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SITTING OF MONDAY, 11 DECEMBER 1972

10. Motion of Censure on the Commission

President. — The next item on our agenda is the motion of censure on the Commission, tabled by Mr Georges Spénale on 16 November, the text of which has been distributed (Doc. 204/72).

To begin with, however, there are some practical details which I would like you to note regarding tomorrow morning's sitting.

During the vote on the motion of censure it will be necessary to reserve all the seats available in the Chamber for Representatives.

Officials, other than those in the Sessional and General Services seated beside and behind the President, are asked to leave the Chamber during the voting.

Also, in view of the acoustics in the Chamber, I would earnestly beg Representatives to keep silent whilst the vote is being taken and to remain in their seats.

I now call Mr Berkhouwer who has a point to make on the procedure for discussion of the motion of censure.

Mr Berkhouwer. — Mr President, I wish to raise a point of order on Mr Spénale's motion of censure. My political group has asked me to make a proposal with regard to the procedure for this motion of censure.

The fact is that we are faced with something unique in the experience of our Parliament. In our view this matter should be treated with extreme seriousness, and we believe that the only way for this to be done is firstly that Mr Spénale should present his motion, secondly that the Commission should present its defence through its President, and that then—I am sorry, but I see no other way even though we are short of time and have to cope with all kinds of technical difficulties—the sitting should be adjourned for a short time. I do not say this in order to prolong matters, neither is it my intention to use improper tactics but I consider

that this is called for by elementary justice. I would like to refer to the practice in our own courts where no-one is judged before speaking in his own defence, and in my view holding a debate before hearing the viewpoint of the Commission is wrong in itself and an impossible task for the representatives of our political groups—feeling being particularly strong in the case of my own. In my opinion, therefore, the fairest and most practical procedure would be as follows: Mr Spénale should present his motion, this would be followed by Mr Mansholt's defence and then there would be an adjournment, the length of which I leave to you. As far as we are concerned, the adjournment need be no longer than is essential, but in any case, we regard this as a matter of elementary debating procedure and I would like to recommend to Parliament that it give sympathetic consideration to this request, made on behalf of my political group.

President. — You have heard the request of the Chairman of the Liberal and Allies Group.

I now call Mr Lückner, who will speak for the Christian Democratic Group.

Mr Lückner. — Mr President, I did not know that Mr Berkhouwer would make this proposal at this stage. I would have made the same request after hearing President Mansholt's statement. I therefore second the proposal.

If we can come to a decision on this matter now I, too, would like to request that we adjourn the sitting after Mr Mansholt has spoken in his capacity as President of the Commission so that the political groups can meet.

President. — It is customary to accede to the wishes of the political groups in this respect and when Mr Mansholt has made his statement, the Parliament will adjourn briefly.

I now call Mr Spénale to present the motion of censure.

Mr Spénale. — Mr President, fellow members, I quite agree with Mr Berkhouwer that a motion of censure is an extremely serious thing, of

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which we have no great experience in the European Parliament, where, in any event, it is no doubt not indispensable. That is why I should like to make a few preliminary comments, so as to leave no doubt in anybody's mind as to the significance we attach to a motion of censure of this kind and the way in which it differs from a motion of censure in our Member countries.

First of all, the Commission is not a government, either in its powers—since in that respect it would be the Council which would be more like a government—or in its structure. In relation to the major political trends in Europe it is a more or less faithful reflection of political forces in Europe, and we do not have here a majority or a minority, a majority which would govern and a minority which might be tempted to overthrow it so as to put into power other men with other policies.

We fully recognise that if a Commission is censured, its successor will display the same political balance, representing the overall political forces in Europe. That is therefore not the object.

Similarly, a motion of censure is not equivalent to a general criticism of the policy of the institution, as it would be if we sought to censure the general policy of a government in France or in any other Community country. On the other hand, the Commission is not a simple administrative body. It is an Institution; its tasks are not confined to execution and administration: it is an Institution by virtue of the Treaties; it is an Institution by virtue of its responsibilities.

In essence it has an autonomous power to make proposals, which automatically set off a process of consideration and decision by the other institutions. It is therefore a political institution in the etymological sense of the word, and it is obviously in this capacity that the Commission can be censured.

Finally it should be noted that the Commission's responsibility is collective and that a motion of censure on any particular subject cannot be directed against any individual member of the Commission. Any criticism of the Commission can therefore only be specific and not general. It is enough for the point in issue to be deemed sufficiently important to warrant the use of the supreme instrument available to the European Parliament.

Similarly, therefore, the consequences of voting any motion of censure on the Commission are not the same as those of a censure motion in a national Parliament. There is no question of condemning the Commission's general policy—and I can say myself that in the conditions in

which it has been placed in recent months the overall work it has done merits a certain esteem. I must also say—because there have been reports in the newspapers—that there is no particular aggressive intention against any Member of the Commission individually; in any event its collective responsibility protects it from any such attempt, since all major decisions are taken by a majority of the members and commit the Commission as a whole. This also means that a motion of censure is not designed to exclude from the Commission members who would thereby not be able to sit on the succeeding Commission, because of this collective character, and I think we should even hope—in order to preserve a certain continuity—that the members of a censured Commission should be able to sit again on the following Commission. That is all I wanted to say at the outset both in order to avoid any confusion on this subject and to prevent any pointless traumatism.

I now turn to the substance. The substance of the question is, I think, already sufficiently explicitly stated in the words of the motion of censure itself. In the last analysis, it is that of the development of the budgetary powers of the European Parliament, and this is a subject which we regard as extremely serious.

On 22 April 1970, promises were made to our Parliament and, in our opinion, these promises have not been kept.

I should start by recalling that budgetary powers raise a question of substance and a question of timing and that these two aspects—substance and timing—have always been linked in the minds of the European Parliament.

As long ago as 27 June 1963, in a resolution adopted on a proposal from the Political Affairs Committee, and on the report of Mr Furler, Parliament asked, with a view to extending its powers, that 'the right of deciding on the Budget should be conferred on Parliament as soon as the Community had resources of its own'. The connection is obvious; it is at the moment when we have our own resources and when, at the same moment, National Parliaments are deprived of any control over the use of Community resources, that the budgetary powers of Parliament should have a decisive character. We find this stated in a whole series of resolutions, including that of 24 September 1964 following a report by our colleague and former President, Mr Leeman, maintaining that these own resources, which would escape all national parliamentary control, 'should be fully and effectively subject to control by the European Parliament'.

There was, as you know, a big debate at Strasbourg on 11 and 12 May 1965. All the

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political groups adopted an attitude along these lines, on a report by Mr Vals.

The Socialist group, whose spokesman was Madame Ströbel, recalled that 'the political responsibility assumed by a political entity in the matter of budget income and expenditure, whether that entity was national or, as in the European Communities, supra-national, must in both cases be clearly manifest to public opinion so that it, or in other words, the citizens, can react to that political responsibility. It follows that the only organ of the Community which is subject to the political control of the electors should also assume the final responsibility for income and expenditure?

Similarly, for the Christian Democrat Group, it was Mr Illerhaus who said that 'a modest administrative budget, supplemented by a few equally modest subsidies, was being converted into a vast capital expenditure budget over which Parliament should be called upon to exercise a right of co-decision and control.'

It was Mr Gaetano Martino, on behalf of the Liberal group, who said: 'That is why we welcome the initiative taken by the Commission of the European Communities, to which we accord our full support. In answering yes or no to this initiative, I think it is the whole construction of Europe which we are accepting or rejecting'.

President Plevén for his part said that 'since the Commission has to administer a budget of several billion it is inconceivable that such a budget should escape control, which can only be that of an Assembly'. And turning to President Hallstein, he said to him: 'therefore, Mr President Hallstein, no negotiating margin for you in respect of the powers of Parliament'.

For my part, I fully adopt the point of view just expressed by my colleague, the Chairman of the Socialist group. The whole is indivisible and the three points I have mentioned are essential for the unanimous Liberal group.

What did the resolution of 12 May 1965 say? I pass over the recitals, which are somewhat long, and I come to the budget proposals proper. It was specified that 'from the moment when the Assembly was appointed under the conditions specified in article 138 of the Treaty, and in any event not later than 1 September, 1971—you see how much time we have already lost!—the provisions of article 203 (4) of the EEC Treaty should be replaced by the following provisions. And we see, in article 2 a, that the budget shall be determined by the Assembly, voting by a majority of its members and merely respecting the obligation of a balanced budget. And on this resolution, a vote by roll call was taken in which

86 of the members of our Assembly took part. Of the 86, ten abstained and 76 voted for the resolution. I will not cite their names, but I can say that they included all the ex-Presidents of our Assembly, and all the Chairmen of groups, except the U.D.E. group which abstained on the ground that the wagon was overloaded and two of our colleagues in other groups.

You know that this provoked a long crisis and Parliament very soon resumed its position in favour of the grant of budget powers.

One of the most significant resolutions was that passed on 22 March, 1968, on the report of Mr Brouwer, on behalf of the Committee on Agriculture, paragraph 13 of which nevertheless 'urgently recalled the request made in its resolution of 18 June 1965, that the Community should not be endowed with its own resources *unless at the same time the budgetary powers of the European Parliament were strengthened*, so as to ensure adequate Parliamentary control over the Community's own resources.' This resolution therefore went so far as to envisage refusing the Community its own resources unless, at the same time, adequate budgetary powers were conferred upon the European Parliament.

In October, 1969, the Political Affairs Committee moved a resolution, adopted by our Parliament on 7 October, saying in particular: This strengthening—that is to say, the strengthening of the powers of the European Parliament—must, in accordance with the requirements of the European Parliament, be achieved independently of the *budgetary powers to be created immediately*. In April, 1970, it was Mr Scelba who presented a Memorandum in the same sense to the Council and the Commission. Finally, we come to the long debates we held between 1968 and 1970 and to what constitutes more precisely the subject of the broken promise.

While all this shows that Parliament's position of principle has remained constant, the ways and means proposed to ensure the attainment of budgetary powers have varied with an increasingly realistic view of the difficulties in this matter.

And in 1970, what happened? For 1975, when the budget will be wholly financed from the Community's own resources, the Council, in the terms of the Treaties, retains the sole final decision on all appropriations for operational policies, or 96 per cent of the budget, appropriations which there has been no hesitation in describing, vis-à-vis the European Parliament, as 'unavoidable expenditure'. Our power, within certain limits, connected with annual indexation on statistical criteria, is in principle greater over administrative costs, but 80 per cent of this 4

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per cent does in fact represent unavoidable expenditure: personnel costs, rent and maintenance charges.

In this way we have been given a homeopathic dose of a semblance of budgetary power and, into the bargain, the Council has not endorsed our interpretation of the Treaty, an interpretation shared by the Commission under the terms of which we would be entitled to reject the budget outright on the completion of the procedure, with a view to producing fresh proposals from the Council.

Thus, throughout the long struggle, it must be recognised that Parliament has been unable to secure the recognition of sufficient budgetary powers for the final period, due to begin on 1 January 1975.

In the Committee for Finance and Budgets, a movement took shape at one stage which contemplated proposing to the European Parliament and to national Parliaments that the Community should be refused its own resources until such time as their introduction was accompanied by satisfactory decisions on Parliament's budgetary powers, in the spirit of Mr Brouwer's resolution.

