to escapism on the part of governments seeking to compensate for their inability to make progress on the economic integration of the Community in a climate of crisis. The German-Italian initiative, then, avoids laying itself open to such a charge and is essentially characterized by a desire to be seen to be making real progress by a public which is becoming increasingly concerned at the difficulties encountered in the building of Europe. The psychological effect of a formal Act would be considerable if it confirmed the irreversible commitment of ten States to an ever closer solidarity despite the difficulties and illusory temptations of going it alone.

Thus the extension of European cooperation in the fields of security, culture and fundamental rights has an importance that needs to be stressed on account of the urgent need to achieve progress with the Europe of the citizen alongside the Europe of the producers and businessmen.

The German-Italian proposal is pragmatic and realistic in that it suggests a series of measures which could be adopted by simple consensus without amending the Treaties. It therefore appears as a transitional measure capable of being put into immediate effect and achieving some small measure of progress which would serve the Member States as a base from which to proceed once more favourable conditions so allow, in order to help Europe make the qualitative leap in the federal direction which Parliament prefers. If considered less as the culmination of European Union and more as a means that can be applied now towards the ultimate aim of European Union, the Genscher-Colombo plan was indeed worthy of the attention of the Ten.

2. Assessment of the procedure adopted and results so far

Having been greeted by most of the political groups in the plenary debate on 19 November 1981 as a useful beginning that needed to be enlarged upon and strengthened, the German-Italian proposal has in fact been very considerably watered down over the six months work of the ad hoc working party entrusted with the task of drawing up proposals on the basis of the draft Act for submission to the Foreign Ministers. The numerous divergences still existing, as discussed above, indicate that there is no consensus among the Ten to achieve progress on European Union.

This simple fact can only cause Parliament to be disappointed and to become impatient at the need to consolidate and develop European unification at a time when it is more necessary than ever to cope with the world economic crisis and face up to the political and diplomatic challenges which our countries are unable to overcome on their own.

It therefore behoves Parliament to define its position on the proposal for revitalizing European union which must not be 'buried' in the manner of so many other proposals which merited greater attention.

*The work of the ad hoc working party must be continued and the results notified to Parliament so that it may be informed of the essential features of the proposal before (if such is the case) it is adopted by the representatives of the Member States. Parliament will deliver its opinion by means of a vote on the draft European Act once it can be considered as a basis for an agreement between the ten Member States.

*In addition, Parliament must be informed through its Political Affairs Committee of work relating to its own role in European Union. To that end, the President-in-Office of the Council is requested to report to the Political Affairs Committee on the state of progress of work on the appropriate chapter of the draft Act. The Political Affairs Committee, and in particular its sub-committee on the application of the institutional provisions of the Treaties, must be in a position to verify that the eight institutional resolutions adopted by Parliament in July 1981, November 1981 and February 1982 are taken into acco unt by the ad hoc working party in the course of its work.

*Without prejudging any conclusions that may be reached by the governments, Parliament should reassert the views which it has always advocated with regard to the method of decision-making within the Council, namely the application of the Treaties, which in a certain number of cases provide for voting by a qualified majority.

To take account of the present political realities and the fundamental differences among the Ten on this topic, your rapporteur proposes that Parliament should declare itself ready to consider acceptable the formula proposed by certain states which provides that 'the Presidency shall put

matters to the vote where the Treaties so provide, it being understood that the vote may exceptionally be postponed where one or more Member States so request invoking the need to safeguard a vital national interest, which they shall substantiate in writing. Where this is the case, the matter shall be included on the agenda of the next meeting of the Council which shall take a decision thereon'.

Addressing the European Parliament on 14 October 1982 during the debate on the interim report on the draft European Act, Mr GENSCHER and Mr COLOMBO took the opportunity of giving their own assessment of the progress made by the Council following its meeting of 20 June 1982. They reiterated the points on which agreement had been reached - notably the role of the European Council and the concept of a 'single' ministerial Council dealing both with Community affairs and with problems of political cooperation - and the points on which there was disagreement, such as voting procedures within the Council and the role of the European Parliament. On the latter subject, the two ministers expressed very constructive views which are worth quoting. Mr GENSCHER made it clear, for instance, that 'the Government of the Federal Republic of Germany is convinced that the European Parliament has a vital role to play in the development of European Union (...). In the future I shall therefore continue to press for a strengthening of the role of this Parliament'. He pointed out that the Assembly's own resolutions had been used by the two governments as the basis for the proposals in the German/Italian draft concerning the role of the European Parliament. He then went on to say that:

