

## European Parliament Resolution on the Intergovernmental Conference in the context of its strategy for European Union (11 July 1990)

**Caption:** By this Resolution of 11 July 1990, the European Parliament welcomes the convening of a Conference on Political Union and the fact that the agenda of the forthcoming reform of the Treaties is to be widened beyond economic and monetary union. Whereas the division between external economic relations and European Political Cooperation (EPC) is increasingly difficult to maintain in practice, the European Parliament calls for these two aspects of the Community's international action to be dealt with within the Community framework.

**Source:** Official Journal of the European Communities (OJEC). 17.09.1990, n° C 231. [s.l.]. "Resolution on the Intergovernmental Conference in the context of Parliament's strategy for European Union (11 July 1990)", auteur:European Parliament , p. 97.

**Copyright:** All rights of reproduction, public communication, adaptation, distribution or dissemination via Internet, internal network or any other means are strictly reserved in all countries.

The documents available on this Web site are the exclusive property of their authors or right holders.

Requests for authorisation are to be addressed to the authors or right holders concerned.

Further information may be obtained by referring to the legal notice and the terms and conditions of use regarding this site.

**URL:**

[http://www.cvce.eu/obj/european\\_parliament\\_resolution\\_on\\_the\\_intergovernmental\\_conference\\_in\\_the\\_context\\_of\\_its\\_strategy\\_for\\_european\\_union\\_11\\_july\\_1990-en-28822ab6-51a6-4891-8da5-d0e23ab0dd6a.html](http://www.cvce.eu/obj/european_parliament_resolution_on_the_intergovernmental_conference_in_the_context_of_its_strategy_for_european_union_11_july_1990-en-28822ab6-51a6-4891-8da5-d0e23ab0dd6a.html)

**Publication date:** 18/12/2013

## European Parliament Resolution on the Intergovernmental Conference in the context of Parliament's strategy for European Union (11 July 1990)

Doc. A3-166/90

*The European Parliament,*

- having regard to its resolution of 14 March 1990 on the Intergovernmental Conference <sup>(1)</sup>,
- having regard to the Community Charter for Regionalization attached to its resolution of 18 November 1988 <sup>(2)</sup>,
- having regard to the second interim report of its Committee on Institutional Affairs and the opinion of the Committee on Youth, Culture, Education, the Media and Sport (Doc. A3-166/90),

A. Whereas there have been a number of significant developments since, and partly in response to, the adoption of Parliament's resolution, notably:

- the aide-memoire of the Belgian Government of 20 March 1990, which supports most of the key points in the Parliament's resolution;
- the three resolutions adopted by the Italian Parliament on 21 March 1990 explicitly supporting the European Parliament's resolution and agreeing to host with the European Parliament the 'assizes' of national parliaments and the European Parliament in October 1990;
- the letter sent by President Mitterrand and Chancellor Kohl to the President-in-Office of the European Council calling for a second intergovernmental conference on political union in order to 'strengthen the democratic legitimacy of the union, render its institutions more efficient, ensure unity and coherence of the union's economic, monetary and political action and to define and implement a common foreign and security policy' this letter following on from the desire expressed on 25 March 1990 by President Mitterrand to see European political union completed by 31 December 1992;
- the initiative of Felipe Gonzalez, the Spanish Prime Minister, for a citizen's Europe;
- the ETUC declaration on the political union of Europe;
- the special meeting of the European Council in Dublin on 28 April 1990 at which the European Council 'confirmed its commitment to political union' and charged the foreign ministers with preparing 'proposals to be discussed at the European Council in June with a view to a decision on the holding of a second intergovernmental conference to work in parallel with that on EMU with a view to ratification in the same time-frame';
- the aide-memoires of the Greek, Dutch and Danish Governments, most aspects of which also support key points in Parliament's resolution;
- the discussions that took place at the first meeting of the interinstitutional preparatory conference held in Strasbourg on 17 May 1990;
- the informal meeting of the Foreign Ministers of the Community's Member States at Parknasilla on 18 and 19 May 1990 and the meeting of the General Affairs Council in Luxembourg on 18 and 19 June 1990;
- the meeting of the European Council of 25 and 26 June 1990 in Dublin which agreed to convene the two intergovernmental conferences.