What overcame our opposition in May 1970, was the statement of the Council of 22 April, 1970. This statement recalled the points of view expressed by the European Parliament in its resolutions of 10 December 1969, 3 February and 11 March 1970, and in an aide-mémoire of 19 April 1970, and noted that 'in consequence the Commission had informed the Council of its intention to table proposals in this matter, after the ratification by all Member States of the Treaty signed on 22 April, and, in any event, within not more than two years', and that the Council, pursuant to the procedure laid down in article 236 of the Treaty, will examine these proposals in the light of the discussions which had taken place in the Parliaments of Member States, of the trend of the European situation and of the institutional problems raised by the enlargement of the Community.

I wish to point out that, in this statement by the Council, the Commission made an unconditional promise, a promise which was limited only in time—within not more than two years—and it was the Council which reserved the possibility of considering these proposals in the light of debates in national Parliaments, in the light of the trend of the European situation and in the light of the institutional problems raised by the enlargement of the Communities.

But the Commission itself did not find this statement by the Council sufficient, and felt it necessary, on its own initiative, to publish a

communiqué on the very next day, in which it said:

'However, in the matter of the budgetary powers of the European Parliament, the Commission regrets that the decisions taken do not sufficiently meet the wishes of Parliament. It regrets that the proposals it made to the Council have not been adopted by the Council and it has therefore been unable to associate itself with the final decisions. It has pointed out to the Council that these decisions are binding on the Council only and has informed it of its intention to provide the competent Committees of Parliament and Parliament itself, in a plenary sitting, with full information. It emphasizes that, in any event, the extension of the budgetary powers of the European Parliament should be reconsidered in good time and not later than 1972.'

That was what finally decided our Parliament not to oppose the creation of the Community's own resources and to suggest to national Parliaments, in a decision which the U.D.E., moreover, found insufficiently precise, the ratification of the Luxembourg agreements.

What has the Commission said in this debate? Mr Coppé said: 'We have announced that in any event we were going, in the light of the debates, to introduce 'between now and 1972'—I repeat, 'between now and 1972'—new proposals to meet the wishes of the European Parliament. The promise made by the Council of Ministers to review and examine our proposals did not go far enough in formulating the desire to meet the wishes of Parliament. And we are told of proposals on articles 201 (financial autonomy) and 203 (budgetary powers); finally, he added, we announced, and we confirm, that our intention and the intention of our successors on the Commission is to make proposals, by September 1974, for the European legislative power.'

At this point I would call the attention of those who think that budgetary powers are of minor importance, whereas others proclaim that they are inseparable from legislative powers, to the fact that the delay which we are experiencing today in connection with budgetary powers, will certainly have repercussions tomorrow in connection with legislative powers.

The Council, through the voice of Mr Harmel, has given us the assurance that it would consider these proposals and that it would reach a decision.

What did Parliament say? In article 9 of its resolution it took note of this promise, and it was for that reason that it recommended national Parliaments to vote in favour of ratifi-

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cations. I will not revert to the speeches made in the course of that debate by Mr Furler on behalf of the Political Affairs Committee, who, of course, took note of the Commission's promises; by Mr Westerterp, on behalf of the Christian Democrat Group, who welcomed the fact that Parliament was a militant institution; by Mr Cantalupo, on behalf of the Liberal and allied group, who invited national Parliaments to subscribe to our reservations and our criticisms, so that they should be taken into account in two years time, when, pursuant to the promises made to us, the system which we are preparing to put into force will be the subject of a reform designed to ensure that, at the end of the transitional period, the last word in the matter of approval of the Community budget shall lie with the European Parliament; by Mr Berthoin, who also spoke on behalf of the Liberal and allied group and who said: 'What we must assert—and I repeat what has been said by others—is that for us the question remains unsettled and that it must be solved, within the next two years, in a manner consistent with the exercise of true democracy';

by Mr Burger, on behalf of the Socialists, who, for his part, expressed some doubts about what would happen once the Treaties were ratified, saying that 'Parliament would then need to be extraordinarily militant to wrest its powers from the Council.'

Mr Habib-Deloncle and Mr Triboulet had some reservations on our resolution, because they did not find it outspoken enough: they wanted the European Parliament to recommend its unreserved approval to national Parliaments; but at the end of a long discussion, Mr Triboulet came over to our view, saying: 'Our aim remains the same. You want ratification and so do we. When it comes to a fresh battle, for example looking two years ahead, to obtain additional powers, you will find unanimity once again. We shall be at your side in the fight.'

Finally, the Italian Communists turned down the vote because there was not enough parliamentary democracy in the Treaty of April 1970.

The debates in the national Parliaments—on which I will not dwell at length—showed that the Commission's expression of intention to make further proposals within two years played an essential part in the ratifications. I have found, in the different Parliaments, resolutions and motions which laid special stress on this aspect. In any event, these votes obtained a very large majority in all the Parliaments, the least favourable being the Italian Parliament, where those who did not vote for the ratification were careful to point out that, if they did not

vote for it, it was because there was not enough parliamentary democracy in the agreements of April 1970. The result is that if one adds up those who voted for the progress of parliamentary democracy, and those who refused their vote because there was not enough progress towards parliamentary democracy, one can say that the national Parliaments finally expressed themselves more than 90 per cent in favour of the development of parliamentary democracy in the Communities, and that they did this in the light of the promises made by the Commission at that time.

If the extent of budgetary powers is a basic issue—an essential one, of course—I would recall that our present problem is the date when they should be accorded, and, therefore, going up the line, the date at which they should be proposed. If we agree to vote a budget of the Community's own resources with the derisory powers we have at present for the final period, we shall have lost a large part of our arguments and of our negotiating capacity in subsequently obtaining an acceptable degree of budgetary power. Now, experience has shown that between the moment when discussions started in December 1968, and the moment when the last ratification was passed, there was a lapse of two years. Between the Commission's proposals and the Italian ratification, there was a lapse of eighteen months. And it is quite obvious that—as article 236 of the Treaty is to be put into operation—the procedure will not be any faster next time, since nine ratifications will be needed instead of six.

Hence it can already be said that we shall be unable to discuss the 1975 budget in the conditions we were promised.

If the Commission had made proposals in the spring, as we asked, it would have been possible. If it made them even today, it would not be entirely impossible. But since it makes no proposals, then it is impossible, since a certain time will inevitably be needed, with nine countries, with three absolutely new partners, to work out proposals, in any event much more time than would have been needed to discuss proposals submitted by the present Commission pursuant to its undertakings. It can already be said that, because of the unfulfilled undertakings of the Commission, we shall find ourselves as from 1974 in a situation which we have always denounced as unacceptable, namely that of considering a budget for the Community's own resources without any real budgetary power.

Fellow members, those are the substantial and well justified grounds for this motion of censure.

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I must say that the Commission does not challenge what I have just said. It relies upon the circumstances to justify the absence of proposals.

In the first stage, the circumstances were the enlargement. It told us that we must not interfere with the discussions on accession, that we must not create additional problems and although the Commission there again, by a spontaneous gesture, forwarded an opinion to the Council on 1 October 1969, in connection with the applications for accession by the United Kingdom, Norway, Denmark and Ireland, saying precisely that it was because of the enlargement that better integration of the Community and a reinforcement of the institutional power of the Community were necessary at a very early date, that was no satisfaction to us. It is a very interesting opinion, and you can find it in the publication issued by the European Parliament on the Communities' own resources and the budgetary powers of the European Parliament, on page 109 of the French language edition. The Commission writes:

'As the Community develops, as its common policies are constructed and put into effect and as the mastery of the Community over national policies becomes more precise, the need becomes pressing for a better institutional balance giving the Parliamentary institution and Parliamentary control a larger part than originally assigned to them. The first thing is the conferment of genuine budgetary powers...'

In other words, at the outset, the Commission rightly thought that it was enlargement which implied reinforcement and that is why it would have been desirable to be able to continue along the same lines.

But, as I have also said, the declaration of 22 April 1970, did not require the Commission to take enlargement into account. I fully recognize, however that as the Commission is a political institution, it can have its own judgment on this subject, and I must say that, in any event, although we showed great impatience to get proposals on our budgetary powers, we accepted the fact that until the accessions were certain, we must be patient. Thus on 5 July 1972, by adopting a resolution inviting the Commission to present proposals without delay for the reinforcement of budgetary powers the Council accepted that this might happen after the accessions.

Unfortunately once the accessions were an accomplished fact, the Commission felt that it could not make proposals before the "Summit".

We have some reservations of principle on this subject also. In our view, a "summit" can and

should give an impetus to Community integration, to the development of the Communities, but we do not think that it can prevent the fulfilment of undertakings already entered into among the institutions and pursuant to the internal procedure for the development of institutional equilibrium.

In any event, what did the "Summit" say? In paragraph 15 of its statement, it asserts that the Heads of State or of Government desire to strengthen the powers of control of the European Parliamentary Assembly, that they confirm the decisions of 22 April 1970—which relate precisely to budgetary powers—and invite the Council and the Commission to take practical measures without delay to achieve this strengthening.

If I am asked what is to be understood by powers of control, then I would cite a member of our Assembly who can hardly be suspected of wanting government by assemblies, namely Mr Habib-Deloncle who, in May 1970, said that the powers of control of a Parliament included 'the normal right of a Parliament to agree the use of income, in other words to agree expenditure.' Thus, the "Summit" itself "stated, in substance, 'we must without delay, strengthen the powers of the European Parliament.'

And the Commission now says: We are not doing it anyway, we are not doing it because it would not be courteous. We are going to have a Commission of Nine, why should we make proposals on behalf of six?

But I would recall that the "Summit" was a summit of nine and it was the nine who gave this mandate, who endorsed the April agreement and who said: See to it without delay that the budgetary powers of the European Parliament are strengthened.

Thus, the "Summit" asks, as we do, that practical measures shall be taken to deal with our budgetary powers. Starting from that, I must say that at every opportunity I have tried, and we have tried in the Committee for Finance and Budgets to make the Commission of the Communities understand that if the promises were not kept there was a danger of a motion of censure. This is entered in the minutes of the Finance Committee meeting held in Rome. It has been repeated whenever Mr Coppé has been in our midst. Finally, two days before tabling the motion of censure, in connection with the 1973 budget, paragraph 6 of which urgently demands the presentation of proposals on budgetary powers, I said in plenary sitting, that if these proposals were not made, Parliament would make use of all the means available to it under the Treaties, which was a discreet

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reference, made in a plenary assembly, to the motion of censure.

Then what are we to think of the final argument that the Commission considers this question too important to present proposals before the Commission of nine is set up? First of all, from the point of view which was that held by the Commission in October 1969, I do not think that the fact that new countries are asking to enter the Community can be any reason for delaying the execution of commitments entered into. What ever next? I hope that tomorrow we shall welcome Norway and the day after, perhaps a democratic Spain, and later Portugal after decolonisation and then Turkey, and if each time when all the arrangements are made, all commitments entered into are reopened because there is someone knocking at the door of the Communities, then this laborious development, this shroud of Penelope, will never be finished... And if undertakings are not reopened because there is a newcomer, then why not make proposals?

Finally I am told again, as I have been told so often before; you want to kill a dying man. What is the point? I would answer, without attaching too much importance to it, that in the first place, under our criminal law, killing a dying man and killing a man in the full vigour of life are one and the same offence. But more seriously, I would say that if the Commission were in mid-term and a motion of censure on it was tabled, then we should be told; 'you will hold up the work of the Community for six months, the Commission has to make proposals for the economic and monetary union, it has to make proposals for regional policy, for the Social Fund and all the rest of it; why waste six months, and you can not table a motion of censure now!' But if it is coming to the end of its term, we are asked, why kill a dying man? In the last analysis, if we accept these arguments, a motion of censure would have to be ranked among the accessories which will never be used, since it will never be the right moment! Circumstantial arguments mean nothing; the problem is one of substance, namely whether or not major commitments have been honoured.

