# Address given by Gaston Thorn (13 September 1983)

**Caption:** On 13 September 1983, Gaston Thorn, President of the European Commission, gives an address in which he discusses the institutional issues connected with the resolution which the European Parliament is to adopt the following day on the substance of the preliminary draft Treaty on European Union.

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'[…] If this Assembly adopts the motion prepared by its Committee on Institutional Affairs, then Parliament, despite being the product of peoples from 10 different States and harbouring representatives with political views which are often highly divergent, will have shown that it is none the less able to agree on a coherent and comprehensive approach to Europe's future. In a short time it will have succeeded where government representatives have, unfortunately, been failing for many years.

This will, then, be a lesson in dynamism and what I shall call true political realism...

I should now like, with your consent, to explain why we view the motion in a favourable light. I will also mention certain specific aspects of the resolution where we have reservations or feel that some caution should be exercised.

Firstly, the Commission, as it has already stated in a letter to Mr Ferri, Chairman of your Committee on Institutional Affairs, welcomes the fact that your approach has been to preserve the *acquis communautaire* and ensure that work on the construction of Europe will continue. It is our view that there must not be any backsliding and that the future should be built on the existing foundations.

I also welcome the fact that your motion for a resolution embodies the requirement for the Union to observe fundamental rights, even though it was impossible to list all of them and reference could only be made to the principles common to all our States and to a number of existing international instruments. It would indeed be difficult to imagine a Treaty on European Union which did not contain an explicit obligation to observe fundamental rights, with measures to ensure that this obligation cannot be shirked. When defining the basis for the Union it is right that the principles of individual rights by which it is inspired should be clearly stated.

I am perhaps rather more hesitant about the need, desirability and indeed possibility, at this stage, of imposing obligations on the Member States. I say this particularly in view of the varying approaches adopted by the Member States in respect of the international legal instruments mentioned in your resolution —but I feel sure we will be able to discuss this again at some later date.

The Commission also observes, once more with satisfaction, that, on a number of basic issues, the motion takes up positions similar to those which the Commission has itself adopted.

Here I have in mind a number of principles and ideas which appeared in the Report on European Union presented by the Commission in 1975: the principle of subsidiarity, the various types of competence (exclusive, concurrent and potential), legislative powers shared by Parliament and the Council, and the Commission's power to initiate legislation and its executive role...

The fact that the Council is both a legislative and executive body is certainly not the least of the many ills affecting the present Community. The Council is increasingly becoming bogged down in executive duties. This has impaired both its legislative action and the effectiveness of its government function.

It is becoming increasingly essential for the Union to have a strong executive, or at least stronger than at present, with duties clearly separate from those of the legislating body and free of any interference from it...

In this regard, the Commission would like to emphasize the positive nature and clear significance of the amendment made to the motion now tabled compared with the draft the Commission had before it when it wrote to Mr Ferri giving its initial reaction. As the Commission hoped, your motion now rules out, in its very principles, any possible interference by the legislative bodies in the field covered by the executive body. There should be no mingling of the two roles. Relations between the institutions must be crystal clear. The ambiguity which is now causing so many problems in interinstitutional relations must be removed, particularly in Community affairs where there are no precedents and no means of comparison and in which everything is new. I should therefore like to congratulate your Community on this move.

