

'An institutional dispute?' from Le Soir (10 January 1981)

Caption: On 10 January 1981, in an article published in the Belgian daily newspaper Le Soir, Jean Rey, former President of the European Commission, speculates on the operation of the Community institutions and the real or perceived limits of their political authority over the Member States of the European Communities.

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An institutional dispute?

by Jean Rey (*)

The European public is considering the conflict which has recently arisen between the Strasbourg Parliament and certain Member States of the European Community concerning budgetary provisions for the financial years 1980 and 1981.

We shall not go into the details of that dispute. It will soon become the subject of either a compromise or a decision by the Court of Justice with which everyone will have to comply.

What is interesting about this dispute is the institutional problem. Has Parliament acted *ultra vires*? Has the Council exercised its own powers properly? In addition, and above all, is there not a fundamental problem here, the problem of the authority which the European institutions have over the Member States?

What we should draw attention to first of all is the malfunctioning of the Council of Ministers of the Community. Admittedly, there are extenuating circumstances. I emphasised those in the speech that I gave last July in Strasbourg, when I left the European Parliament. More than any other of the Community's institutions, the Council is subject to national political pressures. For example, it is obvious that the attitude currently adopted by the French Government has been greatly influenced by the bickering over the presidential election campaign. As far as Belgium is concerned, our Government is preoccupied, more than anything else, with the budgetary crisis which is sweeping the country and to which all other considerations are subordinate. It would seem that, in Bonn, the main concern is not to upset Mr Giscard d'Estaing.

However, quite apart from these individual points of view, it is the defective functioning of the Council as a whole which is responsible for the present dispute.

We saw the same problem last year. Although there is only one Commission, one Parliament, and one Court of Justice, there are several Councils of Ministers, which all work separately. Accordingly, the agricultural part of the Community's budget is considered by the Ministers of Agriculture alone, without any contact with their other colleagues. Last year, the Agriculture Ministers not only refused to approve the symbolic reductions which Parliament had made to the agriculture budget in order to emphasise the need for a review of the common agricultural policy, they even increased expenditure. The Finance Ministers, meeting separately, found that their agricultural opposite numbers had increased expenditure and, being anxious to avoid any abnormal increase in the budget, arbitrarily reduced social and regional expenditure. Not surprisingly, Parliament refused to ratify such a procedure and rejected the budget in its entirety.

This year, the Council found itself unable to take a decision on the amendments adopted by Parliament, even though the amendments in question were actually very modest, amounting to less than 2 % of the budget. Divided, and without a majority, it was unable to reach a decision either for or against. Under the terms of the Treaty, therefore, the President of the European Parliament, Simone Veil, could do nothing other than declare the budget adopted in its entirety.

Instead of criticising Parliament, the Council should modernise its working methods and ensure that there is unity in its decisions. If it does not succeed in resolving the disagreements which currently exist within itself, it should not be surprised if Parliament ignores its uncertainties and sees to it that the results of its own deliberations are implemented.

However, the current dispute involves more than that. It is not simply a question of more or less. There is also the fundamental problem of whether the Community has and must have powers which, within the limits laid down in the Treaties, are binding on everyone, including the governments of the Member States.

This is the problem which has been raised, once again, by Michel Debré. It is a pity that Mr Debré, who is otherwise a likeable person and a man of integrity, persists in this ultra-nationalist attitude. Having in the past — as a Senator for the *département* of Indre-et-Loire — voted against the Treaty of Paris and the Treaty of Rome, having done battle for thirty years with all the Community authorities from Jean Monnet to Roy Jenkins, he is hardly qualified to give us lessons in Community orthodoxy. With regard to the enormous transformation constituted by the creation of the European Communities, he gives the impression of being behind the times, one of those extremists who, in the past, had learned nothing and forgotten nothing.

The facts are more satisfactory than the arguments. Where the Community has powers and policies, Europe exists and is respected. Where it has no powers and policies, it remains weak and without authority.

There is no shortage of examples. It is because the Treaties created a common external tariff and gave powers to the Commission that it has been possible to negotiate and conclude the Kennedy Round and the Tokyo Round, the kingpins of the existence of the Community in the world. It is because the Treaty of Rome made provision for the existence of a common agricultural policy that it has been possible to devise and develop that policy which, despite certain faults or inadequacies, which we should not exaggerate, has made possible a definite improvement in the standard of living of European farmers. It is because the Treaty contains a Part Four that it has been possible to construct the Community's development policy, to create the European Development Fund and to conclude successive Yaoundé and Lomé Conventions, associating the Community with more than 50 countries in Africa and elsewhere and making the European Community the leading development power in the world.

By contrast, in areas where there are no powers, there are no policies either. It is because the Treaties do not make any provision for a common energy policy that we are still waiting for one, even though the energy crisis has been with us for more than seven years. The same applies to the Middle East conflict, which is so dangerous to Europe. The Member States of the Community have succeeded — and they should be given credit for it — in defining a common attitude and in declaring that any peaceful, permanent solution will have to include the recognition of a Palestinian State. However, since the Community possesses neither a common foreign policy nor a common defence policy, that declaration is still ineffectual, and Europe is still not taking part in the negotiations in which efforts are being made to achieve peace.

This is of fundamental importance in the present dispute. It is not a matter of knowing how to settle a disagreement between two European institutions. It is a matter of knowing whether the European Community has powers which are binding on everyone, including the governments of the Member States. That is the issue which is symbolised by the President of the European Parliament, Simone Veil. The Belgian Government would do well to think about that and not to adopt an attitude which runs counter to the attitudes of successive Belgian Governments over the past thirty years. A real Europe exists only where the Community institutions have policies and powers which are binding on everyone, over and above national viewpoints and national self-interest, and which are the embodiment of the European continent.

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