Fellow members, that is the substance of what I wanted to say on this motion of censure which I now move. I should like to add that it depends on the vote which will follow whether the position which this Parliament has constantly taken for ten years is confirmed or disavowed. I would further say that according to the way in which this Parliament votes tomorrow it will acquire a different dimension and a different standing with the other institutions, as well as

outside the Communities, *urbi et orbi*, and even with public opinion and that it will be able to take an infinitely more effective part in the whole of the large institutional reconstruction which we must now set going. I am, moreover, convinced that if Mr Mansholt, as I think I know him, and as I esteem him, were in my place at this moment, he would wage this battle, perhaps with greater vigour and tenacity. He said to me only this morning, speaking about something else, that a certain thing had to be done because there was a commitment. Well, here too, Mr Mansholt, something has to be done because there is a commitment. If we do not do it in the time which is still left to you, the powers of the European Parliament will have suffered irreparable damage.

That is why, fellow members, I ask you for the sake of our Parliament, for the sake of our image and for the development of parliamentary democracy in the Communities, to vote for this motion of censure.

(Applause)

President. — I call upon Mr Mansholt.

Mr Mansholt, President of the Commission of the European Communities. — Mr President, this motion of censure is the first ever tabled before Parliament or the Common Assembly in the twenty years or so of their existence. The step is a serious one. In any event, the Commission regards it in that light. The power conferred upon Parliament to censure the Commission is a fundamental element in the institutional structure of the Communities. It is this power vested in our Assembly which, in the last analysis, sanctions the control which it exercises over the Commission, and it is the essentially political Parliamentary control which is by far the best reflection of the political character of our Institution. That is why I desire on behalf of the Commission to explain myself with the utmost frankness and clarity on the question which Mr Spénale raises in his motion of censure. In not presenting within two years proposals to increase the budgetary powers of Parliament, the Commission has accepted its responsibilities. It has adopted its attitude after long and mature reflection. The Commission has made its choice. Here are the facts.

In the last phase of the big negotiation opened in the Council on 22 April 1970, at Luxembourg, on the financing of the common agricultural policy, on the endowment of the Community with its own resources and on the increase of the budgetary powers of the European Parliament, the Commission, through the medium of its President, Mr Jean Rey, made a statement

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to the Council in the course of which it expressed—I quote:

‘its intention to present, after the ratification by all Member States of the Treaty signed on 22 April, and within not more than two years, proposals to increase the budgetary powers of Parliament.’

This statement followed contacts which the Commission had made, on its own initiative, in the course of the 20th of April, with the President of your Parliament, Mr Scelba and the President of the Council, Mr Harmel. In its first official act on 8 July, 1970, in the course of its statement to Parliament, the Commission declared, in the words of its President, Mr Franco Mario Malfatti—I quote again:

‘I confirm the undertaking entered into to present to the Council within two years a new project concerning the reinforcement of the powers of Parliament in budgetary matters.’

In fact, after the coming into effect of the Treaty of 22 April 1970, the Commission set about its task. It first of all asked its staff for an exhaustive overall study of the powers of your Assembly, accompanied by a study of comparative law on the law and customs governing budgetary and legislative powers in the Parliaments of Member States and acceding States. Following a number of discussions on the study produced by its staff, the Commission, recognising the wide scope of the question, decided, in July 1971, to constitute an ad hoc group of independent persons, eminent in their own countries as authorities on constitutional law. Faced with a question of such political importance, such broad legal scope and with such far-reaching repercussions, not only in the Community, but also in Member States, the Commission finally deemed it essential to fortify itself with the advice of experts who were both familiar with institutional questions and alive to national political sensibilities.

The Commission recognised the link existing between the extension of Parliament's budgetary competences and of its legislative powers. It therefore asked the ad hoc group to study the question not only of Parliament's budgetary powers, but also of its legislative powers and, more generally, of all the implications for the constitutional life both of the Community and of its Member States which might follow from any modification of those powers. This group, under the chairmanship of Dean Georges Vedel, worked on its own and, on the expiry of the time allowed it, presented its report on 25 March 1972. This report was, moreover, transmitted to Parliament for information as long ago as April.

In the meantime, the President of the Commission had informed the Political Affairs Committee of the progress of the work and the broad lines which could already be legitimately foreseen. At the moment when the expert group presented its report the enlargement treaty had already been signed, but a new fact of the utmost gravity had emerged, namely that the ratification of the Treaty was encountering extremely serious difficulties in several of the States concerned. It very soon became apparent to the Commission that political contact with the supreme body of your Parliament, the Bureau, was essential. It was in this way, Mr President, that on 15 May I had the honour of entering into a discussion with yourself and the Bureau of the Parliament in which I pointed out, on behalf of the Commission, the problem which faced the Community institutions in the early summer of 1972 when the Parliamentary proceedings preceding the ratification of the accession treaty had been initiated and the prospects of a Summit Conference were taking a more definite shape.

And there, Mr President, lies the real core of our debate. How could the Commission, during the spring and summer of this year, present to the Council proposals to extend the powers of Parliament which would have changed the institutional balance under the Treaties and which, I emphasize, would have called for an amendment to the Treaties at the very time when these same treaties were under discussion in the debates on enlargement in the House of Commons and the House of Lords and were submitted to the referendum of the Danish, Norwegian and Irish peoples and the decision of the Storting, the Folketing and the Dail? Would your Assembly not have charged the Commission with “irresponsibility” if, in presenting such proposals, it had deliberately risked endangering the enlargement of the Community or had at least made even harder the culmination of a great political debate opened in the acceding countries?

Whatever the interest taken in increasing the democratic control by Parliament, I can tell you, Mr President, that such a gesture would also have been regarded as quite inopportune by the governments of the States with which we had negotiated. Let every Parliamentarian in this Assembly put himself in the place of his British, Danish, Irish or Norwegian colleague, with a bill on his desk, having to vote on an enactment whose institutional provisions he already knows are about to be amended in the very near future. The debate along the same lines which took place both in London and in Copenhagen and the result of the Norwegian

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referendum show that our fears were not ungrounded.

These were our thoughts, Mr President, before the sitting we held in Strasbourg in July 1972. I had occasion to discuss them with Chairman Spénale and Chairman Giraudo, who showed some understanding of the position of the Commission. I should like to recall, and I hope you will forgive me, Mr Spénale, what you said on 5 July 1972, at Strasbourg. I quote your words:

'We have had contacts with President Mansholt and with Mr Giraudo, Chairman of the Political Affairs Committee, to whose sincerity and efficiency I desire to pay a warm tribute; these contacts brought home to us the special concerns of the Commission with the problems raised by the ratification of certain countries. President Mansholt gave us to understand, in the first place, that he thought that the political responsibility of his institution, its present responsibility, could not be effaced by a resolution passed two years ago, since the Commission was always and at every moment responsible for its decisions; and secondly, that it was desirable that the Commission should not now make formal proposals to the Council.'

I did not myself have the opportunity of thanking Mr Spénale for the attitude he adopted, but Vice-President Scarascia Mugnozza did so in my place, and no doubt better, when he congratulated Mr Spénale—I quote his words:

'not only on the report he has presented to the Assembly, but also and above all, for his action as Chairman of the Committee for Finance and Budgets and I thank him for his understanding of the reasons why the Commission has not been in a position to fulfil the undertakings it entered into at that time.'

Mr Scarascia Mugnozza went on to say—and I quote again:

'I think there is no occasion, in this connection, to speak of failure to respect undertakings entered into or of lack of will. There are moments in history when it is necessary to take note of certain situations with that coolness and detachment which every politician must display in his political activity. The Commission of the European Communities welcomes the fact that Mr Spénale and his Committee recognise the changes which have occurred. I should also like to thank the Chairman of the Political Affairs Committee and all Members of Parliament for the voting intentions which are taking shape.'

Mr President, that brings me to the Summit Conference. The Commission took part in all the

discussions which were held among the ten parties in Brussels in preparation for this Conference. On several occasions during these meetings it proposed the extension of the budgetary powers of the European Parliament. It did not fail, either, to ask that article 138 of the EEC Treaty, providing for the election of Parliament by universal suffrage, should finally be put into effect, or at least that a timetable should be set for this purpose. In general, the Commission endeavoured, throughout the preparations for this Conference, to ensure that institutional affairs should be one of the major matters on which Heads of State or of Government would be invited to express themselves. I believe, moreover, that in this connection it has achieved certain results.

That is the situation on the morrow of the Summit Conference. The Commission has noted with satisfaction the conclusions of that Conference. It welcomes, in particular, the important tasks which have been assigned to the Community institutions, tasks which must be discharged within extremely short time limits. The Commission nevertheless regrets that the Heads of State or of Government were so timid on institutional questions. I must, however, call the attention of your Assembly, Mr President to the fact that on its budget powers at least, the position has not wavered. What was an undertaking on the part of the Commission and the Council on 22 April 1970, has been confirmed in Paris by the supreme authorities of Member States. And this undertaking is a fundamental point, for it is the nine Member States which have accepted it. For this reason the enlarged Commission will be in a more favourable position to make tomorrow the proposals in good and due form which Parliament expects.

The Commission therefore had to ask the question whether, in the last two months of its existence, it should itself make proposals to strengthen the budgetary powers of Parliament.

That was the question before us. The dominant concern in these discussions was to determine the conditions in which a proposal by the Commission would have the greatest authority with the Council and the nine Member States. It seemed to the Commission to be beyond doubt that a proposal by the enlarged Commission, made with the full participation of its British, Danish and Irish members, would command the widest hearing both with public and Parliamentary opinion in the nine member countries and with Member States and the enlarged Council. In practice, it came down to a question of political timing of the choice of the moment when the Commission's proposals would have the best chances of success. Those, Mr President, are

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the reasons which dictated our attitude and on which Parliament will shortly be asked to pass judgment.

I should, not, however, like to leave this rostrum without saying a word or two on future prospects. It is in a more general setting, and, it must be emphasized, in a positive context that the new Commission will be able to propose the extension of the budgetary powers of the European Parliament. I should like to recall that the Commission is to submit a report to the Council before 1 May 1973, on the distribution of competences and responsibilities among the Community institutions and Member States, as necessary to the proper functioning of an economic and monetary union. This report will have to take account of the prospects for the evolution of the Community opened up by the Summit meeting. By confirming the commitment to achieve the economic and monetary union within the time specified, the Heads of State or of Government have given a fresh impetus to social policy, to regional policy, to industrial, scientific and technological policy, to environment policy, to energy policy and to trade policy. It is certain, Mr President, that the Community's second generation budget, if I may use the term, will be vastly different in its structure and effects from the present one. Owing to the extension of the field of action of the Communities, we shall no doubt witness an expansion of the volume of the budget and a diversification of the instruments of action by the Communities. This budget will therefore have an increasing impact on development within the Community. In these circumstances how can we dispense with genuine democratic control? In this context the European

Parliament will have an essential function to discharge. The principle that the function creates the organ will once again dictate the institutional evolution of the Community. Parliament will have to exercise genuine democratic control. If that is the short term evolution, what are we to say about the more distant prospects of that European Union whose broad outlines the Summit Conference was unwilling to trace? It will be a matter for the institutions of the Community, and in particular for your Parliament, to draw up before the end of 1975 a report on the structure of the European Union. In conclusion, Mr President, may I in this place express my faith in the Community ideal and my profound and unshakeable conviction that such an ideal will be realised before we pass on the torch to the coming generation. They would not forgive us either our errors or our procrastinations. For my part, I await with confidence the judgment which your Parliament will pass on the motion of censure which is the subject of our present debate.

