

## The new European Parliament

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**Last updated:** 08/07/2016



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### Elections to the European Parliament by universal suffrage: the background

Since the 1950s, members of the European Coal and Steel Community's Common Assembly had regularly been calling for its successor, the European Parliament, to be elected by universal suffrage. Since it was primarily a consultative body, none of the Member States took any action on the ECSC Treaty provision which, nevertheless, empowered the Member States to hold direct elections to the Common Assembly. Nor was Article 138 of the Treaty of Rome, which provided for the election of Members of the European Parliament by direct universal suffrage, taken into consideration by the Council. However, the Federalists strongly urged a strengthening of the institution's democratic legitimacy. During the 1960s, the Members of the European Parliament took up the baton, implementing increasing numbers of initiatives and resolutions in order to obtain satisfaction and transform the Assembly into an open forum for the will of the people in Europe. France, however, objected to this for many years. Members of the Assembly therefore continued to be appointed by national parliaments.

In General de Gaulle's opinion, the European Parliament, which initially had no budgetary or legislative powers to speak of, should not be elected by universal suffrage. He believed that the Council of Ministers was the only authorised legislative body in the European Economic Community (EEC). He also felt that there was little point in seeking support from the electorate for an insignificant institution bereft of real political power. France finally warned that a low electoral turnout would be detrimental to the institution and contrary to the objectives sought. Yet, in reality, during the 1960s and 1970s, the legislative and supervisory powers of Parliament were extended in the usual way. The problems relating to the increase in the powers of the European Parliament thus became the subject of several studies such as the *Vedel Report*.

In March 1971, the European Commission set up a working party chaired by Georges Vedel, Honorary Dean of Paris University's Law and Economics Faculty, with the aim of considering all the implications of a strengthening of Parliament's institutional and budgetary powers. On 25 March 1972, the ad hoc Group of Independent Experts published a detailed report. It especially recommended the gradual increase of the European Parliament's legislative powers with a view to its securing genuine powers of codecision. The report also proposed that the President of the Commission, appointed by the Council, should subsequently be invested by Parliament before the other Commissioners were appointed. The working party also called for the implementation of a system of consultation between the national parliaments and the European Parliament. The *Vedel Report* came down in favour of elections to Parliament by direct universal suffrage yet did not lay down any guidelines for a uniform electoral procedure.

It was only in 1974 that the French President Giscard d'Estaing accepted the idea of direct elections to Parliament, which he nevertheless associated with the establishment of the European Council, intended to create a genuine European government. At the summits held in Brussels on 12–13 July and 20 September 1976, a series of decisions were taken to finalise elections by universal suffrage. This option was ratified by all the Member States of the Community by a large majority even though, in France, the Gaullists and the Communists were radically opposed. The Act of 20 September maintained the possibility of a person holding a mandate in the European Parliament as well as in a national parliament. It also entrusted Parliament with the task of drawing up a draft uniform electoral procedure. The holding of direct elections, originally scheduled for May–June 1978, had to be postponed until the requisite authorising legislation had been adopted in each of the Member States. On 13 December 1977, for example, the House of Commons rejected the system of proportional representation by region proposed by the British Government. The first elections to the European Parliament by universal suffrage were held on 7 and 10 June 1979. As a result, the number of Members of the European Parliament increased from 198 to 410.

### The powers of the European Parliament

Unlike national parliaments, the European Parliament, despite being elected by universal suffrage, still had no legislative powers. Although the exercise of political power had been laid down in the Paris and Rome Treaties and the European Parliament had enjoyed a certain amount of budgetary power since 1970, the

Council of Ministers was still the only legislative body of the Community. Parliament therefore undertook an in-depth analysis of the Treaty in order to acquire for itself new powers which were later consolidated in interinstitutional agreements and frequently incorporated in the Treaty as formal procedures.

Strengthened by its new democratic legitimacy, the European Parliament hoped to extend its role in legislative and even constitutional affairs. These claims were voiced at every possible opportunity. In order to draw attention thereto, Members increased the number of written and oral parliamentary questions which they tabled to the other institutions. The European Parliament ultimately increased its supervisory powers. In this respect, it enjoys a genuine power over the Commission, which it has the right to censure, but it does not actually use this potentially destabilising instrument. On the other hand, as a corollary of its right to censure, Parliament also secured a right of investiture. In practice, the newly appointed Commission therefore sets out its programme to Parliament. This procedure was partly enshrined in the Solemn Declaration on European Union adopted by the Stuttgart European Council on 19 June 1983. This provided for the consultation of the Bureau of the European Parliament before the appointment of the President of the Commission. The consultative power of Parliament was also extended to areas other than those provided for in the Treaties. In a communication dated 30 May 1973, the Commission undertook to consult Parliament on any draft legislation and on any other non-legislative texts such as programmes or declarations.

In budgetary affairs, MEPs are seeking to redesign the budget with a view to reducing expenditure on agriculture and increasing the structural funds. The European Parliament has the power to reject the annual budget and supplementary budgets and gives discharge to the Commission with respect to its implementation of the budget. It also has an informal power to propose budgetary legislation enabling it to launch Community programmes for the benefit of European citizens.