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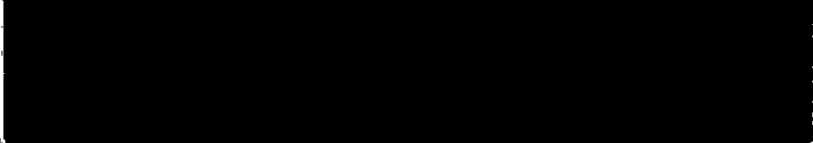
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REPORT OF THE THREE WISE MEN:  
A CRITICAL ASSESSMENT

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Address to be given by Mr Martin BANGEMANN, chairman of the Liberal and Democratic Group of the European Parliament, to the Conference on the European Cooperation Fund on 19 March 1980 in Brussels.

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REPORT OF THE THREE WISE MEN:

A CRITICAL ASSESSMENT

The debate on the institutional form which the European Community should take is as old as the debate on European integration itself.

There have been times when this discussion was of the utmost importance for many, for example when attempts were being made to establish a European political Community, which were thwarted, it will be recalled, by the negative attitude taken by the French National Assembly towards a European defence Community. On the other hand, there have been times when institutional matters have only been of interest to a few experts.

I shall not give a detailed account of the other discussions which were held, for example, between the Conference of Messina and the drawing up of the definitive text of the Treaties of Rome, although it would be interesting to do so in order to demonstrate the divergent traditions and conceptions of the various countries.

Comments and articles which have appeared in recent years, especially in the Federal Republic of Germany, concerning positive progress in institutional matters, for example the establishment of the European Council, have tended towards

perfectionism. And that has resulted at times in a paradoxical situation in which those who contributed most vociferously to the discussion in fact delayed progress in the Community because their ideas simply could not be realized, given the present foundations of European policy.

Anyone who wishes to examine profitably the institutional structures of the Community and the mechanisms and procedures of the Community institutions must keep certain ideals in the forefront of his mind.

### Liberal ideals

As long ago as 1977 the Federation of Liberal and Democratic Parties, to which 12 Liberal parties including, of course, my own, the FDP, are affiliated, proposed a number of measures designed to improve the efficiency of the Community institutions in its election manifesto which was drawn up jointly by all 12 parties and binding on them all.

That manifesto set out the Liberal view that there is an imbalance in the present division of powers between the various Institutions. The Council has been allotted an excessively dominant role. Liberal endeavours to bring about European Union start from the principle that there is an urgent need for the Treaties to be correctly applied in the manner intended by the founders of the Community, in particular by the application of the principle of majority decisions in the Council and a strengthening of the roles of the Commission and the European Parliament.

The manifesto called in particular for the replacement of the present Council of Ministers, in which typical national interests can be promoted, by a Council of States.

A European Government should be set up to replace the Commission. Its members would be proposed by the Council and their appointment ratified by the European Parliament. The Government's term of office would be the same as that of the European Parliament.

We believe that the legislative and budgetary powers of a European Union of this nature should be exercised jointly by the directly elected Parliament and the Council of States. These bodies would deliberate on the basis of proposals submitted by the European Government or else on their own initiative. In the event of agreement not being reached between the Parliament and the Council of States, an arbitration procedure would be opened involving the Government, Parliament and the Council of States. That should result in compromise proposals being submitted to the Parliament and Council. It would be outside the scope of this address for me to go into greater detail with regard to our proposals. It is, after all, my task to make a critical assessment of the recently published Report on the European Institutions, known colloquially as the 'Report of the Three Wise Men'.

The report : a successful move by the Heads of Government

It is indisputable that in recent years the Community's decision-making procedure has become less effective. In itself, many people feel that that need not signify the end of the Community, but at all events it is regrettable that this not only jeopardizes what the Community has achieved, but also reduces the chances of the ideal of European unification being realized.

As chairman of the European Liberals in the European Parliament I must say that we were delighted when the Heads of Government, on a proposal from Mr Giscard d'Estaing, took the typically Liberal step of drawing up practical and positive proposals for streamlining and reforming the working methods of the European Institutions in preparation for the enlargement of the Community and in view of the unsatisfactory way in which the European Institutions operate - I would even speak at this juncture of an institutional nadir. Given that Greece will become a Member State of the European Community on 1 January 1981, it is essential that the major adjustments should take effect before that date. The Liberals anxiously awaited the proposals from the Three Wise Men - Mr Robert Marjolin, Mr Barend Biesheuvel and Sir Edmund Dell.

