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EUROPEAN PARLIAMENT

# Working Documents

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25 November 1981

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## Report

drawn up on behalf of the Political Affairs  
Committee on the /role of the European Parliament  
in its relations with the European Council

Rapporteur: Mr D. ANTONIOZZI

12.3



On 25 March 1980 the European Parliament authorized the Political Affairs Committee to draw up a report on relations between the European Parliament and the European Council.

Mr Antoniozzi was appointed rapporteur on 31 January 1980.

The draft report was initially considered by the Subcommittee on Institutional Problems which adopted it on 24 September 1981.

The Political Affairs Committee considered the draft report at its meetings of 27-28 October 1981 and 10-11 November 1981.

At the latter meeting it adopted the report by 17 votes in favour with three abstentions.

Present: Mr Motchane, first vice-chairman and acting chairman; Lord Bethell, second vice-chairman; Mr Haagerup, third vice-chairman; Mr Antoniozzi, rapporteur; Mr Berkhouwer, Mr Cariglia, Mrs Cassanmagnago Cerretti, Mrs Charzat (deputizing for Mr Brandt), Mr Fergusson, Mr B. Friedrich, Mrs Gredal, Mr Habsburg, Mr Hänsch, Mr von Hassel, ~~Mr~~ van den Heuvel, Mr Jaquet, Mrs Lenz (deputizing for Mr Diligent), Mr Penders, Mr Plaskovitis (deputizing for Mr Lomas), Mr Radoux (deputizing for Mr van Miert), Mr Schall (deputizing for Mr Klepsch) and Mr Konrad Schön (deputizing for Mr Blumenfeld).

The opinion of the Legal Affairs Committee is attached.

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

MOTION FOR A RESOLUTION

on the role of the European Parliament in its relations with the European Council

The European Parliament

- recalling that the Community's institutional development is one of the political objectives clearly and repeatedly stated in the preambles to the Community Treaties and in additions and amendments thereto,
- bearing in mind that, in the course of advancement towards the Community goal, 'Summit meetings' and, subsequently, 'European Councils' were introduced, at which an attempt was made to establish, in meetings of the Heads of State and Government, guidelines and momentum for the progress of European integration,
- having regard to the variety of experience accumulated in the long history of 'European Councils', and to the need to define the latter's legal, political and functional role on the European political scene,
- drawing attention to the advantages of the future Community developing in a harmonious context in which Parliament should increasingly assume the role of initiator and permanent and effective partner of the institutions and the European Council,
- noting with satisfaction that the European Council has recently demonstrated its awareness of the advisability and considerable political importance of maintaining regular and constructive relations with the European Parliament,
- having regard to the report by the Political Affairs Committee and the opinion of the Legal Affairs Committee (Doc. 1-739/81),

Stresses the need

1. To define the role, nature and functions of the European Council in relation to the European institutions and in particular Parliament as part of the process of institutional development (both at the present stage and when the Treaties are revised;
2. For the European Council to keep the European Parliament regularly informed of the proceedings and the subjects to be discussed at its meetings;

3. For the President of the European Council to take part in general debates on basic aspects of Community policy, particularly immediately after their trimenstrial sessions;
4. To ensure that the European Parliament's new useful relationship with the European Council - the main thrust of which is directed towards full implementation of the Treaties and institutional development - is not allowed to replace its relationship with the Council of Ministers and the progress they have made in procedural and other matters;
5. Instructs its President to forward this resolution and the report of its committee to the European Council, the Council and the Commission of the European Communities and to the parliaments and governments of the Member States.

EXPLANATORY STATEMENT

A. What the Treaty preambles say on the legal basis of initiatives for institutional development

A subject of great importance in the institutional development of the 'European Economic Community', which is increasingly becoming 'the European Community', is that of relations between the European Parliament and the European Council and their critical effect on its political and juridical development.

This institutional development, though it is sometimes contested, and frequently debated by amateur lawyers, has, in fact a firm legal basis in the Treaties.

