

Historical review by the European Parliament of its constitutional ambitions (12 January 2005)

Caption: On the eve of the vote in Strasbourg, on 12 January 2005, on the Corbett/Méndez de Vigo report on the Treaty establishing a Constitution for Europe, the European Parliament Press Service presents a historical review of the institution's constitutional ambitions.

Source: DG-INFO, Direction de l'Information-Service de Presse. Constitutional affairs. The constitutional ambitions of the European Parliament, PE-BR/05/4. [s.l.]: European Parliament, [s.d.].

Copyright: (c) European Union, 1995-2012

URL:

http://www.cvce.eu/obj/historical_review_by_the_european_parliament_of_its_constitutional_ambitions_12_january_2005-en-eae2c843-39b3-4812-b907-46a51d0ae9ce.html

Publication date: 05/09/2012

Constitutional affairs

The constitutional ambitions of the European Parliament

Ever since the European Parliament was first directly elected in 1979, a large majority of its Members have expressed support for closer European integration. To achieve this MEPs believe that the rules governing the way the EU institutions operate must be clarified, with a bigger role being given to directly elected parliamentarians, and that majority voting in the Council should be used as much as possible so as to streamline the decision-making process. The EP has also consistently supported the Commission's role as the driving force behind EU policy-making, especially its sole right to initiate legislation, on the grounds that this serves the interests of the European public as a whole as opposed to narrow national interests.

Some of the demands made by MEPs have been taken up in successive treaties. But it took the failure of Nice before the fundamental reforms suggested by the EP were introduced with regard to the institutions and decision-making procedures. The result is the draft Constitution on which Parliament will vote on 12 January 2005, more than twenty years after the "Spinelli plan".

The "Spinelli plan" and the Single European Act

Parliament's push for a more integrated and more efficient European Community really took off with the Draft Treaty establishing the European Union, the chief architect of which was the MEP (and former Commissioner) Altiero Spinelli. This document, drawn up within the EP's Institutional Affairs Committee, was adopted in plenary on 14 February 1984 by 237 votes to 31 with 43 abstentions. It envisaged a transfer of additional powers to European level and a decision-making process which, even at that stage, placed the Council and Parliament on an equal footing in what was close to a classical bicameral system.

The "Spinelli plan" prompted the first thorough overhaul of the Community since the founding treaties, namely the Single European Act, which was signed by the Member States in February 1986 and entered into force in July 1987. The Single Act widened the original goal of the common market with the aim of creating a large, integrated single market by 1 January 1993. It conferred fresh powers on the Community: monetary capability, social policy, economic and social cohesion, research and technological development, environment and cooperation in foreign policy. It also improved decision-making by replacing unanimity with qualified majority voting (QMV) for issues relating to the common customs tariff, freedom to provide services, the free movement of capital and the common sea and air transport policy. QMV was also applied to several new areas: the internal market, social policy, economic and social cohesion, research and the environment.

Under the "cooperation" procedure, the EP finally acquired a legislative role, albeit a modest one. Parliament's "assent" was also now needed for association and enlargement agreements. All this still fell far short of the original ambitions of the Spinelli plan but these were gradually fulfilled under subsequent treaties.

The Maastricht and Amsterdam treaties

Parliament now drew up reports and vote on resolutions both before and after any new treaties were concluded. All these texts are listed in the Corbett - Méndez de Vigo report on the draft Constitution (footnote to point I.2. of the Explanatory Statement).

The Maastricht Treaty (signed on 7 February 1992; entry into force on 1 November 1993) represented a major advance in European integration, especially in monetary policy, foreign policy and justice/home affairs, but large swathes of these new policies were still handicapped by being "intergovernmental", by the unanimity requirement and by the lack of any real parliamentary scrutiny. On the other hand, for the first time the EP gained joint decision-making powers with the Council (known as "codecision") over certain Community policies. The codecision procedure was then simplified and applied to additional policy areas by the Amsterdam Treaty (signed on 2 October 1997; entry into force on 1 May 1999).

However, while MEPs always welcomed these successive advances, they could not help noting that each time the fundamental weaknesses were repeated or made worse. Far from clarifying the rules of the institutional game and the decision-making procedures (22 different procedures are laid down by the Maastricht Treaty !), these treaties often complicated matters and made it even more necessary to adopt a simplified, all-embracing and fundamental treaty text.

The failure at Nice

Realising the shortcomings of Amsterdam, the Heads of State and Government called a new intergovernmental conference at the Helsinki European Council in December 1999. But this IGC had a narrow mandate consisting essentially of negotiating what was left over from Amsterdam by adjusting the decision-making system and the composition of the Commission and Parliament with a view to enlargement.