We were able to swallow our first disappointment, the fact that the European Parliament was not informed of the content of the report until after the Dublin summit held late in November 1979.

The second disappointment was harder to take : the actual content of this eagerly awaited report.

It is, perhaps, understandable that in view of what happened to the Tindemans report, which has been gathering dust in the Council's archives since 1976, the Three Wise Men adopted a cautious position. Their terms of reference excluded the possibility of amending the Treaties, and that restricted their room for manoeuvre. Nonetheless, that cannot justify their failure to propose any real improvements or suggest ways of overcoming the deadlock which has effectively paralyzed the present decision-making procedure in the Community. It is particularly in this area that we had expected more proposals from the Three Wise Men.

In drawing up this critical analysis of the Report of the Three Wise Men I have applied the following criteria :

- especially in the wake of the first direct elections to the European Parliament, the European Community must become a democratic Community;
- + the problems facing the Community internally and externally make it imperative for the Community institutions to improve their mechanisms and procedures in such a way that a real opportunity is created of finding the most efficient solutions to the problems.

#### Lack of political will

What immediately strikes the reader of this report is that the Wise Men are convinced that the underlying causes of the current crisis are to be found in the lack of political will resulting from the economic situation (unemployment, sluggish growth and inflation). The consequent conflict of interests between the Member States has thus an external cause and does not stem so much from the mechanisms and structure of the Community, which would be an internal cause. The report therefore

states that 'the role of the mechanisms and institutional procedures is therefore of totally secondary importance'. If that is true, how can we then assume that the technical improvements they propose can lead us back to the right road and ensure progress?

The fact that the Tindemans report has been relegated to the archives should act as a warning. However positive a report of that nature may be, if the political will to implement it is still lacking, it simply becomes a dead letter.

The second striking feature of this report is its emphasis on the European Council and the Council of Ministers. Although the request was for a report to be published on all the European Institutions, on the problems arising on enlargement and on progress towards a European Union, 49 pages of a 109-page document are devoted to the European Council and the Council of Ministers and a mere 22 to all the other Institutions. This imbalance reflects the sad fact that the governments of the Member States increasingly oppose the taking of any decisions by the Community.

I shall now discuss some of the practical proposals made by the Wise Men in respect of each of the Institutions :

#### THE EUROPEAN COUNCIL

##### Regularization ends in frustration

The European Council as we know it today was created at the 1974 Paris summit. It is the brainchild of Presidents Pompidou and Giscard d'Estaing and not, as many people think, of Jean Monnet, who really had in mind a kind of European Government on Liberal lines.

Although the European Council has been successful in a few cases, I am firmly convinced that it has nonetheless played a negative role and further undermined the position of both the Council of Ministers and the Commission. Strengthening the European Council therefore entails by definition the great danger that these institutions will be paralyzed even further. Yet the Wise Men are proposing precisely that!

On the one hand they state that the European Council is only beneficial when it is not doing very much - 'if it only intervenes in exceptional circumstances'. Yet on the other hand their proposals run counter to that statement : the 'necessary' integration of the European Council in the institutional system, which the Wise Men regard as essential, would lead to its being allotted new tasks and powers. It would have to supervise, arbitrate and lay down guidelines. It would have to draw up a list of medium-term priorities covering the most important tasks of the European Community as a whole. That would mean primarily a duplication of the general duties of the Council of Ministers, and I believe it would also make inroads into the powers of the Commission and the European Parliament!

The members of the European Council are in every case temporary leaders who are strongly influenced by current problems. I therefore take the view that the sole task of the European Council is to consider topical situations as and when they occur and to decide on the possible courses of action open at the particular time. As many people realize, it is difficult for the Council of Ministers to do that because its structure is too complex for it to react swiftly and appropriately to international events. The drawing up of multi-annual plans can, however, be allotted to the Community organs which are competent to do this work.