If we read the preambles to the three fundamental Treaties and those that complement them, we shall find:

(ECSC, 1951)

'Considering that world peace can be safeguarded only by creative effort commensurate with the dangers that threaten it,

Convinced that the contribution which an organized and vital Europe can make to civilization is indispensable to the maintenance of peaceful relations,

Recognizing that Europe can be built only through practical achievements which will first of all create real solidarity .....

Resolved to substitute for age-old rivalries the merging of their essential interests; to create, by establishing an economic community, the basis for a broader and deeper community among peoples long divided by bloody conflicts; and to lay the foundations for institutions which will give direction to a destiny henceforward shared,'

(EEC, 1957)

'Determined to lay the foundations of an ever closer union among the peoples of Europe,'

(EURATOM, 1957)

'Convinced that only a joint effort undertaken without delay can offer the prospect of achievements commensurate with the creative capacities of their countries,'

(Communities Merger Treaty, 1967)

'Resolved to continue along the road to European unity,  
Resolved to effect the unification of the three Communities,  
Mindful of the contribution which the creation of single Community  
institutions represents for such unification,'

(Accession Treaty, enlargement from Six to Nine, 1972-3)

'United in their desire to pursue the attainment of the objectives  
of the Treaty establishing the European Economic Community.....  
Determined in the spirit of those Treaties to construct an ever closer  
union among the peoples of Europe on the foundations already laid...'

(Accession of Greece)

As for the previous enlargement, 1979-80.

These preambles are an integral part of the original Treaties,  
and of subsequent additions and amendments to these, and their texts  
have been voted by the Parliaments: it follows that no-one today is  
entitled to be surprised at, or disregard or oppose institutional  
development. What is more, these preambles form a constant succession  
over a period of 30 years, a fact which enhances their importance. It  
is thus certain, also in legal terms, that the stages of Community  
development which, incidentally, have not even been fully put into  
effect, should be completed and that at the same time a start should  
be made on the further advance of initiatives and procedures directed  
towards European Union - the political objective, with an incontestable  
legal basis, that the countries constituting Community Europe have set  
themselves.

B. From 'Summit meeting' to 'the European Council'

In the course of the Community's progress there were held, with  
the aim of conferring a broader and more authoritative political  
dimension on the work of the Member States, meetings of the highest  
representatives of the peoples and of the governments; these were the  
'Summit meetings' which constituted fundamental milestones in political  
synthesis and which provided occasions where attempts could be under-  
taken to resolve difficult current problems or to put forward far-  
reaching political proposals for Europe's future.

From 'Summit meetings', which were held sporadically or in  
connection with specific developments, there subsequently evolved  
similar meetings under the name of 'the European Council', which were  
planned and regular.



It will be useful to present here a historical and political outline of the fascinating development of what has become de facto yet another European institution, by summarizing the meetings which took place over a span of many years and the comments and criticisms they aroused from time to time.

#### Summit meetings 1961-1974

February	1961	-	Paris
July	1961	-	Bonn
	1967	-	Rome
	1969	-	The Hague
	1972	-	Paris
	1973	-	Copenhagen
	1974	-	Paris

#### Origins

The history of the Summit meetings divides into two periods, marked by two different types of meeting: the first in 1961, held in Paris and Bonn; the second, held in Rome (1967), The Hague (1969), Paris (1972), Copenhagen (1973) and, finally, Paris in 1974.

It can be said that the Summit meetings were an expression of the national Governments' desire to move beyond a narrow interpretation of the Treaties towards an ill-defined objective of unification in the political, economic and monetary sphere.

But it should at the same time be noted that the main reason for their introduction was that some Member State Governments wanted to impose control over the Community through a body essentially inter-governmental in nature. Not all Member State Governments, however, were so motivated; some, for instance, on several occasions tried to put forward proposals for the direct election of the European Parliament.