(Applause)

President. — Ladies and Gentlemen, I propose that the sitting be adjourned until 7.30 p.m.

Are there any objections?

That is agreed.

The sitting is adjourned.

(The Sitting was adjourned at 6.20 p.m. and resumed at 7.35 p.m.)

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SITTING OF TUESDAY, 12 DECEMBER 1972

5. *Change in order of agenda*

President. — Since the Committee for Finance and Budgets is still meeting as a consequence of yesterday's motion of censure, we shall first take those items on the agenda which do not call for a debate.

President. — The sitting is resumed.

19. *Motion of censure on the Commission (continued)*

President. — The next item on the agenda is the resumption of the debate on the motion of censure on the Commission of European Communities tabled by Mr Spénale on 16 November 1972, the text of which has been distributed.

I call Mr Spénale.

Mr Spénale. — Mr President, fellow members, after yesterday's introductory debate on the motion of censure, the political groups met, after which the Chairmen of the groups held a meeting at which they reached certain conclusions.

The first was that the case presented in favour of the motion of censure was justified.

The second was that the arguments put forward by President Mansholt established the existence of extenuating circumstances, and warranted the recognition that the present Commission may have sincerely thought that the enlarged Commission would be in a better position than itself to propose and carry through the necessary reforms.

The third was that the most important thing, starting from there and at the stage we have now reached, was to ensure that the Commission of Nine keeps the April 1970 promises as rapidly as possible, bearing in mind that the Commission of Six or of Nine remains a permanent institution.

The Chairmen of groups have drafted a proposed resolution along these lines which they will shortly be presenting. As a matter of courtesy, and although the tabling of a motion of censure is a personal act, I have consulted the members of the Committee for Finance and Budgets who have unanimously supported me in tabling this motion of censure. I cannot say that the majority of the Committee are in agreement with the resolution, but I can say that the majority of them accept the letter and spirit of paragraph 4 in which the Committee is expressly referred to, and which, so far as they are concerned, can therefore remain as it stands.

In view of the tabling by the Chairmen of the political groups of the proposed resolution, and in order to allow it to be discussed, I withdraw the motion of censure. I hope that it will have served the cause of this Parliament and the progress of parliamentary democracy within the Communities.

(Applause)

President. — Mr Spénale's motion of censure is withdrawn.

20. *Motion tabled and considered by urgent procedure*

President. — I have a motion for a resolution from Mr Lückner, Mr Vals and Mr Berkhouwer with a request for it to be dealt with by urgent procedure under Rule 14 of the Rules of Procedure.

The motion for a resolution has been issued as Document No 251/72.

I shall first take the vote on the urgency of this motion.

It is resolved that this motion for a resolution shall be debated by urgent procedure.

I call Mr Berkhouwer.

Mr Berkhouwer. — Mr President, I shall be happy to explain in a moment how this has happened but I think it desirable, on a point of order, to tell you that the motion for a resolu-

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tion that has been tabled was drawn up by Mr Lückner and Mr Vals.

President. — Your statement is noted Mr Berkhouwer.

I call upon Mr Vals to present the motion for a resolution.

Mr Vals, Chairman of the Socialist Group. — Mr President, fellow members, Mr Berkhouwer asked me, a few moments ago, to make it clear that the proposed resolution presented to you has been signed by Mr Hans Lückner and myself. This does not mean that he is not in agreement with the substance; the same applies to the Chairman of the UDE group as he told me in the lobbies.

The proposed resolution is therefore presented to you by Mr Lückner and myself. And my honourable friend Mr Lückner has asked me to try to explain faithfully, in his name, as well as in my own, the reasons for this proposed resolution. A motion of censure is always a serious act for a Parliament. It is even more serious when it is the first time it has been used. In fact, over the last fifteen years during which the relations between Parliament and the Commission have been sometimes difficult and even stormy, but very often friendly, the motion of censure has never been used. And very naturally, the tabling of this motion of censure has aroused keen and passionate discussions in the political groups of this Parliament which are understandable in the light of the importance of the political act in question.

The Chairmen of the political groups felt it essential to defend the rights of this Parliament and to demand the fulfilment of the commitments entered into two and a half years ago now. They were very happy to find that the tabling by Mr Spénale and the Committee for Finance and Budgets of this motion of censure has enabled us to note, as President Mansholt said yesterday, that the Commission of the European Communities, like Parliament itself has welcomed the fact that the undertakings entered into in April 1971, on the subject of the budgetary powers of the European Parliament have been very widely endorsed by the Summit Conference of October 1972.

But they cannot remain indifferent to the plea which we heard yesterday from the lips of the President of the Commission of the European Communities. I should, moreover like to say, addressing myself to him in my capacity as the Chairman of a Group, since this is probably the last sitting in which he will participate as President of the Commission, how greatly my

group has always appreciated the action he has taken for the defence of our European ideal and of democracy in Europe.

It was because we could not remain insensible to the arguments he put forward yesterday that we could well believe that the Commission sincerely thought it more opportune to leave it to the enlarged Commission to make proposals. We were very happy to hear, in private conversations, as well as before Parliament, of the undertakings entered into by the Commission to ask its successor to make proposals corresponding to the commitments of April 1970 as a matter of priority and within a reasonable time, in any event not later than 1 May 1973.

In these circumstances we have been able to draft the proposed resolution which has enabled Mr Spénale to withdraw the motion of censure, and I should like to thank him both for the debate for which he has provided the opportunity in this Parliament and for the attitude he has just adopted.

This does not, however, mean that we renounce this possibility. It is, moreover, specified in the Treaty, and I give warning here and now that if the undertakings we ask the Commission to enter into as to the presentation of a project for the future powers of the European Parliament in the budget sphere, and even in the legislative sphere, are not fulfilled by 1 May 1973, as indeed the Paris Conference has recommended, we reserve the right at that time to make use of the instrument which the Treaty accords us, namely the motion of censure. We have no desire to return to it, but there can be no doubt that if it becomes inevitable Parliament will exercise its rights.

These are the reasons which have induced the Chairmen of groups who have signed the proposed resolution to present it to you. We believe that the great majority of the European Parliament will approve it.

(Applause)

President. — I call Mr Mansholt.

Mr Mansholt, President of the Commission of the European Communities. — Mr President I would like first of all to thank Mr Spénale on behalf of the Commission for the fact that my reply in yesterday afternoon's debate gave him grounds to withdraw his motion of censure. My gratitude is the greater, Mr President, in that, as everyone will understand, it would be a severe blow for a Commission that is on the point of giving up office if Parliament were to adopt a motion of censure, particularly one—forgive me for saying so—which the Commission regards as

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unjust. We readily accept that it must always be possible for a motion of censure to be tabled even up to the last day of the existence of an institution such as the Commission. The application of the procedure must be possible at all times. We do not believe that a motion of censure must be an instrument to be used only once every fifteen years. It all depends on the circumstances. This motion of censure was, in our view, specifically aimed at a given part of our policy and it sets out very precisely the aspect in which the Commission is considered to have been negligent. The Commission readily concedes that, for someone looking at the problem from a budgetary viewpoint or for a parliamentary committee dealing with budget questions, the fact that no proposals have been made after a space of two-and-half years is unsatisfactory. However, I believe that the Commission has shown in yesterday's submission that the matter at issue is not one that can be solved at any given moment from the budgetary standpoint alone.

A political solution is required and the Commission therefore believes that it has acted rightly in having so far submitted no proposals to Parliament for strengthening its budgetary powers. The Commission believes that the right way is for the new Commission to submit such proposals to the new Parliament and to the new Council. But we readily agree, Mr President, that we should put this matter before the Commission that will be taking our place. We should take every possible step to ensure that the new Commission, the Commission of the Nine States, submits proposals for changes in the powers of the Parliament in the shortest possible time, and even prior to the date laid down therefor.

President. — I call upon Mr Giraudo, Chairman of the Political Affairs Committee.

Mr Giraudo. — Mr President, I must first of all express my regrets at not having been able to be present at the debate which took place in this Assembly yesterday on the motion of censure moved by my honourable friend, Mr Spénale; unfortunately I was detained in my own country by unavoidable duties.

It would certainly have been helpful if the Political Affairs Committee had been able to give preliminary consideration to the present proposed resolution which follows on the withdrawal of the motion of censure. Coming now to the reasons for my speech, I would recall in the first place that questions of budgetary powers, since they relate to the powers of one of the fundamental institutions of the Community are within the competence of the Political

Affairs Committee. For this reason, at the appropriate time, and precisely in the month of July—as my honourable friend Mr Spénale and President Mansholt were kind enough to recall yesterday—I as Chairman of the Political Committee, together with Chairman Spénale set about trying to expedite and to fix the time within which, before the end of the year, the Commission should have presented its proposals to follow up the Luxembourg Treaty. I understand, and I now am bound to accept what my honourable friend Mr Spénale has called 'the extenuating circumstances' for the broken promise, or at least for the Commission's failure to perform its promise. There is no doubt that our Community has passed and is passing through a delicate moment because of the transition to a state of political affairs which is different both in substance and in quality.

At the Hague, on the occasion of the meeting of the Political Affairs Committee on 23 November last I recalled—and this, in a sense, supports the justifications put forward by President Mansholt—that what had happened and what was happening in respect of Parliament's budgetary powers also applied to the proposals which the Council of Ministers had promised to put forward in the course of the current year for the so-called Davignon procedure, that is to say, for cooperation in the matter of foreign policy. In fact the Paris Summit, mainly in the light of the present transitional stage, has postponed the presentation of these proposals until June 1973. Parliament can, of course, naturally not pass a motion of censure on the Council of Ministers, because the treaties do not provide for it, but I would say that the political reasons for this postponement do not greatly differ in substance from those which determined the deferment of the proposals on budgetary powers. I should nevertheless like to express one reservation; the Commission could at least have maintained the commitment to present, if I may say so, a report on the situation to the Political Affairs Committee and the Committee for Finance and Budgets jointly before the end of the year. This would have meant that through its responsible Committees, Parliament would have been informed of the arguments put forward by President Mansholt. This difficulty could have been avoided.

I am not speaking here on behalf of the Political Affairs Committee; since it has been unable to meet, I have no authority to do so; in my personal capacity, however, I can agree to this proposed resolution without further ado. On the other hand I think I can also express the opinion of the Political Affairs Committee when I support the amendment proposed by my honourable friend Mr Scelba by way of an addition to para-

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graph 3, asking that, as well as budgetary powers in the technical and financial sense of supervision, Parliament should also be accorded legislative powers. Everyone knows in practice that effective budgetary powers involve not only the power of supervision, but also the power to determine the nature of the budget and the purposes of expenditure and income. Since this is the view which has always been upheld by the Political Affairs Committee I think I can, on behalf of that Committee, invite the Assembly to accept this amendment.