The fact that the Heads of Government have committed themselves to actively supporting the construction of Europe is, of course, of great importance, not to say essential. The intervention of a higher body is, therefore, perhaps justified, even if it is external to the institutional system. But I would emphasize that its true function is to take action where this is necessary, above and beyond the scope of the Treaties. The decision to apply Article 235 of the Treaty - action by the Community to attain one of the objectives of the Community where the Treaty has not provided the necessary powers - could therefore be reserved in principle to the Heads of Government.

#### Not a 'Court of Appeal'

The Wise Men state that the European Council acts as 'a kind of Court of Appeal' for matters referred to it from below. They warn that this aspect must not dominate its activities. Unfortunately, what happened in Dublin, where the relatively unimportant matter of the British contribution to the budget was the only subject discussed, shows that such is precisely the case!

#### Contacts with the European Parliament

Until very recently, the only information on the European Council available to the European Parliament was contained in a report published after each European Council meeting by the Foreign Minister of the country holding the presidency. (The first direct contact with the Heads of Government was established when the Irish Prime Minister attended the inaugural sitting of the directly elected European Parliament).

In order to remedy this deficiency, the Three Wise Men propose that the President-in-Office of the Council personally attend a sitting of the European Parliament once during his term of office to clarify the conclusions drawn by the Heads of Government. A retrospective statement made by the

President-in-Office of the European Council to the European Parliament may well demonstrate its goodwill, but I consider it to be totally useless, because no decisions can then be changed, and certainly not if they have been achieved through laborious negotiations. The European Parliament cannot pack the man off home, at best it can grumble or applaud, but that makes no difference to the decisions. It would be much better if the President-in-Office of the Council came to listen to what the European Parliament had to say before the Council took a decision and if the European Parliament were consulted beforehand, possibly in the Political Committee.

#### THE COUNCIL OF MINISTERS

In my view it is the Council of Ministers which is principally to blame for the shortcomings in the Community's present decision-making procedure. The minimal results achieved by that body are out of all proportion to the efforts involved. It undertakes far too much, and there is a desperate lack of coordination. The Council should not concern itself with matters which could better be left to other bodies such as the Commission, or with the collation of information which other bodies should provide. Then it might be able to get on with its own work, such as the establishment of a balanced budget or the elaboration of a proper energy policy. The critics are correct when they say that in Brussels there are plenty of words but no deeds.

The proposal from the Three Wise Men that the powers devolving on the presidency should be clearly defined and a half-yearly work programme drawn up seems attractive, but it is not new.

If we are to make the Council of Ministers a more coherent and consistent body we must strengthen the stimulatory role of the President-in-Office, both as regards the preparation of the agenda and 'in the field'. This responsibility could not fail to have a positive effect on the activities of that body.

Of greater importance is the need for regular monitoring to ensure that the cruising speed is being maintained. Such monitoring must be carried out in conjunction with the European Parliament. I therefore deeply regret that at the European Parliament's January part-session the presentation of the half-yearly programme of the Italian presidency had to be dealt with hurriedly because of an overburdened agenda.

#### Extension of the President's term of office

A popular argument is that efficiency would be improved if the President's term of office were extended. As long ago as December 1975 Mr TINDEMANS proposed that the Treaties should be amended to allow for the extension of the President's term of office to one year. But at present the situation is such that a Member State only takes on the presidency once every  $4\frac{1}{2}$  years (in a Community of twelve its turn would come once every 6 years). If the term of office were extended to one year, a Member State would only hold the presidency once every 12 years! The stimulatory role of the presidency would then be seriously threatened.

Too long a period between the periods when a Member State assumes the presidency would, furthermore, not be acceptable to the public at large.

It is therefore to be welcomed that the report rejects the proposal that the term of office of the presidency, in a Community of Twelve, should be extended.

#### The principle of unanimity: a grisly matter

Let me now pass on to a matter which has been making the Liberals' hair stand on end for years: the principle of unanimity in the Council. The notorious Luxembourg Agreement - or rather, an agreement to disagree - has unfortunately been applied more and more frequently in the European Community.

In consequence a situation can arise in which the Member States - even in matters of minor importance and at very low levels - can block an agreement for reasons which, as they are well aware, do not come under the heading of vital interests.