The first meeting of Heads of State and Government of the six Member States was held on 11 February 1961 in Paris on the initiative of the President of the French Republic, Charles De Gaulle. The meeting was called to find ways and means to establish closer political cooperation among the Member States.

#### Characteristics

The fundamental feature of the Summit (meetings of Heads of State and Government) is undoubtedly the fact that they represent a type of institution for which the European Community Treaties do not provide, one that is clearly intergovernmental in nature.

This characteristic, quite evident in the 1961 Summits which were dominated by the political vision of French President De Gaulle, was also discernible in the subsequent Summits, although a gradual evolution was taking place (see the following paragraph).

'During the Pompidou presidency, the French doctrine on Community matters rested on the rigid distinction between political questions on which government agencies were deemed to have an exclusive competence, on the one hand, and economic and social questions pertaining to the Community institutions, on the other. Also, during that Presidency, one of the side-effects of European summit meetings, which alone functionally reunited the two sets of issues, was to downgrade the Community institutions by de facto usurping their initiatory and decision-making roles.'<sup>1</sup>

### Evolution

The factor which perhaps most clearly illustrates the evolution of the Summits from purely intergovernmental meetings towards a more open structure, is the position of the Commission, and its own perception of it, vis-à-vis such meetings.

Thus, in the Fourth General Report (16 May 1960 - 30 April 1961), the Commission merely noted the outcome of the Paris Summit, while in the Fifth General Report (1 May 1961 - 30 April 1962) there is not even a mention of the Bonn Summit.

By the Hague Summit (1969), things were beginning to change, the final communiqué stating that 'the Commission of the European Communities was invited to participate in the work of the Conference on the second day'. The Commission, for its part, stated :

'Since the conference was not a Treaty institution and since it was not called upon to deal with texts being discussed within the Council, care was taken not to trespass on the powers and responsibilities of the Community institutions' (Third General Report, 1969).

But by the Paris Summit of 1972, the Commission was already claiming to have fully contributed to the preparation and conduct of the Conference.

An important change occurred with the Copenhagen Summit: in a letter of 31 October 1973, the French President Pompidou proposed that in future Summit Conferences should be organized at which the Heads of State and Government could compare and harmonize their positions in the area of political cooperation. The proposal was adopted, but soon proved difficult

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<sup>1</sup> Annette Morgan, From Summit to Council: Evolution in the EEC, London, Chatham House, 1976, p.6

to put into effect.

At the end of the Summit the Commission stated that its President had 'taken part' in the work of the Heads of State and Government on Community problems.

The position of the Summits and especially that of the Commission had thus become changed and the Commission now regarded itself as spokesman for the Community, although considerable ambiguities still remained.

#### Main results

The first meeting (Paris, 1961) was called to find ways and means of organizing closer political cooperation among the Community Member States.

At its close, a committee of representatives was instructed by the Heads of State and Government to draw up specific proposals for the preparation and conduct of meetings of Heads of State and Government and of Ministers of Foreign Affairs.

The committee drew up a report on political cooperation where it was suggested that the Heads of State and Government should meet three times a year in order to strengthen and harmonize as far as possible the States' external policies and to explore the possibilities of cooperation in areas not envisaged in the Treaties of Paris and Rome.

At the next Summit Conference (Bonn, July 1961), it was decided that meetings would be held periodically to compare views, harmonize external policies, and evolve common approaches with the aim of promoting European unification. At the same time the committee was given a mandate to examine ways in which political unification could be given a structured form.

The projects drawn up by the committee, however, did not succeed.

Meanwhile, the political climate among the Six was deteriorating, the strains reaching a climax in 1966, when the 'Luxembourg Compromise' was made.

The third Summit Conference held in Rome in 1967 was unable to smooth out the institutional conflicts, aggravated as they were by French opposition to the accession of the United Kingdom.

