

EUROPEAN PARLIAMENT

Working Documents

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MOTION FOR A RESOLUTION

tabled by Mrs BONINO

pursuant to Rule 25 of the Rules of Procedure

on the ~~general~~ review of the Rules of Procedure
of the European Parliament

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PE 60.185

The European Parliament,

- whereas
 - the profound political significance of the popular election of the European Parliament implies the need for new Rules of Procedure following a general and comprehensive re-drafting, to replace the former Rules which are still in force,
 - the old Rules were the logical expression of a constitutional arrangement comparable with that existing in the pre-Orleanist French Chambers, in other words Rules embodying exclusively the powers of the ruling authority, and analagous in the Community context to those drawn up by the Council of Ministers and the Commission,
 - the direct election of the 'new' Parliament by the people therefore implies the need for 'new' Rules of Procedure rather than an 'episodic' approach amounting to an inconsistent series of partial modifications dictated by the current political situation and the overriding political interest of the existing majority,
 - the constitutional history of all countries and at all times has demonstrated that, whenever there are significant changes in the representative nature - not just the representatives - of parliaments, the intrinsic and natural requirements of the institution eventually throw up a body of rules reflecting its new representative nature. This occurred in 1958 in the French Assemblies of the Fifth Republic, and in the last century, gradually - as is the British way - but with considerable impact, in the House of Commons, during the transition from 'dualist' parliamentary government to the single authority of 'prime ministerial government'. The same process occurred under the Weimar republic and with the review of the Rules of Procedure in 1971,
- noting that
 - whereas all constitutional history shows that parliamentary rules are eventually adapted to the new political situation in parliaments, it appears that the European Parliament is to be unique in that its 'new role', now significantly enhanced in terms of democracy, is to be matched with a new set of rules which technically speaking represent a considerable step backwards from the existing rules,

- although the extension of the suffrage and the more democratic and liberal climate which it created led, in France, the United Kingdom, Germany, Belgium, the Netherlands and Italy, to more liberal and democratic parliamentary procedures, and although the striking 'new factor' of the legitimate authority now invested by the European people in its representatives ought to create a more democratic and liberal climate within the European Parliament and in its institutional relations with the other Community organs, nevertheless certain misleading ambiguities regarding the nature of this progress and this broadening of the base of European Parliamentarianism have provoked dangerous trends,
- as is well known, many national constitutional orders give pride of place to the pursuit, through institutions and regulations, of workable government rather than to the representation of the people, thus deliberately sacrificing the latter principle,
- the European Parliament is not faced with problems of government, and its role is not to exercise executive power, or support that power, sometimes sacrificing some prerogatives, by providing a solid and effective majority safeguarded by institutional mechanisms,
- the equivalent aim to be pursued by the European Parliament is to be as representative as possible, for it will only be able to fulfil its potential role in history if it embodies, as an institution, the will of the European peoples and truly represents those peoples' political cultures,
- considering that
 - it follows from the above that the political approach and procedures associated with parliaments 'ruled by the majority' are inappropriate to the role of the European Parliament,
 - the only rules of procedure appropriate to the role of the European Parliament are those which ensure maximum representation. This does not mean simply favouring the criterion of 'proportionality' at the expense of minorities, but stressing that 'procedural equality at the outset' is the essential precondition where procedural rules are concerned. Even if proportionality is a relatively acceptable criterion in constitutional systems which have to produce and support a government, procedural equality, without pre-established privileges of a procedural nature for the majority, is the fundamentally correct criterion to ensure maximum representation of European cultures, including the views of minorities, in our Parliament,

- it should be borne in mind that the majority elected to the European Parliament by popular suffrage consists of the same political and social forces which generally form the governments in the Member States. However, as these governments also appoint the Community executive and form the Council of Ministers, the majority in our Parliament is thus an exact reflection of the 'ruling power', thereby exemplifying an historical and political (and institutional) phenomenon which may justifiably be compared, historically speaking, with the beginnings of parliamentarianism personified (in England as elsewhere) by the 'King's party',
- it is impossible today for a parliament directly elected by the European peoples with the specific aim of gaining independence from the 'ruling power' spontaneously to endow itself with a body of rules bestowing internal privileges on the 'King's party', just as Léon Gambetta or Clemenceau could not have proposed the Rules of Procedure for the imperial 'Corps Legislatif', or Gladstone and Disraeli the Standing Orders introduced in the 17th century, or Rathenau the parliamentary procedure of the Reichstag under Bismarck,
- effective government in the sense of true representation also implies the attaching of lesser importance to the criterion of the primacy of the group ('groupocracy'),
- it is inevitable in this day and age that the parliamentary group should take precedence over the individual Member, in cases where effective government is equated with stable government. It was hardly fortuitous that this trend emerged in the House of Commons at a time when it became necessary to strengthen the cabinet. However, the European Parliament, the function of which is certainly not to support cabinets, has no need of 'groupocracy',
- on the contrary, its intrinsic need to ensure maximum representation means that the elected representatives should be granted increased opportunity to represent the people, and that Parliament should oppose excessive group discipline and, above all, the consolidation in the rules of the power of groups (particularly large groups), at the expense of individual Member's rights,
- there is a dangerous fallacy in the specious argument that, in the event of an assembly of a given numerical size increasing its members, the size of the quorums fixed for the previous assembly should also be increased proportionately,

- that argument would be valid if the practical functions and political role of the Assembly remained the same notwithstanding the increase in the number of its members. However, in the case of the European Parliament, there exists a clear historical and political distinction between the old and the new Assemblies which invalidates the criterion of proportionality;
1. Affirms its endorsement of the criterion of Parliament's 'new role', according to which minorities should not be made impotent but granted an increased opportunity to fulfil their representative function, while emphasizing that many of the national electoral systems used for the election of the European Parliament seriously prejudice the real interests of the people it is supposed to represent:
 - that if this under-representation due to certain countries' electoral systems was compounded by under-representation in terms of parliamentary procedure, the political and cultural minorities of Europe, which have already been seriously victimized, would have no voice in our Parliament,
 - that it opposes the reintroduction, in the free European Parliament of the 20th century, of the canon law rejected by the catholic church eight hundred years ago, according to which the majority was and should represent the 'sounder and more valiant part' of an Assembly;
 2. Decides to undertake a general review of its Rules of Procedure;
 3. Postpones consideration, in the meantime, of any existing amendment to the Rules of Procedure;
 4. Instructs the Committee on the Rules of Procedure and Petitions to commence work on this general review by setting up a working party which will consult competent international experts and take into account the experience of the national parliaments and other international assemblies.