The second institutional matter I should like to deal with is naturally the right to initiate legislation. As we are all aware, the existing Community system places all the legislative powers in the hands of the Council and dilutes this power by recognizing the Commission's exclusive right, hitherto, to initiate legislation. The Council's powers have hereby been limited and its action to some extent guided. Within this system Parliament's role has up to now been a mainly-consultative one and with good reason you have, like the Commission, complained about this. The system proposed in your motion provides on the contrary for an extremely desirable division of legislative powers between the Council and Parliament. Within such a system it is logical to assume that it will no longer be quite as necessary for the Commission's right to initiate legislation to dilute the absolute powers of the Council. As a result, I can readily imagine that the right to initiate legislation, which has hitherto been the Commission's alone, should no longer be exclusive and no longer restrict the powers of the legislating body. Under such circumstances you are doubtless right in not ruling out the possibility for Parliament of having the right in future to put forward proposals as well, indeed in explicitly granting it the right to initiate legislation. It is even understandable—although I would say only just—that the Council be granted some right to initiate legislation, but subject to a number of restrictions which once again we will have to discuss at a later date. I have, in fact, a number of reservations and the Commission, as the guardian of our common interests, has some doubts on this matter since the Commission must remain, and you are perfectly aware of this I am sure, the driving force behind the Community machine and not simply become the executor of legislation from varying sources and of differing inspiration. Let us beware of the risk of putting the right of initiative back in the hands of the States; the founding fathers of the Community wished this to be the exclusive province of the Community and not of the Member States. They knew what they were doing. The driving force behind the Community has to be the Community institutions, or one Community institution, since otherwise too many driving forces might well mean that there would be no driving force at all. The Commission's central role does not require any restriction of the decision-making powers of Parliament and the Council, whose ultimate task will be to decide the fate of the Commission's proposals. However, the Commission's role in this case presupposes that its power to initiate legislation should perhaps—and you have recognized this in your motion—take precedence over that of Parliament but particularly over that of the Council. This is why the Commission was pleased to note that, in a departure from the initial drafts, the present motion grants the right to initiate legislation first and foremost to the Commission, with Parliament and the Council exercising this right only if the Commission has refused to submit a proposal following a request from one of these two institutions. In addition, amendments originating from the Commission must under all circumstances be examined first, but I feel this is a point to which we shall have to return and look at in detail before drawing up the final Treaty.

A final word on the notion of vital interests. I note that the motion provides that, during a transitional period, a Member State may halt the legislative process and have a decision put off on the grounds that its vital interests are in danger.

It also provides for this facility on a permanent basis in the field of diplomatic and political relations.

With regard to the existing Community, the Commission, as you well know, has ceaselessly stigmatized the attitude of a number of Member States which feel that they are entitled to obstruct decisions in the Community interest by claiming—often, I would add, simply pretending— that vital national interest is at stake.

This attitude is not only contrary to the Treaties, it is also unjustified, unreasonable and often harmful. It is unjustified above all because, within the existing Community decision-making procedure, the Commission, because of its composition, attitudes and the guarantees with which it surrounds itself before submitting proposals, ensures that national interests are duly considered and in principle makes it possible to arrive at measures acceptable to all the Member States.

It follows, therefore, that the possibility of a Member State being placed in a minority on a matter of truly vital significance to it is just academic theory. On the other hand, the fact that a number of Member States feel that they can use this academic argument to justify their attitude does have a very real and extremely

harmful effect. This attitude is in fact one of claiming, or pretending, that interests which are in no way vital, or which are those of minority or pressure groups, are of vital significance. It leads to national interests taking precedence over Community or European interests. It detracts from the efficiency of the decision-making mechanism and often creates situations in which the common aspect of an agreement is quite clearly insufficient.

Admittedly, and, I would add, fortunately, the circumstances under which your motion for a resolution allows a State to invoke its vital interests are very different from those which typify present bad practices. In your motion, if I have correctly understood it, on the one hand a vital interest must under all circumstances be recognized as such by the Commission and, on the other, the fact that interests of this type had been invoked would not be allowed to hold up a decision indefinitely. An added point, with regard to diplomatic and political relations alone, is that this is quite clearly a field in which the Community, regrettably, has no competence at the present time. None the less, there is no doubt that allowing the right to invoke a vital national interest is a sop to present bad practices, which, I am forced to admit, unfortunately endure and have even spread, since in recent months we have seen that even those States which have explicitly rejected this attitude hitherto are now hinting that they too might have recourse to it. This practice is nevertheless incompatible with the Treaties. Embodying it in this Treaty, even to a restricted and carefully-delineated extent, might well constitute a step back from the present legal situation. That is why the Commission must issue a warning to you, but I feel sure that you, like us, will be watchful on this matter in the interests of all the Member States or in other words of the Community.

I cannot conclude without mentioning present-day Europe's ability to take decisions. A Treaty establishing a united Europe cannot be conjured out of thin air, as you have yourselves stated. Institutional reform takes a long time. But while we are waiting for your plans to be achieved, the Community must continue to function. For some time now it has been at a dead-end, typified by a virtually total stoppage of the decision-making system.