The Hague Summit Conference (1969) opened the way to: negotiations with the United Kingdom, Denmark, Ireland and Norway; the drafting of a plan for the achievement of Economic and Monetary Union (the Werner plan); the financing of the Community from own resources; and the strengthening of the budgetary powers of the European Parliament.

The first Summit Conference of the enlarged Community was held in August 1972 in Paris.

Important political decisions for the further development of the Community were taken, but they could not be implemented because of the deterioration in the world economic and political situation.

The Copenhagen Summit (December 1973) failed to achieve substantial agreement on a common energy policy. On the other hand, it was decided to speed up the achievement of European Union; methods of political cooperation for establishing joint positions in crisis situations were agreed; and a new impulse was given to Community policies, such as that concerning the Regional Development Fund.

### C. The European Council in action

In December 1974 the last Summit Conference was held in Paris. It was at this conference that the 'European Council' was born. Points 2 and 3 of the Conference Communiqué stated:

- '2. Recognizing the need for an overall approach to the internal problems involved in achieving European unity and the external problems facing Europe, the Heads of Government consider it essential to ensure progress and overall consistency in the activities of the Communities and in the work on political cooperation.
3. The Heads of Government have therefore decided to meet, accompanied by the Ministers of Foreign Affairs, three times a year and, wherever necessary, in the Council of the Communities, and in the context of political cooperation'.

The communiqué also went on to say:

'These arrangements do not in any way affect the rules and procedures laid down in the Treaties or the provisions on political cooperation in the Luxembourg and Copenhagen Reports. At the various meetings referred to in the preceding paragraphs the Commission will exercise the powers vested in it and play the part assigned to it by the above texts'.

This also made clear that there had been no change to the organization of the Community in legal terms, even if the political innovation introduced was of undoubted importance and drew its distant but clear legal basis from the preambles to the Treaties.

The first European Council was held on 10 and 11 March 1975 in Dublin, where it was chaired by the Irish Taoiseach (Prime Minister). The Commission was represented by its President, Mr Ortolí, and by Vice-president Haferkamp. The Secretary-General of the Council acted as Secretary of the meeting, assisted, for questions of political cooperation, by officials of the Irish Ministry for Foreign Affairs.

Heads of Government and Foreign Ministers took part in the meeting.

Preparatory work for decisions of the European Council was done in meetings of senior officials chaired, according to the issues dealt with, by representatives of the Commission or of the Irish Presidency.

The Council reached agreement on a 'correcting mechanism' proposed by the Commission and on imports from New Zealand. Both points were essential to the continued membership of the United Kingdom in the Community.

The Commission laid special emphasis on 'the importance of the discussions in Dublin concerning the United Kingdom's difficulties. On the strength of Commission proposals, agreement was reached on the budgetary correcting mechanism and imports from New Zealand, with minimal changes in each case'.<sup>1</sup>

The Commission also stressed that its representatives were able to play their part in respect of policy momentum and the practical substantiation of Commission proposals.

Since the aim of these meetings was not to reach decisions, but to clarify the situation and define the context in which decisions were to be taken, the European Council needed to take place in complete freedom and privacy. It was therefore necessary to dispense with a large administrative apparatus, which would not be needed, and to indicate clearly that there was no question of adopting a final text, ad hoc or otherwise.

It was pointed out that in certain circumstances it was in the interest of the Nine to confer a more solemn character on their statement of a position on a subject of current importance. In such cases a declaration would be adopted, the terms of which should be carefully weighed and the text of which should not be improvised nor be subject to excessively detailed debate among the Heads of State and Government.

The third task of the European Council was concerned with problems which have already been studied by the Community institutions but which, it was felt, should be placed before the Council either because they raised a question of principle, or because it was impossible to resolve

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<sup>1</sup> Bull. EC 3 - 1975, point 1504

them at a lower level. In such cases it would be for the European Council to take appropriate action or to offer to the ministers guidelines which would enable them to reach a solution.