1. Welcomes the fact that the agenda of the forthcoming reform of the Treaties is to be widened beyond economic and monetary union; underlines, however, its grave concern at the emergence of some positions within the Council defining 'political union' as merely a reinforcement of the intergovernmental level of cooperation among the governments of the Member States of the EC;
2. Recalls its preference for a single intergovernmental conference possibly with two working groups, but accepts the proposal for two intergovernmental conferences provided that they are closely coordinated and that they aim for a single coherent package for ratification;
3. Considers that the term 'political union' refers to the same aspirations as those which lay behind Parliament's draft Treaty on European Union of February 1984; reaffirms the essential elements of such a political union to be:
  - economic and monetary union with a single currency and an autonomous central bank;
  - a common foreign policy, including joint consideration of the issues of peace, security and arms control;
  - a completed single market with common policies in all the areas in which the economic integration and mutual interdependence of the Member States require common action notably to ensure economic and social cohesion and a balanced environment;
  - elements of common citizenship and a common framework for protecting basic rights;
  - an institutional system which is sufficiently efficient to manage these responsibilities effectively and which is democratically structured, notably by giving the European Parliament a right of initiative, of co-decision with the Council on Community legislation, the right to ratify all constitutional decisions requiring the ratification of the Member States also and the right to elect the President of the Commission;with these responsibilities being exercised on the basis of the principle of subsidiarity, which will enable the Union to develop dynamically;
4. Believes that a reform of the Treaties that would achieve these objectives would bring the European Community closer to the 'European Union of federal type' advocated by the European Parliament in its resolution of 14 March 1990 and considers, therefore, that such changes should be consolidated in a 'constitution' which the European Parliament should prepare; recalls its resolution of 11 July 1990 <sup>(3)</sup> on this draft, which is based on its draft treaty of European Union of 1984, and which should become the basis for the transformation of the Community into a genuine union of federal type;
5. Regards it as essential, at the intergovernmental conference, to amend in a coherent manner all the Treaties establishing the European Communities, in particular the ECSC, EEC, EURATOM and Merger Treaties;
6. Reaffirms the areas in which it would like to see treaty reform, namely those listed in paragraph 4 of its resolution of 14 March 1990, and spells out as follows the precise changes that it would seek to achieve for each of the areas listed in that resolution;

### **Economic and monetary union**

7. Economic and monetary union should be established in accordance with a specific, automatic and mandatory timetable, between the 12 Member States of the European Community or, if appropriate, between those willing, in accordance with the criteria spelt out in Parliament's resolutions of 25 October 1989 <sup>(4)</sup> and 16 May 1990 <sup>(5)</sup> on economic and monetary union;

### **Community foreign policy**

8. Considers that Article 30 of the Single European Act should be revised in order to provide for matters currently dealt with under EPC to be dealt with in the Community framework with appropriate procedures; believes that the current division between external economic relations handled by the Community institutions with the Commission acting as the Community's external representative, and political cooperation handled by EPC with the EPC President acting as external representative, is increasingly difficult to maintain in practice; considers that any genuine attempt 'to assure unity and coherence in the Community's international action' must abolish this increasingly artificial distinction;

9. Calls therefore for the Council (rather than a separate framework of foreign ministers) to be given the prime responsibility for defining policy; for the Commission to have a right of initiative in proposing policies to Council and to have a role in representing the Community externally, including appropriate use of its external missions in third countries; and for the functions of the EPC secretariat to be absorbed by the Commission and Council; and for the Community's foreign policy to be subject to scrutiny by the Community's elected Parliament;

10. Calls for the scope of the Community's foreign policy to include issues of security, peace and disarmament, with a close coordination of national security policies, and to respect the principle of solidarity and the inviolability of the external borders of Member States;

11. Considers that in all these areas, the Community should aim to have common policies on all matters in which the Member States share essential interests;

12. Considers that membership of international organizations should be adjusted accordingly, with the Community as such seeking membership and representing the Member States in those areas where Community competence has been established, and it should therefore belong notably to the Council of Europe;

### **Better treaty provisions in the social, environmental , research and cultural sectors**

13. Considers that, in order to ensure a balanced development of the internal market, the social and environmental provisions of the treaties should be among those in which majority voting in Council applies; believes this could be best achieved in the context of the improved legislative procedure outlined below;

14. Considers that the objectives of social policy, as defined in the treaties, should be extended, improved and completed, notably by:

— adding to Article 3 EEC the objective of common action in the field of social affairs and employment, which implies the affirmation of the right of workers to be informed and consulted before any decision affecting them;

— deleting paragraph 2 of Article 100a EEC and including social protection in matters concerned by paragraph 3;

— adding to Article 8a EEC that the completion and further evolution of the internal market necessarily imply provisions to secure the convergence, at a higher level, of living and working conditions;