Parliament wanted a far more ambitious approach. It set out its views in a major report adopted in April 2000. MEPs suggested that all the previous Treaties be recast in a single text, with a first, constitutional, part to include the objectives of the EU, the Charter of Fundamental Rights (which would then have binding force), the institutions, the division of competences between the EU and the Member States, and decision-making procedures.

Parliament also wanted the pillar structure inherited from Maastricht to be abolished and the Community method to be more widely used. And it proposed replacing the complex system for weighting votes in the Council with a much clearer double majority system. MEPs also advocated merging the functions of the High Representative and the Commissioner for External Relations and said this job should be carried out by a Commissioner with the rank of vice-president. Turning to the EU budget, MEPs called for the distinction between compulsory and non-compulsory expenditure to be scrapped and for the multiannual financial perspective to be included in the Treaties, with the total amount of the budget being fixed by joint agreement between the Council and Parliament. These proposals by Parliament finally won the day, although not at Nice.

MEPs were disappointed with the Nice Treaty (signed on 26 February 2001; entry into force on 1 February 2003). They admitted that "the Treaty of Nice removes the last remaining formal obstacle to enlargement" but argued that "a Union of 27 or more Member States requires more thoroughgoing reforms". Even judging the result by reference to the IGC's modest agenda, Parliament felt it was insufficient.

The EU had not gained anything in terms of increasing its ability to act or reducing its democratic deficit. Parliament concluded "the Treaty of Nice marks the end of a progression that began in Maastricht" and demanded "the opening of a constitutional development process culminating in the adoption of a European Union Constitution".

The key points to emerge at Nice were not the Treaty itself but the clear proof that the intergovernmental negotiation method had reached its limits - as well as one of the annexes to the Treaty, namely Declaration 23 on the future of the Union, which stated that a more radical reform was to take place, to be conducted by a different method.

The Constitution

In October 2000, before the abortive Nice Treaty was adopted, the EP called for a "convention" to be set up (i.e. a body not restricted to government representatives but open to national MPs, Members of the European Parliament and the Commission). The Duhamel report urged a "constitutionalisation" of the treaties in a single, brief, readable framework document. It was a Convention of this kind that had been used to draw up the Charter of Fundamental Rights in 2000.

The EU Heads of State and Government agreed with the wish of MEPs for this approach to be used again. The new Convention, which met over the period March 2002 to July 2003, consisted of fifteen

representatives of the governments of the Member States, thirteen from the candidate countries, two from each national parliament of the Member States and the candidate countries, two from the Commission and sixteen MEPs (plus, for each of these four components, the same number of substitute members). The MEPs played an active role not only in the Convention itself but also in related activities and meetings. A good dozen reports on specialised topics with a direct bearing on the drafting of the Constitution were adopted by Parliament and many of the EP's views were taken on board by the Convention.

Here is a list of these reports (with the results of the plenary votes where a roll-call vote was held):

- Resolution of 16.03.2000: Duff/Voggenhuber report on the drafting of a European Union Charter of Fundamental Rights;
- Decision of 14.11.2000: Duff/Voggenhuber report on approval of the draft Charter of Fundamental Rights of the European Union (410 for, 93 against, 27 abstentions);
- Resolution of 23.10.2002: Duff report on the impact of the Charter of Fundamental Rights of the Union and its future status (344 for, 79 against, 28 abstentions);
- Resolution of 29.11. 2001: Leinen/Méndez de Vigo report on the Laeken European Council and the future of the Union (350 for, 86 against, 46 abstentions);
- Resolution of 25.10.2001: Poos report on the reform of the Council (422 for, 23 against, 17 abstentions);
- Resolution of 14.03.2002: Carnero González report on the legal personality of the European Union (273 for, 23 against, 26 abstentions);
- Resolution of 07.02.2002: Napolitano report on relations between the European Parliament and the national parliaments in European integration;
- Resolution of 16.05.2002: Lamassoure report on the division of competences between the European Union and the Member States (322 for, 64 against, 58 abstentions);
- Resolution of 17.12.2002: Bourlanges report on the typology of acts and the hierarchy of legislation in the European Union (364 for, 149 against, 16 abstentions);
- Resolution of 14.01.2003: Napolitano report on the role of regional and local authorities in European integration (395 for, 100 against, 45 abstentions);
- Resolution of 24.09.2003: Gil-Robles/Tsatsos report on the draft Treaty establishing a Constitution for Europe and the European Parliament's opinion on the convening of the Intergovernmental Conference (355 for, 106 against, 53 abstentions).

Readers of the present note will by now be acquainted with Parliament's most important document on the draft Constitution, namely the Corbett/Méndez de Vigo report on the Treaty establishing a Constitution for Europe, on which MEPs will vote on 12 January 2005 in Strasbourg.