The painful experience of the mandate exercise is a striking example of this. The lack of a decision on TACs and quotas for fisheries, to take but one instance, together with the purely temporary decision on the quota system for steel are far from encouraging and should make us think. Future development of the Community, and even the continuation of Community action, can only be achieved if the Community regains its decision-making power, that is to say if a truly Community decision-making procedure is re-established with the Community's interests and efficacy as the principal considerations. The first step in this direction must be to make more systematic use of majority voting as provided in the Treaties.

I will tell you quite frankly that majority voting or majority procedures will not produce a more radical Community. On the contrary, they will simplify and speed up compromise solutions. Anyone who has not grasped this has no understanding of how the Community operates...

Secondly, far more use must be made of the provision for delegating management and executive duties to the Commission. I am not speaking now for my own institution but because, in the daily round, the Commission should naturally perform these duties without a unanimous decision by the 10 governments being sought on all occasions.

To my mind there is no doubt whatsoever that the systematic requirement, often to absurd lengths, that decisions be unanimous is a major obstacle to the proper functioning of the Community. I have explained this, and the Commission has stated it, so I shall not come back to it. I should merely like to assure you that the Commission will constantly remind the Council and the Member States of their responsibilities.

The decision-making process could be made much more effective if more management and executive powers were delegated to the Commission. This will be all the more true with the impending enlargement of the Community. Enlargement in itself is already raising a great many problems. The conflicts of interest will gradually increase as the Community inevitably becomes less cohesive. There will be an exponential growth in the number of blocked decisions; we stressed all of this five years ago when we presented our "Fresco".

While the Commission has always felt that it was vital to observe the voting procedures laid down in the Treaties, which means majority voting when the Treaties provide for it, it also considers that in a Community of Twelve the unanimity required by the Treaties in certain fields will have to be replaced by qualified majority voting.

This notion, put forward in 1978, was enlarged upon in the Commission's communication on the institutional implications of enlargement transmitted to the Council and to Parliament.

In its communication the Commission also proposed that the Treaties should be amended in order to have the Commission, as a rule, exercise administrative and executive functions. This is because in a Community of Twelve the danger of a snarl-up in the whole decision-making system would be even more acute than it is now. The Commission is convinced that these proposals are a vital contribution to improving the Community decision-making process, and hopes that they will shortly be supported by Parliament, and I take this occasion to request that support.

Although I have so far concentrated on the institutional aspects of your motion, it is obvious that the new institutional framework created by the Treaty on the Union will be only one means—a vital one, of course, but only one—of implementing and developing new policies. A number of principles applying to those policies are included in your draft. It is clear, however, that the Union will be called upon to take basic decisions on the content of its policies. The Treaty on the Union will be the departure point for new measures. In this, however, it must be constantly borne in mind how important it is to retain the basic lines of the Treaties so that business and industry will continue to have faith in the stability of the legal framework within which they have to operate. This is why I have stressed the principle of continuity. The outcome of this is that a number of the measures recommended in the economic chapter of the draft are likely to require a fair degree of fleshing out if they are to avoid clashes with consensus opinion in the Community. This is particularly true for the role which the monetary authorities and the two sides of industry are called upon to play, as well as the approach to be taken on industrial affairs.

With regard to a number of policies which will be explicitly provided for in the Treaty on the Union but which are not contained in the existing Treaties, it might be worthwhile enshrining them in law now by amending the existing Treaties in order to avoid the constant difficulties we have with the Council in implementing such policies. I am referring here in particular to research and development, industrial innovation, energy, the environment and regional policy. The Commission is now looking into possible ways of updating the Treaties in these fields.

In conclusion, you will doubtless agree with me in thinking that the nine months which stand between us and the European elections will be crucial. Crucial for the victory of the ideas which have inspired your draft Treaty for Union. Once this has been adopted, you must expect both favorable and adverse reactions at all levels. The decisions to be taken in Athens on the future financing of the Community and new policies will be a pointer as to how far the Member States are prepared to go in the move towards European integration. In the election the voters will be able to show, through the members they elect, the type of Europe they want and what policies they would like to see it adopt. Let us hope that the Union will fulfil their desires and give them further reason for hope.

It is now up to all of us, you and the Commission, to step up our efforts in order to obtain the best possible result. […]'