— adding to Article 101 EEC the possibility of Commission intervention in cases where Community action in Member States causes serious economic or social distortion or where the intervention of the structural funds is insufficient;

— adding to the objectives of Article 117 EEC improved training and working conditions, equal opportunities, and access to education and culture, to be granted to all citizens of the Member States and to all persons legally resident in the Community;

— adding to the first paragraph of Article 118 of the EEC Treaty the indication that the Commission's task in the social sphere is to implement the common policy in the social affairs and employment sphere and to promote collaboration between the Member States;

— adding to the objectives of Article 118a EEC the continual improvement of living standards and social provisions, equal opportunities, training, minimum levels of social security and welfare, minimum provisions for union law and collective bargaining, covering also workers from third countries;

— amending Article 118b of the EEC Treaty by indicating that the Community must adopt a legal framework which enables the dialogue between the two sides of industry to develop so that European collective bargaining may be undertaken;

— adding to the objectives of Article 119 EEC, concerning equal pay for men and women, the objective of equal opportunities at work and in society;

— establishing, through Article 128 EEC, a common policy providing for all persons in the Community to have access to appropriate vocational training throughout working life;

— modifying the last words of Article 130a EEC to refer to least-favoured regions and population groups;

— strengthening or establishing objectives which are increasingly recognized as being urgent and necessary in the areas of education policy, the mass media, information, research and culture to promote a greater volume of exchanges, cooperation and joint programmes, which respect and enhance the pluralism and diversity which characterize European society;

15. Considers that the objectives of environmental policy, as defined in the Treaties, should be extended, improved and completed, notably by:

— adding to Article 130r(1) of the EEC Treaty the objective of contributing to international action against the dangers threatening the ecological equilibrium of the planet:

— amending Article 130r(4) of the EEC Treaty in order to specify the Community's concrete contribution to achieving the objectives set out in Article 130r(1) through the establishment of a European Environment Fund;

16. Considers, further, that the Community must ratify the Council of Europe's Social Charter and the International Labour Organization's Conventions on fundamental social rights and the areas covered by Community law;

17. Regards the competences transferred to the Community in the environmental sphere as adequate on condition that their exercise is subject to the joint decision-making procedure set out below.

### **Fundamental rights and freedoms of a citizen's Europe**

18. Calls for the incorporation into the Treaties of the declaration of fundamental rights and freedoms approved by the European Parliament on 12 April 1989 <sup>(6)</sup>; calls for the incorporation into the Treaties of the Declaration against racism and xenophobia adopted by Parliament on 11 June 1986; calls for the Court of Justice to have jurisdiction for the protection of these fundamental rights vis-à-vis the Community with the possibility of direct access to the Court of Justice for Community citizens after national appeal procedures have been exhausted; considers furthermore that the Community should accede to the European Convention on Human Rights of the Council of Europe in order for the Community's procedures protecting fundamental rights to be subject to appeal to an external body at least in the areas covered by the Convention (in the same way as individual States, even those with charters of rights of their own, are subject to the European Convention);

19. Calls for provisions to be incorporated into the treaties providing for the development of common forms of European citizenship through such measures as voting rights for Community citizens in municipal and European elections in their Member States of residence;

### **Improving the decision-taking capacity of Council**

20. Believes that unanimity should no longer be required for decision-taking in Council, except for constitutional matters (revision of the treaties), accession of new Member States and extension of the field of Community responsibilities (Article 235); considers that the requirement for unanimity for ordinary Community legislation and policies is tantamount to the dictatorship of the minority; considers that the experience of the recent extension of the field of majority voting shows that a significant improvement in the decision-taking capacity of the Council can be achieved by this means;

21. Considers that Council should hold its meetings in public when adopting Community legislation, in order to allow more openness and better scrutiny;

22. Considers it essential to ensure the participation of the regions by means of a body consisting of representatives of the regional authorities in the Member States, whose function would be comparable to that of the Economic and Social Committee in its specific field;

23. Is aware that many national parliaments are seeking to improve their scrutiny over their country's member of Council; expresses its readiness to assist the parliaments of the Member States with access to information; will continue to cooperate with the parliaments of the Member States in the now regular meetings that take place at various levels between these parliaments and the European Parliament;

considers, however, that it would not be useful to set up a new institution or 'chamber of national parliaments' alongside the European Parliament, as:

— experience of the European Parliament prior to direct elections shows the practical limitations of such a body;

— Community institutions already include a body representing Member States (the Council) and a body representing the electorate directly (the European Parliament);