'Mr Colombo and I will do our utmost to convince our partners that the role of Parliament must be strengthened in anticipation of the forthcoming European elections in two years' time. We are not interested in hasty compromise solutions. We are concerned with practical improvements and the creation of a political situation which will give the European Parliament, in the eyes of the public, the status that is due to the directly elected representatives of our peoples. We will hold fast to this goal and trust that this House will bring its influence to bear to win over those who are still vacillating to support our proposals'.

Mr COLOMBO was no less explicit, asserting that:

'Our aim, which is incorporated in the decisions of the European Summit in Paris in 1974, is to confer on the European Parliament the power of political sanction with respect to the Council. This is an aim that falls within the scope of the democratic debate between the executive and the legislature, a prerequisite of which is the exercise by this Parliament of real power in the joint decision-making process'.

While we cannot but welcome the stand taken by these two ministers, one of whom will be President-in-Office of the Council for the first six months of 1983, we must nonetheless face up to the possibility of the Council being permanently divided by certain delegations.

If there is permanent disagreement among the Ten, how are we to proceed?

*If for lack of a unanimous agreement between the Ten, the German-Italian proposal cannot be realized, then in view of the pressing need for progress on European solidarity in vital fields of common interest such as security, monetary stability, the fight against unemployment, and legal and cultural affairs, Parliament will have to turn its thoughts to an idea to which the present paralysis inescapably leads: namely, the possibility of the Member States which are most aware of the urgent need for common action banding together in an enterprise which one or more Member States may find it inopportune to join. The aim would be to adapt to the present situation the suggestion made by Leo Tindemans in his report to the European Council on European Union (Chapter III paragraph 2 'a new approach'):

'It must be possible to allow that:

- within the Community framework of an overall concept of European Union as defined in this report and accepted by the Nine,
- and on the basis of an action programme drawn up in a field decided upon by the common institutions, whose principles are accepted by all,

(1) those States which are able to progress have a duty to forge ahead,
(2) those States which have reasons for not progressing which the Council, on a proposal from the Commission, acknowledges as valid do not do so,

- but will at the same time receive from the other States any aid and assistance that can be given them to enable them to catch the others up,
- and will take part, within the joint institutions, in assessing the results obtained in the field in question.'

The application of such an approach to the fields of potential cooperation outside the areas covered by the Treaties can only be considered as a last resort. But it cannot be excluded from the range of matters under consideration by those who regard as an abuse of power the possibility of blocking all progress by one or more Member States notwithstanding undertakings which they have given and contrary to solemn declarations published on a number of occasions by the European Council. The problem is one which involves the credibility of the whole Community, which to public opinion appears to be less and less capable of delivering its promises and attaining its aims.

It is important to understand that this approach is suggested with the aim of improving the way in which the Community institutions function. The intention is not to penalize one or more states which, because of the weakness of their economies and their structural underdevelopment, are unable to join with their partners in the pursuit of common policies. The purpose is rather to introduce a system which would discourage states from jeopardizing the smooth functioning of the Community and obstructing its development by refusing to cooperate in the movement towards integration.

DRAFT EUROPEAN ACT

submitted by the Governments of the Federal Republic of Germany and the
Italian Government

6 November 1981

The Heads of State and Government of the ten member States of the European Communities, meeting within the European Council,

- resolved to continue the work begun with the Treaties of Paris and Rome and to create a united Europe capable of assuming its responsibilities in the world and of rendering the international contribution commensurate with its traditions and its mission,

- considering what has been achieved in the construction of Europe in the spheres of economic integration and political co-operation, as well as the political objectives of the Community, which enjoy the broad support of the democratic forces in Europe,

- convinced that the unification of Europe in freedom and respect for its diversity will enable it to make progress and develop its culture and thus contribute to the maintenance of equilibrium in the world and to the preservation of peace,

- proceeding from the foundation of respect for basic rights as expressed in the laws of the Community and its member States as well as in the European Convention for the Protection of Human Rights and Fundamental Freedoms,