The European Council of June 1977 agreed that there should be two types of discussion:

- informal exchanges of views with no public statements,
- discussions aimed at producing decisions, drawing up directives for future actions or resulting in the publication of public statements expressing the concerted opinion of the European Council.

The Council agreed that informal exchanges of views required only a limited period of preparation.

The Heads of Government should inform their colleagues or the Presidency, some days before the Council, of the subjects which they would like to examine.

It was agreed that meetings which were aimed at reaching decisions or at the end of which statements were to be published, should be adequately prepared.

The Foreign Affairs Ministers were to be entrusted with responsibility for the preparatory work, which could take place in the framework of the Council or, if necessary, of the political cooperation bodies. The Ministers could meet for this purpose at a special session prior to the European Council.

When declarations were to be published, they should not, unless in exceptional circumstances, be published without prior preparation.

The informal exchanges of views should not be formally noted.

When discussions were aimed at reaching decisions and/or issuing declarations, their conclusions should be drawn up and distributed on the responsibility of the Presidency.

The exchange of views should be as private as possible.

#### MAIN DECISIONS OF THE EUROPEAN COUNCIL

European Council in Rome, December 1975<sup>1</sup>

Agreement on the date of elections to the European Parliament

The European Council held on 1 and 2 December 1975 in Rome under the Presidency of the Italian Prime Minister, Mr Moro, agreed that direct elections to the European Parliament should be held on a single date in May or June 1978. Any country which at that date was unable to hold direct elections would be allowed to appoint its representatives from

<sup>1</sup> Bull. EC 11 - 1975, point 1104

amongst the elected members of its national Parliament.

European Council in Brussels, July 1976

Agreement on direct elections to the European Parliament<sup>1</sup>

The European Council held on 12 and 13 July 1976 in Brussels under the Presidency of the Prime Minister of the Netherlands, reached agreement on the important question of the distribution of seats in the directly elected European Parliament. Out of a total of 410, these were to be allocated as follows: 6 for Luxembourg, 15 for Ireland, 16 for Denmark, 24 for Belgium, 25 for the Netherlands, 81 each for France, Italy, the United Kingdom and Germany.

European Council in Brussels, December 1977<sup>2</sup>

Declaration in favour of the establishment of a new instrument for Community lending and borrowing ('the Ortolí facility')

The European Council held on 5 and 6 December 1977 in Brussels under the Presidency of the Belgian Prime Minister, Mr Tindemans, declared itself 'in favour of the development of the Community's financing facilities by approving the principle of the establishment, on an experimental basis, of a new instrument for Community lending and borrowing, the loans being managed by the European Investment Bank. It instructed the Council (Ministers of Economic and Financial Affairs) to examine the proposal which the Commission would make on this subject'.

European Council in Brussels, December 1978

The launching of the European Monetary System (EMS)<sup>3</sup>

The European Council held on 4 and 5 December 1978 in Brussels under the Presidency of the Chancellor of the Federal Republic of Germany, Mr Schmidt, reached agreement on the creation of the European Monetary System.

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<sup>1</sup>Bull. EC 7/8 - 1976, point 1101

<sup>2</sup>Bull. EC 12 - 1977, point 2.1.1

<sup>3</sup>Bull. EC 12 - 1978, points 1.1.3 - 1.1.10

The 'Conclusions of the Presidency' included the following on the EMS: 'The purpose of the European Monetary System is to establish a greater measure of monetary stability in the Community. It should be seen as a fundamental component of a more comprehensive strategy aimed at lasting growth with stability, a progressive return to full employment, the harmonization of living standards and the lessening of regional disparities in the Community. The Monetary System will facilitate the convergence of economic development and give fresh impetus to the process of European Union', exercising a stabilizing effect on international economic and monetary relations. It will be 'in the interests of the industrial and the developing countries alike'.

Three Member States, however, adopted an attitude of 'wait and see' ('time for reflection' in the case of Ireland and Italy), or reserved their position more strongly (the United Kingdom).