— decision-taking would become even more complex and therefore less transparent;

and instructs its Committee on Institutional Affairs to prepare practical proposals for improving cooperation with national parliaments;

### **Strengthening the Commission's implementing powers**

24. Considers that the amendment of Article 145 EEC by Article 10 of the Single European Act has not been properly implemented and Declaration No 1 annexed to the Single Act has not been respected;

25. Calls for an amendment to Article 155 of the EEC Treaty and a corresponding deletion in Article 145 of the EEC Treaty in order to clarify that implementing powers should in all cases be conferred on the Commission which, for this purpose, may be assisted by an advisory committee (purely consultative) or a management committee (able, by a qualified majority, to suspend Commission decisions and refer them to the legislative authority (Parliament and Council));

26. Considers that democratic scrutiny of Commission implementing provisions should be ensured by means of an obligation on the Commission to inform Parliament and Council immediately of any such measures and to discuss them with the appropriate organ of Parliament or Council when requested, and that Parliament should have a period of one month after publication of such provisions in which to decide whether it wishes to subject them to the legislative procedure;



27. Believes that the Commission's responsibility to implement the budget as adopted should not be fettered by any committees other than advisory committees;

### **Strengthening the Community's ability to enforce application of its law**

28. Believes that in order to be in a position to check on the implementation of Community law, the Commission must be reinforced by the creation of European Inspectorates working with or within it, most notably and urgently in the field of the environment, and that such Inspectorates should have the task of checking that national authorities are properly applying EC law;

29. Considers it necessary for the Court of Justice to be given powers, to be written into the Treaties, to impose sanctions, including financial sanctions, on Member States which fail to apply Community legislation or implement Court judgments;

### **Reforming the financial arrangements and in particular the system of own resources**

30. Considers that, with the achievement of economic and monetary union and political union, the financial arrangements, laid down in the Treaties are no longer adequate; considers, fore, that there is a need for an overall review of those financial arrangements on the basis of a greater balance between the two branches of the budgetary authority and, in particular, that:

— Article 199 of the EEC Treaty should cover the financial activities of all the Communities including those (e.g. EDF, ECSC) which have for various reasons not hitherto been included in the budget, and should also cover borrowing and lending operations;

— Article 201 should outline a full own resources regime which would ensure complete financial autonomy and sufficient financial resources for the Community; at all events, in order to ensure cover of all budget expenditure, Article 200 should be updated;

— the multiannual financial estimates, as drawn up and periodically updated by the Council and Parliament, should form the basis of the budgetary procedure;

— in Article 203, all the special rules concerning compulsory expenditure should be deleted; the maximum rate rule should be replaced by a multiannual and annually rolling expenditure plan, to be determined jointly by Parliament and the Council;

— Articles 204 to 209 should be adapted in accordance with the plan to increase the powers of Parliament;

### **Recognizing the duality of Community legitimacy: Council and Parliament**

31. Considers it to be absolutely essential that Community legislation should be adopted by a procedure of co-decision between Parliament and Council;

32. Believes that the proposal contained in the memorandum of the Belgian Government represents a significant step towards a co-decision procedure, but considers that such a method gives too much weight to the final possibility for the Parliament to reject legislation in what amounts to a third reading and a simple veto power might cast Parliament in a negative light, as holding up the progress of the Community and causing interinstitutional conflict;

33. Calls for Parliament and the Council to be given equal rights and equal weight in the legislative process, provision being made for a mechanism to settle disputes between the two bodies which compels them to cooperate on an equal footing in accordance with the following procedure:

(a) Commission proposals should be forwarded to Parliament which would have the right to approve, amend

or reject them; amendments rejected by the Commission would require the support of a majority of the Members of Parliament;

(b) Council could then approve, amend or reject such proposals; it could approve by a majority any text in the form adopted by Parliament; it could amend such texts by a qualified majority where the Commission approved of such amendment or by unanimity where the Commission disapproved; it would require unanimity to approve a proposal rejected by Parliament;

(c) At first reading, flexible deadlines should be set to permit either of the two branches of legislative power to request application of the urgency procedure to a proposal which is being blocked by the other;

(d) If the text approved by Council conformed to that of Parliament, it would be definitively adopted; where it differed from that of Parliament, Council's position would be referred back to Parliament for a second reading;

(e) Parliament, in its second reading, could, by simple majorities, either approve Council's text, or request the opening of the conciliation procedure; should a proposal not be approved within 3 months, it would be referred to the Conciliation Committee;

(f) The Conciliation Committee would comprise an equal number of members of both institutions; members would not be bound by instructions;

The Commission would participate in the work of the committee;