The Political Affairs Committee, in full agreement and cooperation with the Committee for Finance and Budgets, will continue its action of pressure and vigilance so that what it has not been possible to do in the course of 1972 shall be done in the early months of 1973 so as to avoid any worsening of the disequilibrium which already exists between the powers of the Council of Ministers and the powers of Parliament and to put Parliament in a position to function effectively and to prepare the proposals it is to present by 1975 on the European Union. This means taking an overall view of the whole new political situation of the institutions of the Community and above all, it means putting the Community in a position to function democratically, with special reference to the delicate question of the control of budgetary powers with a view to the date of 1 January 1975, by which the Community will have full financial autonomy.

President. — Ladies and Gentlemen, before asking anyone else to speak I would like to remind you, without wishing to intervene in the debate in any way, that the matter before us is a motion of censure on the Commission for its failure to make proposals, exclusively in regard to the extension of our budgetary powers on the basis of the Treaties of 22 April 1970. This is the subject at issue and I would ask you to be kind enough to confine discussion to this matter.

I call upon Mr Ribière to speak on behalf of the European Democratic Union Group.

Mr Ribière. — Mr President, fellow members, I hope you will forgive the length of my speech (which will, however, not go beyond the quarter of an hour originally intended) as I should like, on the occasion of this debate on a motion of censure tabled and subsequently withdrawn by Mr Spénale, to define a few principles on behalf of my Group.

It was by the vote of extraordinary subsidies requested by the Crown that the House of Commons in England was progressively able to assert its control from the fourteenth century onwards.

As a general rule, through a long evolution of history, it is by consenting to taxation that representative assemblies have been able to counterbalance the power of the executive. No one can therefore be surprised if, in claiming the recognition of its budgetary powers, our Parliament is determined fully to assert its function of democratic control.

With the creation of the Communities' own resources which, with effect from 1 January 1975, will escape the control of national parliaments, our group is determined that parliamentary control over these funds shall in future be exercised by the European Parliament, to the full extent to which it is taken out of the hands of national parliaments. This is a point on which I think we are all agreed.

But while we are careful not to lose sight of the ultimate goal, we nevertheless wish to express our opinion on the means proposed for this purpose, on the method, that is to say, the use of the motion of censure, expressly stipulated by article 144 of the Treaty.

We consider that recourse to sanctions imposed by vote, which was put forward as the only suitable way of constraining the Commission to fulfil its obligations, really raises the question of the reinforcement of parliamentary control and therefore of the adaptation of the decision-making machinery within the Community. Our Group therefore wishes to express its views on what must be frankly called the shortcoming of the Commission, clearly to explain its position on the sanction proposed, namely the motion of censure and to propose measures calculated to ensure the genuine control of our Assembly over the Commission by the adjustment of the decision-making procedure.

On the shortcoming of the Commission, the Council had indicated, at the time of the signature of the Treaty of Luxembourg, that it would consider proposals by the Commission designed to confer increased budgetary powers on our Parliament. The Commission entered into the undertaking, annexed to the Treaty of 22 April 1970, to present proposals on this matter within not more than two years. This time limit has expired. However, if we accept the argument, to use a neutral word, that the time should run from the last ratification, we are bound to note that, Italy having been the last to ratify, on 22 December 1970, the time limit expires on 22 December next. Furthermore, if I have properly understood what Mr Mansholt said, even before the opening of this debate, the Commission had no intention, in the eleven days which remained to it, of honouring its commitments.

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How could such a state of affairs arise?

At the risk of being thought to impute unworthy motives, I should like to say, no doubt from personal experience, that there is more than one way of shelving an issue. The one chosen by the Commission is certainly one of the most classical. It took the form of referring the question with which we are concerned to a group of experts who, moreover, could hardly have been more distinguished. The Vedel Group, in its report of 25 March, 1972, dealt with all the institutional questions, the legislative powers of our Parliament, its mode of election, its relations with national Parliaments, the reinforcement of the political powers of the Commission and a great deal more besides.

What does it say about our budgetary powers? 'The right way to formulate the question of Parliament's participation in Community policy is to regard purely budgetary competence as a feeble form of influence.'

What does it think of the right to reject the budget, demanded by our Parliament in the final phase? 'The group is not called upon to take sides in this controversy.'

We may note that, even where they did not specifically associate themselves with this claim by our Parliament, as happened particularly in France, Germany and Belgium, the Foreign Ministers expressly adopted an attitude in the course of the ratification debates.

In our view the Commission has unloaded its obligations, first on the experts, then on the Heads of State or of Government, and finally on the new members, since it has decided in midstream that it was necessary to wait for enlargement.

Some of these reasons are sound, but we are bound to recognise that the Commission has failed in its obligation to present proposals on the extension of our budgetary powers. On this specific point, and on this point alone, since the great majority of our Parliament has constantly welcomed the action of the Commission which has enabled the construction of Europe to make substantial progress, we have recognized its shortcoming and denounced, if I may be forgiven the word, its faulty working methods.

Having said that, I should like to clarify the reasons why, while recognizing the Commission's share of responsibility, we should not, in any event, have voted for the motion of censure.

This procedure certainly had one merit; in the event of an affirmative vote, over and above the budgetary quarrel, the Assembly would have overthrown the Executive and affirmed its

political role, Parliament would have emerged from the shadows; there would have been an end to opinions on mayonnaise, concrete bars, pigmeat and turkey offals! It was a seductive prospect, and we recognise that Parliamentarians conscious of their role and function might be tempted, particularly—and this is another facet of Mr Spénale's initiative—as the risk was less, the net being spread, since the new Commission was ready to take office on 1 January 1973.

There was a great deal of skill in your initiative, Mr Spénale. And yet our Parliament is not empowered to pass a motion of censure regardless of the subject matter. Our right of censure is not general. What does the first paragraph of Article 144 say: 'If a motion of censure on the administration (*gestion*) of the Commission is tabled before it, the Assembly shall not vote thereon. etc.' Now, what is administration? Any dictionary, Larousse, Littré or Robert will tell us. 'Administration; the act of administering; management. The husband is responsible for the administration of the affairs of the community.' (We would add straight away, without any malice, the Commission too!)

What is the nature of this power of administration? Article 155 of the Treaty, which fixes the competence of the Commission, tells us at once: 'In order to ensure the proper functioning and development of the common market, the Commission shall ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied.' Next, still under article 155, the Commission shall 'formulate recommendations or deliver opinions', it has a normative power, in other words it has 'its own power of decision and it shall participate in the shaping of measures taken by the Council and by the Assembly in the manner provided for in this Treaty', and finally, it has executive competence.

This clearly means that the Commission's responsibility can be challenged by a motion of censure only if it makes default in its task of administration, namely of 'ensuring that the provisions of this Treaty and the measures taken by the institutions pursuant thereto, are applied.' This would be the case, for example, if the Commission failed to apply the Community decisions on the functioning of the common market, the free circulation of merchandise, competition policy, tax policy, right of establishment—or if it failed to apply decisions on the development of the economic and monetary union or the extension of common policies.

The first paragraph of article 144, read in the light of article 155, rules out any challenge to the responsibility of the Commission in the exercise of its normative power, as I have just

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defined it. Now, the shortcoming rightly pointed out by Mr Spénale lies precisely in the failure to make a proposal to the Council, the failure to carry out an act which falls within the sphere of normative competence. The proper application of the Treaty therefore leads our group to the conclusion that in this specific instance, the procedure of a motion of censure is out of order. And I would add that not only the application, but also the interpretation of the Treaty support this finding.

Article 24 of the ECSC Treaty provided that the Assembly could pass a motion of censure only on the discussion of the General Report. The new article 24, as amended by article 27(2) of the merger Treaty does not preserve this condition, but, in a single enactment, preserves the discussion of the general report and the possibility of a motion of censure on administration. At the present moment, we find that the introduction of a motion of censure against the Commission in connection with its activities relating to the ECSC is connected with the discussion of the general report, without this discussion, however, still remaining the condition for a motion of censure. Similarly, article 144 of the EEC Treaty is preceded by article 143 on the discussion of the annual general report. Why this connection? Precisely because the general report contains the general summing up of the Commission's work of administration.

The novelty of the Treaty of Rome compared with the Treaty of Paris on the subject of a motion of censure relates mainly to the timing; a motion of censure may be moved at any moment since it is no longer compulsorily dependent on the discussion of the general report.

This censure nevertheless remains limited. It would be different only if article 144 deliberately refrained from specifying the character of the censure. Constitutions which provide for political censure, for general censure, merely speak of censure without any qualification. In France, for example, article 50 of the 1946 Constitution specified that 'The vote by the National Assembly of a motion of censure shall entail the collective resignation of the Cabinet.' Article 49(2) of the 1958 Constitution specifies that 'the National Assembly shall sanction the responsibility of the government by voting a motion of censure'. Nowhere is it specified that the censure shall be limited to *gestion* or to *Tätigkeit* or to *operaio* to cite the German and Italian versions of article 144. This censure, limited under article 144 by the precision which the authors of the Treaty deliberately introduced, is therefore not a general censure, but a special censure, an administrative censure.

The action we were invited to take was designed to turn it into a political censure. Now, political censure, or rather unqualified censure, not limited to administration, is different in kind. I shall not trace its long history. Let us simply recognise that it guarantees the balance of powers under a parliamentary regime. Its use would have implied that we were faced with a responsible government, that is to say, a different institutional balance, in a word, a different constitution. Perhaps the institutional evolution desired by some people and primarily by the authors of the Treaty themselves, might have led, by a broad interpretation of article 144, to the adoption of that kind of censure. Let us simply recognise that this evolution has not taken place.

Our group, for this reason of principle, welcomes the fact that, in this particular case the motion of censure has been changed into a proposed resolution. In fact the censure proposed to us bore no relation to the desired result. It was, if I may use the term, a desperate remedy. Furthermore, it was in contradiction with the constant attitude of our Assembly, and if I have understood aright, apart from this absence of budgetary proposals, you had not and have not any criticism to make of the Commission, but quite the contrary.

That is why, in order to avoid both shortcomings of this kind and inadequate remedies, we think it best to improve the decision-making process within the Community—this is the third facet of my remarks—so that the Commission takes account of the position expressed by our Parliament.

Mr Spénale asked for a broad interpretation of article 144. We, for our part, ask for a broad interpretation of the second paragraph of article 149, specifying that 'As long as the Council has not acted, the Commission may alter its original proposal, in particular where the Assembly has been consulted on that proposal.' We ask the Commission to present to the Council its proposals as amended by the European Parliament, obviously annexing its initial text. This proposal responds to a series of questions which have been very well raised in a study on the European Parliament in the construction of the Europe of Six, carried out as part of the research work of the Paris Faculty of Law and Economics. 'What interests Parliament is to know the attitude adopted by the 'Executive' before the Council on the adoption of the text: has it remained silent on the subject of the proposal by Parliament; has it, on the contrary, defended or rejected it; or has it simply modified its own position without

Ribière

expressing itself on the substance of Parliament's position?"

These questions were worth raising, for practical experience teaches us that, in the heat of often difficult negotiations, the position of our Parliament, far from being in the forefront, is very often in the background. And as Mr Deringer concluded in a report which is already old, since it dates from 1962, but which was the subject of important debates, 'the Executive can in the long run count on the confidence and support of Parliament only if it confines its departure from their proposals to cases which are objectively justified.' In undertaking to present to the Council the text amended by our Parliament and not to depart from it except for objectively justified reasons, the Commission would be promoting genuine cooperation with our Assembly and strengthening its capacity for action in relation to the Council. Furthermore, it would be less tempted to consult too much with experts from Member States to ascertain what courses of action were most likely to be accepted by the Council. It would in future consult the elected representatives in priority. In this way it would seem much less like a body which was too often technocratic and remote from the concerns of public opinion. Our Parliament, for its part, could exercise continuous supervision over decision-making without oscillating between inoperative advice and inadequate censure.

