

## 'Maastricht: the watershed' from Crocodile (November 1991)

**Caption:** In November 1991, in an article in the monthly journal Crocodile, Enrique Baron Crespo, President of the European Parliament, emphasises the importance of laying down in the Treaty on European Union the principles and structures of the European Community so that it can consolidate its place on the European and international stage.

**Source:** Crocodile. Letter to the Parliaments of Europe. November 1991. Brussels.

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## Maastricht: the watershed

The draft Treaties on Political Union and Economic and Monetary Union have undergone so many revisions in the last few months that I wonder whether we are not moving backwards rather than forwards. The challenges facing the Community of Twelve are such that it must take a great stride forward towards a federal-type European Union. This is the only possibly solution for the future of our continent if we wish to achieve a European Economic Area with the EFTA countries and respond to the overtures of the Eastern European countries and the applications for membership to which Political Union and EMU will inevitably give rise. Only a strong Community of Twelve can stand up to the rise in nationalism and the upheavals on the security front which are taking place both in Europe and on the international scene as a whole.

Integration requires a radical reform of the Treaties, particularly as regards the procedures and powers of the Community institutions, with a view to ensuring that the system as a whole is truly democratic. The European Parliament believes that the Community must be organized on the basis of the democratic legitimacy of the Council and Parliament. However, certain Member States appear to find this concept hard to understand.

### The structure of the new Treaty

In order to achieve this aim, it is necessary to assert a number of priorities which form part of the rationale for Political Union. Chief among these is the question of the structure of the new treaty. The concept of Unitarianism, which had the support of a large majority in Dresden, has all but disappeared. The European Parliament believes, however, that the new treaty must have a Unitarian, consistent structure, enabling all aspects of Political Union to be encompassed within a single framework: Community competences, a common foreign and security policy, internal and judiciary policy, Economic and Monetary Union and those spheres which would continue to be covered by intergovernmental cooperation.

In other words, it will only be possible to create a Community with a Unitarian structure if the institutions are the same, if the nature of their tasks does not change according to the sphere of competence and if decision-making procedures are, for the most part, identical. This applies both to the common foreign and security policy and to matters relating to internal affairs and the judiciary.

### Democratic legitimacy

Democratic legitimacy is another matter of crucial concern to the European Parliament. The power of co-decision, let it not be forgotten, is intended to place the European Parliament on an equal footing with the Council of Ministers in the exercise of legislative power, in line with the principles of parliamentary democracy. But for the time being, the negotiators of the Conferences are displaying utter mistrust of the European Parliament: it is as if we were taking part in a multi-stage obstacle race where the aim was that the 'adversary' should be eliminated by the referee blowing his whistle! And the Council, of course, is the referee!

We are therefore totally opposed to any introduction of a third reading. The right to reject legislation is a negative power which it would be difficult for the EP to use and which, moreover, would not solve the problem of the time involved in decision-making, as mentioned by the authors of the draft. A more effective solution could be found through, for example, use of a simplified procedure when considering a new proposal. I think that it would be much simpler to bring legislative procedure into line with budgetary procedure. In other words, we should first exhaust the conciliation procedure, and then the legislative act should be signed jointly by the President of the EP and by the Council. However, rather than trying to defend to the utmost these underlying principles, the government representatives prefer to flounder in confusion and absurdity. They are even inventing new decision-making systems where clarity is not exactly a strong point.

The European Parliament is naturally concerned that this pseudo co-decision procedure should not be arbitrarily restricted in such a way that it ends up being applied only to two or three legislative acts during

each term of office. In that case, co-decision would be nothing but a sham.

The solution is simple: all decisions of a legislative nature should be adopted by the Council by a qualified majority, as a genuine co-decision with the EP, while constitutional decisions should be taken unanimously and sealed by the Parliament's assent. Such a solution would ensure democracy, clarity and efficiency.

For constitutional legislation which is at the top of the legal hierarchy, it is essential that all sources of legitimacy are involved in its adoption and in particular European parliamentary legitimacy, which is derived from the direct election of the Members of the European Parliament by universal suffrage. At present we have only one instance of the assent conferred on us since the Single Act by Article 237. Parliament's assent should henceforth be required on the article concerning citizenship, on the Community's own resources and, above all, on the amendments to the Treaty. The unification process will thus be legally irreversible.

### **The appointment of European Commission**

Lastly, as regards the Commission, we are certainly moving towards their appointment by the EP, but we should like a stage to be reached where the terms of office of Parliament and the Commission coincide for a five-year period. Such a procedure would make the direct election of the EP truly meaningful as the elector would know that his vote would go some way towards deciding the make-up of the next Commission. Once again, there is no trace of such parallel terms of office in the last version of the draft Treaty.

It would be unfortunate, but necessary, if the EP had to enter as items on the agenda of its constituent sitting both the election of its President and a motion of censure on the Commission.

These are the three main points which we feel are crucial in the reform process. The European Parliament will stick to them - not because it is determined to increase its powers at any price but rather because it wants to see a workable Community, and it will be workable only if institutional confusion is rejected. In this respect the idea of a conference of national parliaments and the EP, in the form of a Community 'Congress' or 'Conference', runs counter to the guidelines we laid down in Rome at the Assizes one year ago. This would do nothing to counter the democratic deficit at either national or Community level.

### **The assent of European Parliament about Maastricht conclusions**

I pointed out formally to the negotiators at the Noordwijk conclave that Parliament was prepared to go the whole way. I informed them that if the text of the draft remained as at present I would be obliged to propose to Parliament that it should be rejected. Parliament also confirmed this as a possible course of action at its November part-session by sending a clear message to the forthcoming conclave and to the European Council in Maastricht.

### **A watershed**

It is to be hoped that the work of the intergovernmental conferences will not be in vain during this final crucial phase. Time is short and the stakes are high - on the threshold of the third millennium we must finally establish the principles and structures which will allow the Community to fulfil its role on the European and international stage. The Maastricht meeting should be a watershed. The future shape of Europe is in the negotiators' hands and their work will determine the success or failure of European integration. If the politicians finally take over from national administrations, I am convinced that this step will be possible by 9 December.

Enrique Baron Crespo  
President of the European Parliament