- determined to work together for democracy, the human and basic rights and notably for the dignity, freedom and equality of man, as well as for social justice,

- aware of the international responsibility devolving upon Europe by virtue of its level of civilization, its economic strength, and its manifold links with the States and nations of other continents,

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unofficial translation

- convinced that the security of Europe must also be guaranteed by joint action in the field of security policy which at the same time helps to maintain the common security of the partners in the Atlantic Alliance,

- in accord with the decisions taken by the Heads of State and Government of the member States of the European Communities in Paris on 21 October 1972 and the Document on the European Identity published by the Foreign Ministers on 14 December 1973,

- mindful of the statement made by the European Council in The Hague on 29/30 November 1976 concerning the progressive construction of European Union, and in particular the goal, set by the Heads of State and Government, of establishing a comprehensive and coherent common political approach,

reaffirm their political will to develop the whole complex of the relations of their States and create a EUROPEAN UNION. To this end they have formulated the following principles of a EUROPEAN ACT as a further contribution to the establishment of the EUROPEAN UNION:

Part One: Principles

1. Our peoples expect the process of European unification to continue and to bring increasing solidarity and joint action. To this end the construction of a united Europe needs a firmer orientation to its political objective, more effective decision-making structures, as well as a comprehensive political and legal framework capable of development. The EUROPEAN UNION to be created step by step will be an ever closer union of the European people and States based on genuine, effective solidarity and common interests, and on the equality of the rights and obligations of its members.

2. Desiring to consolidate the political and economic progress already achieved towards the EUROPEAN UNION, the Heads of State and Government endorse the following aims:

   - to strengthen and further develop the European Communities as the foundation of European unification, in accordance with the Treaties of Paris and Rome,

- to enable member States, through a common foreign policy, to assume joint positions and take joint action in world affairs so that Europe will be increasingly able to assume the international role devolving upon it by virtue of its economic and political importance,

- the co-ordination of security policy and the adoption of common European positions in this sphere in order to safeguard Europe's independence, protect its vital interests and strengthen its security,

- close cultural co-operation among the member States, in order to promote an awareness of common cultural origins as a facet of the European identity, while at the same time drawing on the existing variety of individual traditions and intensifying the mutual exchange of experiences, particularly among young people,

- the harmonization and standardization of further areas of the legislation of the member States in order to strengthen the common European legal consciousness and create a legal union,

- the strengthening and expansion of joint activities by the member States to cope, through co-ordinated action, with the international problems of the public order, major acts of violence, terrorism and transnational criminality in general.

3. The European Communities, which continue to be based on the Treaties of Paris and Rome, European Political Co-operation, the rules and procedures of which are governed by the Reports of Luxembourg (1970), Copenhagen (1973), and London (1981), and the European Parliament shall co-operate in the pursuit of the above aims.

4. The following shall serve in particular to further the development of European Political Co-operation:

- intensified regular and timely consultations among the Ten with a view to united action on all international questions of common interest,

- the adoption of final positions only after consultation with the other member States,

- acceptance of statements by the Ten as a binding common basis,

- strengthened worldwide contacts with third countries of particular interest to the Ten,

- increased consideration of resolutions of the European Parliament in reaching decisions by the Ten.

Part Two: Institutions

The following measures shall serve to amalgamate the existing structures of the European Communities (EC), European Political Co-operation (EPC) and the European Parliament and to strengthen the political orientation of the work of European unification:

1. The structures for decision-making in the European Communities and European Political Co-operation shall be merged under the responsibility of the European Council. The European Council is

the organ of political guidance of the European Community and of European Political Co-operation. It is composed of the Heads of State and Government and the Foreign Ministers of the member States.

The European Council shall deliberate upon all matters concerning the European Community and European Political Co-operation. Its meetings shall be prepared on the special responsibility of the Foreign Ministers. The European Council may take decisions and lay down guidelines.

Matters concerning the European Communities shall continue to be governed by the provisions and procedures laid down in the Treaties of Paris and Rome and the supplementary agreements thereto.

The Heads of State and Government reaffirm that central importance attaches to the European Parliament in the development of the European Union, an importance which must be reflected in its participatory rights and control functions. They therefore envisage the following improvements for the Community within the scope of the Treaties of Paris and Rome:

(1) The European Parliament shall debate all matters relating to the European Community and European Political Co-operation.