In conclusion, the European Democratic Union group:

- recognizes that the Commission has failed to fulfill an important, though limited, obligation which it had formally entered into;
- considers that the overall quality of the Commission, which has always been appreciated by our Parliament, is not in question;
- finds that a motion of censure is out of order, since according to the letter and interpretation of the Treaties it could relate only to the administration of the Commission, which has not been and is not challenged;
- is nevertheless prepared to support the broad lines of the resolution proposed by Mr Lückner and Mr Vals;
- considers that control by the European Parliament would be better ensured if, by a broad application of the second paragraph of article 149, the Commission agreed to present to the Council proposals amended by the Assembly. (In any event, it would like the Commission to accept this proposal and give us its views on this subject, but at a subsequent sitting, owing to the late hour.)

We think that our Parliament could also adopt this proposal. It is only a suggestion which seems

to us to be in line with the wishes expressed by the Heads of State or of Government when in item 15 of the Communiqué published on the conclusion of the Paris Conference, they invited the Council and the Commission 'to put into effect without delay the practical measures designed to strengthen the powers of control of the European Parliamentary Assembly and to improve the relations both of the Council and of the Commission with the Assembly.'

President. — I call upon Miss Flesch to speak on behalf of the Liberal and Allies group.

Miss Flesch. — Mr President, fellow members. If the debate on the motion of censure had taken place last evening, I should have spoken on behalf of my group to justify our vote in favour of the motion of censure. We, for our part think that it was perfectly in order and that fulfilling your political commitments is also a question of administration, and furthermore that a broad interpretation of article 144 is certainly desirable. The reasons which would have justified and which should justify our position are those which were so well outlined yesterday by Mr Spénale in moving the motion of censure.

In speaking today my mandate is not so precise. But the few comments I wish to make, do, I think, very largely reflect the feelings of my political friends. The hour is grave and the debate important. First, because by its very nature, a motion of censure is a serious weapon — Mr Ribière has just called it 'a desperate remedy'. Secondly, because, on the merits, what is in issue in this debate is one of the most essential aspects of Parliamentary competences. The issue is the extension of the budgetary powers of our Parliament.

I should like to recall that in this affair the Commission has not fulfilled its undertakings. We must therefore recognize that there has been a shortcoming. I should also like to recall that the debate yesterday and today, whatever its outcome, will have served as a sharp warning. The climate of confidence and good understanding between the natural and traditional allies constituted for so many years by the Commission and Parliament has to some extent been challenged by this debate. I hasten to add that it is not completely threatened, since on essential matters and major issues the Commission and Parliament have agreed in the past and are still agreed. But I think that this debate must demonstrate the grave concern of Parliament at the shortcoming of the Commission.

We are now faced with the withdrawal of the motion of censure and the tabling of a proposed resolution. I must say that this does not strike

Flesch

me personally as a sound solution or a happy conclusion to our debates. I am still convinced that the question was important enough to warrant a vote on the motion of censure. It might have been for or against, but at least we should all have clearly faced our responsibilities. In this way the debate rather tails off. We have shown a lack of courage and Parliament will undoubtedly be blamed for this in future.

Let us turn to the proposed resolution. The first paragraph calls for no special comment, except possibly an expression of our satisfaction that the somewhat enthusiastic language of the original resolution has been replaced by more sober terms.

In saying in paragraph 2 that Parliament 'recognises that the present Commission may have sincerely thought it more opportune to leave it to the enlarged Commission to proceed to the reforms the principle of which is solemnly confirmed', I am not sure that we are paying the present Commission a compliment. Furthermore, we should have expressed our own position, which, I repeat, remains critical of the Commission for having failed in its undertakings.

Paragraph 3 in which we take note of the undertaking by the present Commission to ask the enlarged Commission to honour the commitments it has itself failed to honour is worth its face value. I would add, on this question, that President Mansholt yesterday responded to a demand of substance from Parliament by arguments based on procedure and convenience. The demand merited better treatment.

Under the fourth point we say that 'the motion of censure ... could be re-introduced'. That goes without saying, though it is perhaps better to say so. I would add that, in so far as it confirms our critical attitude, we can approve this paragraph.

In conclusion, you will hardly be surprised that I cannot vote in favour of this resolution. However, out of sympathy and respect for the mover of the motion of censure and for the views which he has always so stoutly defended on behalf of the Committee for Finance and Budgets and on behalf of our Parliament, out of understanding for the difficult position in which he has found himself in the past two days, I should be unwilling to vote against the proposed resolution. Like most of my political friends, therefore, I shall abstain from voting on this resolution.

(Applause)

President. — I call upon Mr Fabbrini.

Mr Fabbrini. — Mr President, fellow members: I listened with great attention yesterday both to the introductory and illustrative speech of my honourable friend Mr Spénale and to President Mansholt's reply in justification. While the arguments put forward by Mr Spénale met with the full agreement of myself and my political party, since they reflect the position we have already adopted on previous occasions, both in committee and in plenary sittings, I cannot say the same for the justifications put forward in reply by President Mansholt.

In our judgment the explanations proffered are not convincing, whereas, in our view, the tabling and voting of the motion of censure were fully justified.

In spite of this, we now find ourselves faced with the new situation of the withdrawal of the motion of censure and the proposal of a resolution on which we are asked to vote. I should like to recall that on a previous occasion, and precisely last July (at that time we were dealing not with a motion of censure, but with a resolution by the Committee for Finance and Budgets which included a severe criticism of the Commission for failing to fulfil the undertakings entered into in the statement annexed to the Treaty of Luxembourg) we already reached a compromise by agreeing to delete from the text of the resolution any language critical of the Commission. The resolution approved asked that the Commission should without delay proceed to formulate and present proposals for the extension of the powers of the European Parliament. Since July several months have passed and now we have arrived at a motion of censure because in spite of this invitation to proceed without delay to present proposals, the Commission has in the meantime not fulfilled its undertakings. I should not like the same thing to happen with the Commission of Nine, once the present resolution is approved; neither should I like us to find ourselves, in a few months time again faced with the necessity to move the motion of censure which is for the moment withdrawn.

It is indeed certain that the new Commission, which will be partly renewed and enlarged, will have very many other problems to tackle, and it therefore cannot be ruled out that what is demanded in the resolution as a priority task on the part of the Commission may find itself relegated to the position of a marginal activity of the Commission, which, in those circumstances, could, without more ado, put forward better justifications than those relied on by President Mansholt in yesterday's debate.

There is also another reason which indicates that what is asked for in the proposed resolution

Fabbrini

is unlikely to come about. In my opinion, and in that of my political party, Parliament, in its relations both with the Commission and with the Council, is not proceeding along the right lines, or in other words, it is not acting in the right way to obtain the powers which it rightly claims. Still referring to the resolution of last July, I had occasion to point out in the debate on the 1973 budget in Strasbourg in November that the European Parliament had not given proof of firmness but had, on the contrary displayed a serious tendency to give way and compromise in claiming the recognition of certain of its rights, which in my opinion are not to be renounced, rights which spring from the obligations assumed by the Commission under the Treaty of Luxembourg. I believe that the European Parliament is itself limiting its own possibilities if it fails to integrate itself with the activities of the other Community institutions, thus contributing fresh impetus and stimulus in the right direction of the extension of its powers, and, more generally, of the democratization of the Community institutions.

I said just now that the excuses made for the Commission yesterday were unconvincing. I need not repeat what my honourable friend Mr Spénale has already said so excellently; some of the considerations he has put forward have strengthened the conviction of my political party that it would be right to maintain a highly critical attitude towards the Commission. And these excuses are unconvincing for other reasons too. When, for example, it is said that it was desired to show a certain respect—a certain courtesy as, if I remember right, someone called it—towards the new member countries, there is no doubt that if this argument were accepted it would lead to the conclusion that, pending the arrival of the new members the activity of the Community should have been suspended in other fields as well as this. There is in fact no doubt, that other decisions taken by the Commission and the Council even after the ratification, even after the approval by the member countries of the accession treaty, had a substantial influence on the current negotiations with the acceding countries and on the internal life of those same countries. I should also like to add that since the acceding countries have very solid and very robust democratic traditions, they would certainly have appreciated—precisely, I repeat, because of the spirit which animates their own internal political life—proposals by the Commission designed to extend the powers of the European Parliament. This argument is, in my opinion, very important. There is no doubt that if these proposals had been presented we should have been able to consider them in the Committee for Finance

and Budgets and in the Assembly, subject to finalising them in a second stage with the positive contribution of the representatives of the new member countries. But that is not all. I think that for this question too, as the Commission, and above all the Council, have done for other questions which arose and which affect the life of the Community in various ways, it would have been possible indirectly to associate the representatives of these countries with the formulation of the proposals which the Commission should have presented.

We therefore consider that the withdrawal of the motion of censure is not justified. We should have preferred the opportunity of casting our votes here upon this motion, not, as my honourable friend Mr Spénale said at the beginning of his introduction, for the purpose of accusing any individual member of the Commission or of criticising the whole activities of the Commission for the purpose of bringing about its resignation in the event of the motion being passed. That is not the problem. A motion of censure is, of course, a serious act, but in our judgment it is even more serious not to proceed to a vote on the motion because of the compromise expressed in the proposed resolution.

It is said that we must recognize extenuating circumstances for the Commission. I am not a lawyer, but I do know that extenuating circumstances do not wipe out the offence; the offence remains. For this reason, therefore, I have taken the step of proposing to the Committee for Finance and Budgets which met a few minutes before the opening of the present sitting, that a passage should be added to the text of the resolution confirming the criticisms we have repeatedly made of the Commission and which were the origin of the tabling of the motion of censure. At the beginning of the resolution, before the word 'welcomes', which, on the proposal of the movers is to be deleted and replaced by 'notes'—and we are pleased with that, because the first sounded like a sort of repudiation of the terms of the motion of censure—I had proposed to add a sentence something like this: 'while fully confirming the criticisms made against the Commission for its conduct in this matter, takes note of, or notes...' which would have been followed by paragraph 1 of the present wording.

The offence remains and, therefore, in our judgment, this should also be clearly brought out in the text of the resolution; this could be done if my proposal were accepted.

I repeat, then, that we should have preferred a vote on the motion. In fact, we are not in agreement with the substance of this resolution

Fabbrini

which is the result of a compromise which recalls another compromise already proposed in this place and accepted in this place last July with the consequences which all of us have been able to recognise.

We shall not vote against the resolution only because the end, and specifically the very last words, leaves the door open for the possible presentation of a fresh motion of censure in the event of the future Commission of Nine failing to formulate and rapidly present proposals for enlarging the budgetary powers of our Parliament.

I should, however, like to add—and with this I conclude—that when our Parliament displays so much submissiveness, when it is nearly always inclined to compromise and to give way before the other Community institutions, it is not rendering good service to the cause of the democratization of the institutions in which we all profess our belief. Of course I do not challenge the good faith and sincerity of all those who speak on this question, but if these expressions of good will are not followed by acts and by firm and severe criticism of those who do not fulfil the undertakings they have entered into, then progress along these lines will always be limited.