The text agreed on by the committee would be forwarded to the Council and to Parliament for their decision. No further amendments would be admissible;

Should it not secure a majority in one of the two institutions, the legislative procedure would be closed;

(g) Proposals adopted by both Council and Parliament would become law upon the signature of the Presidents of the two institutions;

34. Calls for Parliament also to be given the right to initiate legislative proposals in cases where the Commission fails to respond within a specified deadline to a specific request adopted by a majority of Members of Parliament to introduce proposals; in such cases a Parliament proposal adopted by a majority of Members would be the basis for the subsequent stages of the legislative procedure described above;

35. Calls for Parliament to be given the right to elect the President of the Commission on a proposal from the European Council; the President should, with the agreement of Council, choose the Members of the Commission; the debate and the vote of confidence in a new Commission, which Parliament has held since 1981, should now be formalized in the Treaties;

36. Considers that the procedure whereby Parliament gives its opinion on each nomination to the Court of Auditors should be modified to provide for Parliament to give its approval by a simple majority to nominations to the Court of Auditors and that the same procedure should apply to nominations to the Court of Justice;

37. Calls for the budgetary control powers of the European Parliament to be enhanced and democratic control reinforced, and in particular:

(a) calls for the principle that the observations made in the discharge decisions are binding on all the institutions to be enshrined in the Treaty;

(b) calls for the discharge authority's right to ask the Court of Auditors to carry out investigations and submit reports to be enshrined in the Treaty;



38. Calls for the essential right to go to the Court of Justice for annulment should be explicitly granted to the European Parliament in the Treaties;
39. Demands that each of the three other institutions be entitled to consult the Court of Justice in respect of any matter regarding the interpretation of the Treaties;
40. Considers that Parliament should have a right, enshrined in the Treaties, to establish committees of inquiry to investigate alleged contraventions of Community law or instances of maladministration with respect to Community responsibilities; the Treaties should provide for an express obligation on Community institutions and other Community and Member State authorities to cooperate with such an inquiry;
41. Calls for Articles 216(EEC), 77(ECSC) and 189(EAEC) to be amended to give the European Parliament the right to fix its own seat unless, within two years, the Member States can finally agree (after a delay of over 30 years) to exercise their power and responsibility 'to determine the seat of the institutions of the Community' under the existing Articles;
42. Believes that the assent procedure should be extended to include Treaty amendments (Article 236 EEC and its equivalents in the other Treaties), the uniform electoral system and all significant international agreements entered into by the Community;
43. Undertakes to submit appropriate drafts of Treaty articles and amendments conforming to the above requests in due time before the beginning of the intergovernmental conferences as part of its formal opinion required under Article 236(EEC) for the convening of the conferences; expects the intergovernmental conferences to examine Parliament's requests and either to incorporate them as such in the Treaty revision or to agree with Parliament on alternative possibilities, in accordance with the procedure put forward in paragraph 5 of its resolution of 14 March 1990;
44. Confirms its decision to deliver an opinion pursuant to Article 236 of the EEC Treaty on the convening of the Intergovernmental Conference on political union, on the basis of the results of the preparatory interinstitutional conference and in particular the consensus reached with the governments of the Member States and the Commission on the agenda for the conference and the role of the European Parliament;
45. Calls for a move from the present Community based on Treaties to a Union of federal type on a constitutional basis and demands therefore the amendment of Article 236 of the EEC Treaty, the new version of which should provide for approval of constitutional amendments by the two legislative arms (Council and Parliament) and their subsequent ratification by the Member State parliaments;
46. Considers in any event that such a major revision of the Treaties should be elaborated and agreed jointly by the representatives of the Member States and the representatives elected by the citizens of Europe to the European Parliament;

\*

\* \*

47. Instructs its President to forward this resolution to the Commission, the Council, the Court of Justice, the Court of Auditors, the Economic and Social Committee, the governments and the parliaments of the Member States and Applicant States and the consultative committee of local and regional authorities and to use this resolution for his submissions to preparatory meetings of the IGC, to 'the Assizes' and to European Council meetings.

(<sup>1</sup>) OJ C 96, 17.4.1990, p. 114.

(<sup>2</sup>) OJ No C 326, 19.12.1988, p. 296.

(<sup>3</sup>) Part II, Item 10(a) of these Minutes.

(<sup>4</sup>) OJ No C 304, 4.12.1989, p. 43.

- (<sup>5</sup>) See Minutes of that sitting, Part II, Item 2.
- (<sup>6</sup>) OJ No C 120,16.5.1989, p. 51.