(2) The European Council shall report at half-yearly intervals to the Parliament. It shall further submit an annual report to the Parliament on the progress towards the EUROPEAN UNION. In the debate on these reports the European Council shall be represented by its President (by one of its members).

(3) The European Parliament may submit oral or written questions concerning all aspects of European Union to the Councils of Ministers and the Commission. It may make recommendations to the European Council, the Councils of Ministers, and the Commission. The resolutions of the European Parliament shall be forwarded to the Council of Foreign Ministers for discussion by it. If the Parliament asks for the Councilßs comments in this respect, the Council shall comply with the request. The President of the Council shall keep the European Parliament informed through the latterßs Political Committee of the subjects of international policy dealt with in the scope of European Political Co-operation.

(4) Before the appointment of the President of the Commission, the President of the Council shall consult the President of the European Parliament. After the appointment of the members of the Commission by the Governments of the member States, an investiture debate should be held in which the Parliament shall discuss the programme of the Commission.

(5) The Parliament is associated with legal acts of the Community, which are of general importance and have significant financial implications, on the basis of the joint declaration of 4 March 1975 of the European Parliament, the Council and the Commission on the conciliation procedure. The conciliation procedure shall be applied mutatis mutandis in a way suited to practical requirements in normative decisions by the Councils of Ministers pursuant to the Treaties of Paris and Rome if in its comments the Parliament requests the initiation of the conciliation procedure because of the particular significance of such decisions.

(6) Before the accession or association of further States and before the conclusion of international treaties by the European Communities the European Parliament shall be heard;

its appropriate committees shall be informed on a continuous basis. In formulating the expanded hearing procedure, due regard shall be given to the requirements of confidentiality and urgency.\

(7) In the further development of basic and human rights, special legitimacy attaches to the deliberations and decisions of the European Parliament.

(8) Continuous reciprocal contacts and consultations between the European Parliament and the national Parliaments should be developed further, with the latter defining the relevant procedures, with a view to enhancing public awareness of European unification and making the debates on aspects of European Union more fruitful.

(1) The Council of Foreign Ministers shall be responsible for European Political Co-operation.

This shall not affect the powers of the Council of the European Communities pursuant to the Treaties of Paris and Rome.

The co-ordination in matters of security should promote common action with a view to safeguarding the independence of Europe, protecting its vital interests and strengthening its security. For these discussions the Council may convene in a different composition if there is a need to deal with matters of common interest in more detail.

(2) In addition, a Council of Ministers responsible for cultural co-operation and a Council of Ministers of Justice shall be established.

(3) The European Council may decide on the establishment of further Councils of Ministers to co-ordinate the policy of the member States in areas not covered by the Treaties of Paris and Rome.

(4) The Council of Foreign Ministers may appoint committees to deal with specific questions; they shall report to the Council. Both the Council and the committees may avail themselves of the services of experts.

(5) The role of the Presidency in European Political Co-operation will be strengthened by both expanding its powers as regards initiatives and co-ordination and enhancing its operative capabilities.

5. The Council of Ministers responsible for cultural co-operation shall hold regular exchanges of views on close co-operation in the cultural sphere in order to harmonize their positions on cultural matters as far as possible. For these deliberations the member States may be represented by their respective competent Ministers in accordance with constitutional provisions.

6. The Council of Ministers of Justice shall hold regular exchanges of views on aspects of co-operation in matters of legal policy in order to promote the EUROPEAN UNION in this sphere too.

7. The European Council and the Councils of Ministers shall, where matters pertaining to the European Communities are concerned, be assisted by the Secretariat of the Council and, in the fields of foreign policy, security policy and cultural co-operation, by an expandable Secretariat of European Political Co-operation.

(1) In view of the need to improve the decision-making processes and hence the European Communitiesß capacity for action, decisive importance attaches to the voting procedures provided in the Treaties of Paris and Rome. The member States will utilize every opportunity to facilitate decision-making.

(2) To this end greater use should be made of the possibility of abstaining from voting so as not to obstruct decisions. A member State which considers it necessary to prevent a decision by invoking its "vital interests" in exceptional circumstances will be required to state in writing its specific reasons for doing so.