President. — I call Mr Schuijt.

Mr Schuijt. — Mr President, now that the motion of censure, described by previous speakers as a desperate remedy, has been withdrawn I feel that certain political misgivings remain in regard to the way that this matter has developed. The expectations and hopes that this Parliament had expressed have not been fulfilled. The Commission has left matters as they stood and has not tackled the problem in an organised fashion. I am all the more sorry that so convinced a democrat as Mr Mansholt has not had an opportunity to occupy himself with these questions. Now no one knows what the outcome of this very important issue is to be. I admire the fact that, now we have no desperate remedy, some other therapy is being devised in the form of a resolution. The therapy fits the case, but in my view the matter is too serious. Before I personally vote on this resolution, which has so suddenly appeared on the table, I need more information about the draft and content of the resolution. I would like to draw your attention to the remarkable statement in paragraph 1 to the effect that the commitments entered into in April 1970 were largely endorsed by the Conference of Heads of State or Government. So we are already home and dry! But paragraph 3 says that the present

Commission undertakes to ask the enlarged Commission to ensure that the commitments entered into are given precedence and rapidly honoured. Any normal reader of this text must wonder where we really do stand. Have the commitments been endorsed and if they have, why do they still need to be honoured? In my view there is no logical relation between paragraph 1 and paragraph 3. This resolution reminds me of the famous self-contradictory resolutions and motions at which our Governments were so expert in the past. I have little inclination, Mr President, to vote on a text of this kind unless I have a clear explanation from the authors of what is really meant. Are the commitments now endorsed or do they still have to be honoured? If this difficulty is resolved for me in a positive manner I shall be delighted to vote for the resolution but if this is not the case I shall at least abstain from voting and perhaps even vote against.

President. — I call upon Mr Vals.

Mr Vals. — Mr President, I should like to answer the question just asked by Mr Schuijt, not by an exegesis of the text but by pointing out to him that the Conference of Heads of State or of Government of October, 1972, which endorsed the principles of the 1970 declaration is not a Community body. The Community body responsible for making proposals is the Commission and the Commission must act. There is therefore no contradiction between the first paragraph which recognizes that the Heads of State or of Government have endorsed an undertaking and a position of Parliament and the request made in the third paragraph that the enlarged Commission should make proposals to the Council, a Community body, the rest being simply something which has been found in order to try to relaunch the European idea.

I should also like to take this opportunity of indicating that the reasons advanced by Mr Ribière in the views he has expressed on the withdrawal of the motion are not those which inspired the Chairman of the Christian Democrat group and myself. It was not for these reasons that we asked for the withdrawal of the motion of censure.

(Applause)

President. — I call upon Mr Scelba.

Mr Scelba. — Mr President, may I make a few brief comments. In the first place, I should like to point out to Chairman Spénale that, as the representative of the UDE spoke before me, he could hardly have adopted my ideas. Chairman Spénale has obviously fallen into an error here.

Mansholt

Secondly, I should like to make it clear that this motion of censure cannot be revived against the new Commission. The new Commission will in fact include representatives of the new States who cannot be held responsible for what has happened in the past. We cannot, for example, ask the British representative on the Commission to answer for the activities of a Commission of which he was not a member. The present renewal of the Commission involves something more than a simple change of personalities; it amounts to a substantial change in the nature of the body; from an entity of Six it becomes an entity of Nine. The Commission of Nine knows nothing of what has happened in the past and cannot be held responsible for what has been done. This does not, however, mean that with the coming into being of the new Commission the commitments entered into lapse. They remain fully valid and are equally binding on the Commission of Nine and if that Commission fails to keep its own pledges, then we have the right to move a motion of censure upon it, but in respect of the activity of the Commission of Nine and not in respect of what has been done in the past.

President. — I call Mr Mansholt.

Mr Mansholt, *President of the Commission of the European Communities.* — I have asked to speak again for the following reasons. I was under the impression that the motion of censure had been withdrawn and was no longer to be a matter of debate but I cannot allow two remarks that have been made, one by Miss Flesch and the other by Mr Schuijt, to go unanswered. You have probably not fully understood the statement I made yesterday in defence of the Commission. It is not true to say that the Commission is unable to withdraw from commitments it has entered into. The Commission is a political body and as such it is required at all times to consider whether it is possible or desirable to honour a commitment into which it has entered. In this respect it is free to make its own decisions. This is part of the political function of the Commission. This is clearly in contradiction with Mr Ribière's legal statement which, in other respects, was excellent. I would have attached more value to what Miss Flesch and Mr Schuijt have said if they had made their remarks at the appropriate time. On 22 July Parliament agreed that the Commission should not present any proposals in order not to jeopardize negotiations with Great Britain or with the other acceding countries. At the Summit Conference the importance of the Parliament's budgetary and legislative powers was again emphasized. During the discussions on the Müller report on the Summit Conference I

reported here that no proposals were to be expected from the present Commission and I gave the reasons for this. Parliament accepted this statement. A Müller resolution was adopted in which there is no reference whatsoever to Parliament expecting proposals from this Commission by 22 December, in other words before the end of this year. Nothing of the sort was said. Naturally, therefore, the Commission cannot understand that a motion of censure should subsequently be tabled, considering that nothing was said on 22 November and certainly not by Miss Flesch or by Mr Schuijt. Perhaps this explanation will have convinced you that the view of the present Commission, namely that it should make no proposals, is justified.

Finally, Mr President, I would like to say that the Commission has no objection to Mr Scelba's amendment to the Resolution of Parliament. It considers that both these things go together. It was precisely because budgetary powers cannot be divorced from legislative powers that it did not wish to present proposals during the negotiations.

President. — I call Mr Lücker.

Mr Lücker. — Mr President, I had not intended to speak in the debate today because I had not expected that today's discussion would again be so exhaustive, but it is obviously a matter for the House to arrange its debates in the way it thinks best.

I simply felt that once this debate had taken place I ought, as one of those signing the proposal, to make a number of comments lest the impression be gained that I was shirking the responsibility I assumed by taking up this position. I would like to add, Mr President, that these comments will represent purely my own personal views.

Mr President, I am one of those who cannot forget how this question arose and I would also like to shoulder my responsibility with regards to the manner in which it should be considered today. Firstly I should like to say that we have before us the question of whether the Commission has broken its promises and failed in its duty or whether the political factors on the basis of which developments in this matter might be judged have altered. The issue in this debate is the Luxembourg agreement of 22 April 1970 which we acclaimed at the time as a notable step forward in the development of the Community. Since that date two political events have made a considerable difference to the life of the Community, firstly the accession of Great Britain and other countries who will shortly be sending their representatives to this House, and

Lücker

secondly the Summit Conference held in October of this year. In April 1970 neither of these events was treated as a firm prospect in our political discussions and no-one knew when they would take place or what results they would produce.

I make this point in order to show that each of us has his scruples. Naturally we would all like to have supported the motion presented by Mr Spénale for whom we have the highest esteem but, at the same time, we are forced to ask ourselves what part Parliament has played throughout this time. As I have just said, there are certain things I cannot forget and I would like to point out that at least since the end of May 1972, that is to say after the discussions which Mr Giraudo, Chairman of the Political Affairs Committee and Mr Spénale, Chairman of the Committee for Finance and Budgets, had with Mr Mansholt, Parliament has known that the Commission no longer intended to present the report called for by the Luxembourg agreement before the end of this year. As Mr Mansholt has himself pointed out, since 5 July this year, the date of the debate on the Müller report on the Summit Conference on which all the political initiatives, hopes and activities of the Commission and of this House were focussed, everyone in this House has known that the Commission's report would not be presented this year. In other words it has been common knowledge for 6 or 7 months.

The question now, Mr President, is whether this Parliament wishes to abandon its role as trusted partner of the Commission by turning against the Commission 6 or 7 months later in the words of Mr Spénale's motion as it first stood?

Lest I should be misunderstood, Mr President, let me make it clear that I have a great liking and admiration for the Chairman of our Committee for Budgets and Finance. This debate seems to me to have shown how good a thing it is that a man should be ready to fight for the prerogatives of Parliament in this way and should have again displayed such zeal in his watchdog role as Chairman of this important Committee. It is good that this debate should have taken place and thrown political light on the situation.

But if Parliament, directly or indirectly, voluntarily or because of the turn taken by events, has acquiesced in this attitude for 6 or 7 months then, with respect Miss Flesch, we should have the courage to admit it. I do not want to repeat what President Mansholt has said but my thoughts run along the same lines. Had we wanted to, we could have taken our stand on a motion of censure in July. Opinions on whether now is the right time for such a motion may

differ. I can understand all those Representatives who say that they would have preferred to vote on the motion of censure but I ask for similar understanding with regard to those Representatives whose convictions lead them to a different conclusion.

This brings me to my third point, Mr President. We have all been informed of the results of the Summit Conference in a second report of the Political Affairs Committee presented at the November sitting and in this report we have said precisely which results of the Summit Conference we welcomed and which results we disapproved or found inadequate.

This was only a few weeks ago and a question that might well be asked is whether the Commission of the Community of the six states should, or should not, have presented a proposal after the Summit Conference. In my view this is the core of the problem facing us now that we have focussed our attention as a Parliament on the Summit Conference and critically examined its results. But there is one point which, in my view, it is essential to recall. The Summit Conference was attended by statesmen from all of the nine countries that will be members of the Community from 1 January 1973. Is it possible for a body made up of Representatives of only six states to make proposals that will be treated seriously or regarded as politically sound? That is the issue and I would suggest that, since this date will very soon be with us, we should not overdramatize the time that has been lost.

One last point. We ought, I feel, to consider the impression that the events in this House may have on the outside world and bear in mind that we have to satisfy certain minimum conditions before adopting such a motion of censure. I, at any rate, would not like to share the responsibility for the political effects and consequences that might arise if we subsequently have to admit that we have debated for hours on a matter the consequences of which we are not prepared to answer for.

These are my remarks, Mr. President, and as they indicate I shall be one of those voting for the Resolution. To my mind this Resolution complete with Mr. Scelba's amendment is a fair attempt to safeguard the prerogatives of this Parliament for the future.

(Applause)

President. — I call upon Mr Spénale.

Mr Spénale. — Mr President, I did not intend to speak again, and particularly not to speak about the motion of censure, to which we have inevitably reverted.

Spénale

If I speak again for a brief instant, it is because of what Chairman Scelba has just said. He said, and I observed that this was very actively noted on the part of my honourable friend Mr Ribière and the UDE, that the future Commission was not bound by what was decided in 1970; that only the present Commission was bound and not the next one.

This statement conflicts with our view of the Commission as a permanent institution and I would be very happy to hear the Commission itself say that it does not share the point of view implicitly asserted by Mr Scelba and immediately noted by the UDE group.

If the Commission could not say so today that would mean that it had changed its thinking. In fact, if I look at the record of the debates of 13 May 1970, I find on page 77 of the French edition, the following words in a speech by Mr Coppé speaking on behalf of the Commission and in the first person plural: "In fact we announced then and we confirm it once again that our intention and *the intention of our successors* on the Commission is to make proposals on the legislative power of the European Parliament". Implicitly there is the conception here that the commitments of an institution are permanent. There was the Rey Commission and then the Malfatti Commission, now we have the Mansholt Commission and tomorrow we shall have another.