The European Council's resolution on the establishment of the EMS was extremely detailed (as had been the case in 1974 with the Regional Development Fund) in dealing with the problem of exchange rates, the intervention mechanism, the credit mechanisms, etc.

#### European Council in Venice, June 1980

##### European initiative on the Middle East<sup>1</sup>

The European Council held on 12 and 13 June 1980 in Venice under the Presidency of the Italian Prime Minister, Mr Cossiga, reached an important agreement concerning a European initiative on the Middle East.

The declaration stated, in part: 'that the traditional ties and common interests which link Europe to the Middle East oblige them (the Nine) to play a special role and now require them to work in a more concrete way towards peace.'

In this regard, the nine countries of the Community base themselves on Security Council Resolutions 242 and 338 and the positions which they have expressed on several occasions, notably in their Declarations of 29 June 1977, 19 September 1978, 26 March and 18 June 1979, as well as in the speech made on their behalf on 25 September 1979 by the Irish Minister of Foreign Affairs at the thirty-fourth United Nations General Assembly.

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<sup>1</sup> Bull. EC 6 - 1980, points 1.1.2 - 1.1.6



On the bases thus set out, the time has come to promote the recognition and implementation of the two principles universally accepted by the international community: the right to existence and to security of all the States in the region, including Israel, and justice for all the peoples, which implies the recognition of the legitimate rights of the Palestinian people'.

The Nine declare that they are prepared to participate within the framework of a comprehensive settlement in a system of concrete and binding international guarantees, including (guarantees) on the ground.

A just solution must finally be found to the Palestinian problem, which is not simply one of refugees. The Palestinian people, who are conscious of existing as such, must be placed in a position, by an appropriate process defined within the framework of the comprehensive peace settlement, to exercise fully their right to self-determination.

The achievement of these objectives requires the involvement and support of all the parties concerned in the peace settlement which the Nine are endeavouring to promote in keeping with the principles formulated in the Declarations referred to above. These principles apply to all the parties concerned, and thus the Palestinian people, and to the PLO, which will have to be associated with the negotiations.

The Nine went on to stress that they would not accept any unilateral solutions designed to change the status of Jerusalem; that Israel must put an end to the territorial occupation of 1967; and that they (the Nine) had decided to make the necessary contacts with all the parties concerned in order 'to determine the form which such an initiative on their part could take'.

- D. The status and operation of the European Council  
1. What the main authorities say

Vedel Report<sup>1</sup>

Some of the observations on the Summits contained in the Vedel Report seem of particular importance, in that they could equally apply to the European Council.

As regards the institutionalization of the Summit Conferences, the Report points out that 'even though this has not always been the case in the past, political will expressed at the highest level should give a decisive impetus to the mission of the Community institutions, particularly the Council. Regular meetings would bring European problems to the attention of governments, domestic parliaments and public opinion relatively frequently and renew their interest in them.

However, the summit system, which may be excellent in principle, comes up against a major criticism when it is seen as an institution meeting on a fixed date. In fact, given the exceptional character which a meeting of Heads of State or Government must retain in Community negotiations, it should rather be the political events necessitating their intervention which decide the timing of meetings. Summits held too frequently and at times when there is no real political issue which really makes them necessary, could well lessen the merits of the institution. In addition, there is a serious danger that Community procedures, which already move too slowly, would decelerate even more because the authorities responsible for making decisions would further delay taking up positions pending the next summit meeting.

Tindemans Report<sup>2</sup>

Leo Tindemans in his report put forward the following proposals:

1. The European Council is to give coherent general policy guidelines, based on a comprehensive vision of problems. This is an indispensable precondition for an attempt to produce a common policy.

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<sup>1</sup> Report of the Working Party examining the problem of the enlargement of the powers of the European Parliament. 'Report Vedel', 1972, Bull. EC, Supplement 4/72

<sup>2</sup> Sent to the European Council on 29 December 1975 and made public on 7 January 1976.