(3) The Council will take note of the stated reasons and defer its decision until its next meeting. If on that occasion the member State concerned once more invokes its "vital interests" by the same procedure a decision will again not be taken.

(4) Within the scope of European Political Co-operation as well, the member States shall utilize every opportunity to facilitate decision-making, in order to arrive more quickly at a common position.

9. The Heads of State and Government stress the particular importance attaching to the COMMISSION as guardian of the Treaties of Paris and Rome and as a driving force in the process of European integration. In addition to its tasks and powers under the Treaties of Paris and Rome, the Commission advises and supports the European Council, whose meetings it attends, with proposals and comments. It is to be associated closely with European Political Co-operation.

10. The COURT OF JUSTICE of the European Communities has an important role to play in the process leading to the EUROPEAN UNION. In ensuring the observance and further development of Community law, it acts in accordance with the Treaties of Paris and Rome. It should be granted appropriate powers of interpretation and possibly of arbitration under international treaties concluded between member States.

Part Three: Perspectives

1. All other European States which share the values and aims embodied in this Act and become members of the European Communities may accede to the "European Act" to participate in the realization of the EUROPEAN UNION.

   On acceding to the European Communities they undertake to accede to this "European Act".

2. The Heads of State and Government shall subject this "European Act" to a general review five years after its signing with a view to incorporating the progress achieved in European unification in a Treaty on the EUROPEAN UNION. To this end a draft shall be submitted to the European Council by the Foreign Ministers before the end of such period and presented to the European Parliament for comment.

3. IN WITNESS WHEREOF, the undersigned High Representatives of the member States, conscious of the great political importance which they attach to this Common Declaration, and resolved to act in accordance with their will as expressed above; have appended their signatures to this EUROPEAN ACT.

DONE at this

ON BEHALF OF

The Kingdom of Belgium:

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Prime Minister

The Kingdom of Denmark:

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Prime Minister

The Federal Republic of Germany:

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Federal Chancellor

The Hellenic Republic:

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Prime Minister

The French Republic:

.....
President of the Republic

The Irish Republic:

.....
Prime Minister

The Italian Republic:

.....
President of the Council of Ministers

The Grand Duchy of Luxembourg:

.....
Prime Minister

The Kingdom of the Netherlands:

.....
Prime Minister

The United Kingdom of Great Britain
and Northern Ireland:

.....
Prime Minister

Draft statement on questions of economic integration

1. The achievement of the European Union requires further progress as regards the economic integration of Europe. Therefore the Heads of State and Government reaffirm in the European Act the primary goal of strengthening and developing the European Communities in accordance with the Treaties of Paris and Rome.

2. The solution of the problems currently being dealt with in the European Communities is essential if the solidarity of the Community is to be strengthened.

3. This implies, in the interest of all member States and the standard of living of their citizens, a functioning internal market, an adjustment of the common agricultural policy and an improvement in the budgetary structure. The Common Market must not only be maintained but brought to completion.

4. The European Monetary System, which has led to the creation of a major zone of monetary stability, is a positive element. Beyond the monetary stability guaranteed by the EMS, the member States should strive to achieve an increasing convergence of their economies. In the perspective of Economic and Monetary Union which, as a part of the European Union, is to consolidate the economic and financial solidarity of the Community, they should aim at a closer coordination of their economic policies, not least in view of the further development of the EMS.

   The member States should examine how, within the framework of the means available, Community policies suitable for achieving the goal of integration might be developed.

5. The accession of Spain and Portugal to the European Community should become reality in the interest of consolidating democracy in Europe, expanding the European economic area and strengthening Europe's position in the world.

6. A European Community completed and strengthened in this way will be in a position to utilize the potential of the European economic area, increase its competitiveness, improve possibilities for investments and thus reduce the level of unemployment.