But if commitments were not permanent, we could never ask a new Commission to carry out our commitments and everything we wanted from that institution we should have to ask for within its short term of office which would quite often be impossible.

It is therefore absolutely essential to regard the Commission as a permanent body and if we do not have a firm school of thought on this point it will one day be very unpleasant for our Parliament. I apologise, Mr President, for returning to the debate.

President. — Ladies and Gentlemen, one further point before we proceed.

I would like to draw your attention to the time: I do not think we can reasonably ask the staff to continue working for us much longer. We must bring matters to a close.

I call Mr Ribière.

Mr Ribière. — Mr President, fellow members: if I speak again, very briefly, it is because my honourable friend Mr Spénale has, very amicably, moreover, referred to me by saying that I

took note of Mr Scelba's speech which he took to mean that I shared Mr Scelba's reasoning and thought that the incoming Commission would not have the same obligations as the outgoing Commission in respect of what was decided in April 1970.

I should like to tell Mr Spénale that what I noted was not that, but the fact that the present motion of censure automatically lapsed as soon as there was a new Commission.

As it is said that the motion of censure can be revived and as paragraph 4 is the one on which I am not entirely in agreement, I thought that Mr Spénale might have been misled by his people or at least by the members of the group whose Chairman signed with Mr Vals.

This was an argument in my favour, that is to say, in favour of dropping paragraph 4, but that does not mean that I share Mr Scelba's views as to the continuity or non-continuity of the commitments of the Commission.

President. — Mr Mansholt, is there anything you would like to add?

Mr Mansholt. — Thank you Mr President but in view of the late hour I do not propose to say anything.

President. — I call upon Mr Vals.

Mr Vals. — Mr President, I just wanted to point out that paragraph 4, which seems to cause some discussion, quite clearly corresponds with the interpretation given by Mr Scelba. With a new Commission there will be new conditions and, naturally, if there has to be a motion of censure there will be a new motion of censure!

President. — I call upon Mr Scelba.

Mr Scelba. — Mr President, fellow members, since I am the author of the famous declaration whose inadequacy afforded the grounds for the motion of censure moved by my honourable friend Mr Spénale, I feel I have some right to intervene in the general debate.

Today's debate, Mr President, does not concern the motion of censure. We are asked to vote solely on the text of the resolution proposed by my honourable friends Mr Lückner, Mr Vals and Mr Berkhouwer. The motion of censure has lapsed and the Assembly is no longer concerned with it in this place. It is true that paragraph 4 of the proposed resolution provides that a motion of censure can always be re-presented,

Scelba

but obviously it cannot be re-presented as it stands against a new Commission in view of the fact that the new Commission cannot be held responsible for any shortcomings on the part of the preceding Commission. It is only if the new Commission, in its turn is guilty of new shortcomings that we can table a new motion of censure against it.

I shall therefore confine myself to speaking on the proposed resolution now under consideration. The vote which we shall cast on the proposed resolution is therefore autonomous and not conditioned by the motion of censure. We can therefore say yes or no to the proposed resolution without this implying any judgment on the question of the motion of censure.

The amendment which I propose, Mr President, is designed to avoid an error which in my opinion would be extremely serious if it were allowed to remain in the text of the proposed resolution.

In the decisions of Parliament, the question of budgetary powers has always been closely linked with that of legislative powers. I recall that in 1969 on the occasion of the discussion of the Commission's proposals on budgetary powers, the representative of the Political Affairs Committee openly stated that the enlargement of legislative powers should be effected pursuant to the demands of the European Parliament independently of the conferment on it of the budgetary powers which were soon to be assigned to it.

As can be seen, the two questions were closely linked. In this sense, the undertakings entered into in 1970 do not relate exclusively to Parliament's budgetary powers but to all its powers, including the legislative power. In fact, since the signature of the Luxembourg Treaty the representative of the Political Affairs Committee has again said that his committee did not regard the Treaty in question as entirely satisfactory, but accepted its content as a start because the adoption of this Treaty was linked with the launching of a process of revision centred on the budgetary and legislative powers of the European Parliament.

Parliament has therefore interpreted the 1970 undertakings as implying the extension of Parliament's legislative and budgetary powers. Now, in the text of the proposed resolution, paragraph 3 asks that the undertakings of April 1970, shall be honoured in priority and without delay, so that Parliament's new budgetary powers can be applied in the preparation of the 1975 budget, the first budget to be financed exclusively from the Communities' own resources. The drafting of paragraph 3 might seem to indicate — which

was certainly not the intention of its sponsors—that the 1970 undertakings are to be interpreted solely with reference to budgetary powers. It would not be accurate and it would also be a grave error for Parliament to accept this limitative interpretation of the 1970 undertakings. Legislative powers and budgetary powers are closely linked and the Commission must formulate proposals on both. In fact, Mr President, the Vedel group was instructed by the Commission to inquire not only into the budgetary powers which are of special interest to the Spénale committee, but into the whole question of the legislative powers of the European Parliament, and proposals were also made along these lines. Today, therefore, in a resolution which, I repeat, no longer has anything to do with the question of breach of faith by the Commission, but which is designed to reaffirm the determination of Parliament to bind the Commission to carry out all the 1970 undertakings, we cannot fail to assert the requirement that the Commission shall fulfil its pledges not only in the matter of the budget but also in the matter of legislative powers in general. But, Mr President, the budgetary powers in respect of which the Commission is asked to honour its pledges, should come into force by 1975; but before 1975 there is something more urgent. At this sitting we have had to discuss the report by my honourable friend Mr Giraudo. This report was designed to establish the manner in which new powers were to be accorded to Parliament in the matter of trade policy since, as we know, from 1 January next, only the Community is authorised to enter into trade treaties. In fact the national States will be divested of this power and the national Parliaments—or at least those of them which are competent to approve trade treaties entered into by their respective governments—will no longer be competent to ratify such treaties. If, therefore, this power is not assigned to the European Parliament, there will be a real retrogression in Parliamentary democracy. This is therefore an urgent question which must be settled as early as 1 January 1973. We are entitled to ask the Commission to present concrete proposals to ensure that the powers hitherto reserved to national Parliaments shall be transferred to the European Parliament if it is desired to avoid the concentration of power in the executive, to the prejudice of the will of the people and to the prejudice of all representative bodies. It is evident that, in order of priority, this question takes precedence over budgetary powers, for which my honourable friend Mr Spénale is so rightly campaigning, but which only relate to 1975.

Furthermore, Mr President, there has been a new fact, the Summit Conference. The Summit Conference said nothing in particular and took

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no decision on institutional matters; it nevertheless took note of Parliament's demands and instructed the Community institutions, including Parliament, to formulate new proposals covering all the powers of Parliament and not only its budgetary powers.

Mr President, that is why we ask the Commission that all these questions of competence in the matter of approving the budget, in the matter of legislation and in all fields in which we must participate in a decision-making power which is at present exclusively in the hands of the Council of Ministers shall be approached with a broad general vision and shall be settled as soon as possible.

Mr President, my amendment is precisely designed to urge the Commission that, together with the questions of budgetary powers, proposals shall also be submitted for legislative powers in the light of the decisions of the Summit Conference of Heads of State or of Government. If we do not add this amendment we shall be opening the way to an erroneous interpretation of the 1970 undertakings and Parliament would be making a serious retreat from the position solemnly proclaimed in the past, precisely giving priority to legislative powers over budgetary powers.

Mr President, the French text of the amendment reads "engage la Commission à élaborer dans le même temps". Some people have thought that "dans le même temps" was meant to indicate that proposals should be presented in one single text with the proposals relating to budgetary powers. This is not so; the expression is intended to mean that the Commission shall "equally" be bound to present proposals in respect of legislative powers. That, Mr President, is the sense of my amendment, and I would ask the Assembly to be good enough to approve it.

President. — I call upon Mr Armengaud.

Mr Armengaud. — Mr President, I apologise for speaking so late, and I speak purely in a personal capacity.

My main object is to utter a word of warning to Parliament. In practice, the correctitude of the relations between the executive and the legislature or pseudo-legislature which we represent, is not in issue. Nevertheless, the relations between the executive and the legislature should be such that we can express ourselves with the utmost mutual frankness; that is the only way in which both parties can honestly do their job.

I should therefore like to congratulate Mr Spénale on his initiative and on having clearly

raised the question of the responsibility of the executive when it does not keep its promises. Unfortunately, we are living in an age when relations between the executive and the legislature, even in our national parliaments, are becoming bad. In practice, we unfortunately find in some Community countries that an executive supported by a very powerful majority keeps the minority at a great distance. And in this Parliament we find that custom demands that in every country Parliament supports the Commission instead of being bold enough sometimes to challenge its positions.

The role of the Parliamentarian is not systematically to approve the executive. It is, when he conceives this to be his duty, to oppose it and to remind it of its obligations. I therefore regret, for my part, that the motion of censure has been converted into a proposed resolution, and I am afraid for the future of our Parliament lest the executive may regard this conversion as an elegant way for Parliament to go back on its positions and lest it may say that after all the motto of the European Parliament tomorrow will be—"anything for a quiet life: let sleeping dogs lie" ... including the executive and its administration. I am afraid lest this attitude may unfortunately gradually lead us to the dictatorship of the administrations, contrary to the interests of those whom we represent. For my part I regret that circumstances beyond the control of the Liberal party have led the sponsor of the motion of censure to withdraw from his position and I find that extremely disturbing.

Therefore, like Miss Flesch and my friends in the Liberal group, I shall abstain, regretting the conversion of the motion of censure into a proposed resolution.

(Applause from the Liberal and Allied benches)

President. — No one else has asked to speak and the debate is therefore closed.

We will now take the motion for a resolution.

No one has asked to speak or has proposed amendments on points 1 - 3.

I will now take the vote on these points.

I declare points 1 - 3 adopted.

Mr Scelba has tabled a motion for an amendment, No 1, to the effect that a new point, reading as follows, should be inserted after point 3:

- "3a. Invites the Commission to work out at the same time proposals in respect of Parliament's legislative powers and to do so taking account of the decisions of the Conference of Heads of State or Government."

President

I will now put this motion for an amendment to the vote.

I declare amendment No 1 adopted.

I will now take the vote on points 4 and 5.

I declare points 4 and 5 adopted.

I now call upon Mr Ribière for an explanation of vote.

Mr Ribière. — Mr President, my group and I intended to abstain on the proposed resolution tabled by Mr Lückner and Mr Vals. We were able, as you saw, to vote for paragraphs 1, 2 and 3, but we cannot agree, if only for the sake of self-consistency, with paragraph 4, since we were not in agreement in the matter of the motion of censure.

But the amendment tabled by Mr Scelba, which has just been adopted by our Parliament, changes the face of things. There were two reasons why we did not support this amendment, which leads us to vote against the proposed resolution as a whole. In the first place, I think

that even though we are approaching the end of the year, this proposal should not be turned into a Christmas tree loaded with presents all round. Secondly, we do not see under what article of the Treaty or under what paragraph of the final communiqué of the Summit Conference, the Commission could be put into a position to make these proposals on legislative powers.

In these circumstances, after opposing Mr Scelba's amendment, my group and I will vote against the proposed resolution, while agreeing with the first three paragraphs, in favour of which we have already voted.

President. — Are there any further explanations of vote?

I will now take the vote on the complete motion for a resolution as amended.

I declare the motion for resolution, as amended, adopted.¹

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¹ OJ No 138 (31. 12. 1962).