Friday, 15 October 1982

RESOLUTION

on the draft European Act submitted by the Governments of the Federal Republic of Germany and the Italian Republic

The European Parliament,

A. having regard to the draft European Act and progress in consideration thereof, more specifically:

— its submission to the European Council on 6 November 1981 by the Governments of the Federal Republic of Germany and the Italian Republic,

— its presentation to the European Parliament on 19 November 1981 by Mr Genscher and Mr Colombo and the ensuing parliamentary debate,

— the decision by the European Council of 27 November 1981 to invite the Foreign Ministers to examine and clarify the draft in conjunction with the Commission,

— the activities of the *ad hoc* working party set up by the Foreign Ministers during the Belgian Presidency of the Council in the first half of 1982, with a view to the study requested,

— the outcome of the Foreign Ministers' Council of 20 June 1982,

— the interim report of the Danish President-in-Office of the Council submitted to the European Parliament on 7 July 1982,

B. pointing out that during 1982 political and socio-economic circumstances have since deteriorated both internationally and within the Community to such a degree that any delay in the process of European integration warrants criticism of lack of political insight, courage and a sense of responsibility for the future of the peoples of Europe,

whereas the planned and imminent accession of Spain and Portugal means that it is essential to strengthen the Community and speed up European Union,

C. whereas the draft European Act should be seen in the context of recent initiatives at institutional level emanating from the different Community bodies: Council, Commission and Parliament,

recalling that the European Parliament in particular has taken a number of important initiatives such as the eight resolutions designed to improve inter-institutional relations within the framework of the existing Treaties (1981 and 1982), and above all the resolution of 6 July 1982 on the European Parliament's guidelines for the reform of the Treaties and the achievement of European Unions [1],

convinced that the intention enshrined in the draft European Act to give Parliament a greater collaborative role will be credible to the legitimate representatives of the citizens of Europe only when the Council, within the framework of inter-institutional agreements, translates into reality Parliament's past proposals on inter-institutional relations in a manner satisfactory to it,

D. having regard to the interim report by the Political Affairs Committee (Doc. 1-648/82),

1. Regards the draft European Act as a welcome contribution to fresh progress in the Community and the creation of a European Union;

2. Points out that the implementation of the European Act must be accompanied by progress on a common policy to combat unemployment and to protect the natural environment, if the idea of European union is to gain acceptance among the citizens of the Community;

3. Considers that the Council should continue its investigation and consideration of the draft with speed and strength of purpose so that decisions can be taken by the beginning of 1983 at the latest;

[1] OJ No C 238, 13. 9. 1982, p. 25.

4. Proposes that this consideration should be carried out bearing in mind:

4.1. the fundamental principles of the Community, in particular the decision-making and voting procedures, laid down in the Treaties;

4.2. the Community's obligation to respond to the growing needs of its citizens in the area of economic and social solidarity and, more specifically, the role that should be played by the Community institutions in counteracting the dramatic increase in unemployment;

4.3. the institutional standpoints of the European Parliament — the democrtic and directly elected representative body of the citizens of Europe — with a view to harmonizing as far as possible the objectives and action programmes of the different institutions of a single Community, in both the short and long term, in the context of the existing Treaties and also in anticipation of a new Treaty;

4.4. the forthcoming enlargement;

4.5. the repeated statements, including those of the Council, on the need to achieve real European Union in the near future;

5. Requests the Council and the Commission to devote particular attention to the provisions in the draft European Act regarding the prospects of a new 'Treaty on the European Union', taking into account the initiatives of an institutional nature already taken by the European Parliament;

6. Requests the Council to make every effort to ensure that Parliament is involved in further consideration of the draft European Act in a manner consonant with true democracy and in particular:

6.1. that the President-in-Office of the Council should report to the Political Affairs Committee and Parliament at regular intervals on the progress made by the *ad hoc* working party and on the discussions within the Council itself;

6.2. that Parliament, through conciliation procedure, should be involved in the study of the provisions of the Act that concern inter-institutional relations with Parliament itself, and urges that without delay account should be taken of the resolutions adopted by Parliament in 1981 and 1982 on interinstitutional relations within the framework of the existing Treaties;

7. Calls upon the Council therefore to make the further consideration of the resolutions adopted by Parliament since 1981 on relations between Council and Parliament, on Parliament's right to initiate legislation and its role in the negotiation and ratification of accession agreements and other treaties and agreements between the Community and third countries the central items of the meeting between the 10 Foreign Ministers and the Bureau of the European Parliament in December 1982;

8. Instructs its President to forward this resolution to the Commission and the Council, to the Foreign Ministers meeting in political cooperation and to the national parliaments of the Member States of the Community.