In order to overcome this problem, the Member States publicly agreed (Paris Declaration of 1974) that gradual progress should be made towards the abolition of the requirement that all decisions must be unanimously approved de facto by all the Member States. It was decided that majority decisions should be taken following a vote in respect of matters for which the Treaties did not prescribe unanimity. The proposal from the Three Wise Men that majority decisions should be accepted for all matters in respect of which the Treaties do not prescribe unanimity and where the vital interests of a particular Member State are not at stake is therefore not new, it is simply a recapitulation of the declaration made by the Heads of Government in 1974!

On the other hand, we welcome the proposal from the Wise Men that a Member State which opposes a majority decision on the grounds that its vital interests are in fact at stake must inform the Council of this fact unequivocally and frankly and accept responsibility on behalf of the whole government of that state.

#### Ministers for European Affairs

Reference is rightly made in the report to the fact that the unsatisfactory operation of the Council of Ministers stems partly from the fact that the Foreign Ministers no longer bear exclusive responsibility for every aspect of the European policy pursued by their country. In many cases the European policy covers areas falling within the terms of reference of other Ministers. Furthermore, in many Member States the position of the Foreign Minister has become less important by comparison with that of the Prime Minister. This is partly the consequence

of 'referring matters upwards', of which the European Council is a good example. It must also be ascribed to the fact that given the rapidity of modern communications, the role of traditional diplomacy, which still falls within the ambit of the Foreign Minister, has become less important.

Reference is made in the report to the fact that a further shortcoming of the Council of Ministers is the frequent absence of Ministers. Even last December, when the Council of Finance Ministers was hastily convened in Strasbourg in an attempt to save the Community budget, many Finance Ministers were conspicuous by their absence!

Are not these all good reasons for supporting my view that a Minister should be appointed to be responsible solely for European Affairs, one who would be a member of the government and attend every meeting of the Council of Ministers?

Their expertise in Community affairs should make them indispensable assistants to the Heads of Government meeting in the European Council, and they should counteract the frequently nationalist attitude of a large number of specialist Ministers. They would also be in a better position to ensure that if the European Council did lay down priorities (the report referred to this as one of the most important tasks of the European Council), these priorities would actually be implemented by the Council of Ministers.

The Ministers for European Affairs would also facilitate horizontal coordination within the Council of Ministers. Mr REY, in particular, criticized this lack of horizontal coordination when he was President-in-Office: one example of this is when the Council of Agriculture Ministers takes a decision which clashes with the wishes of the Council of Finance Ministers.

The appointment of Ministers for European Affairs would help to make it possible to prevent clashes in the Council between the various national political interests which the Member States have vis-à-vis the Community.

#### COMMISSION OF THE EUROPEAN COMMUNITIES

The second institution which has seriously been found wanting in the 70s and whose role and authority has declined in recent years is the Commission. In exchange for a quiet life with the Council it has waived its sovereign rights. The consequences of its action have been disastrous for the Commission itself, the European Community as a whole and the external credibility of Europe. Its constant quest for compromise and agreement with the Council has resulted in a serious loss of face. The SPIERENBURG report recently put forward proposals as to 'how the organization and the staff of the Commission could best be applied to meet future requirements and to undertake rapidly changing activities on the basis of pre-arranged priorities'. Briefly, the diagnosis based on the examination ran: lack of cohesion, no efficient distribution of tasks, unsatisfactory career structures lack of coordination and of vertical contact.

The treatment prescribed is: a reduction in the number of Commissioners, more efficient distribution of portfolios among the Commissioners and more power for the President of the Commission. The key word in all this is 'independence': the Commission must continue to operate as an independent body, not as a kind of Secretariat to the European Council.

#### How many Commissioners should there be?

The proposal from the Wise Men that the SPIERENBURG report should be implemented in respect of the number of Commissioners would result, I feel, precisely in the feared and undesirable situation where the Commission plays a subservient role to the Council of Ministers. They want to reduce the number of Commissioners with effect from 1 January 1981, when the new Commission is appointed, to one per Member State (i.e. 10 instead of 14 from 1 January 1981 on the accession of Greece, and 12 instead of 17 after the accession of Spain and Portugal). The

arguments advanced for this measure is that a smaller team is more effective and better coordinated, and that it is impossible to provide more than 10 major portfolios in the Commission. I find these arguments far from convincing.

Coordination does not depend on numbers but on political leadership and political authority. After all, national and provincial governments find a solution to this problem without too much difficulty!

In addition, the tasks of the Commission are already far more comprehensive than those of many a government in the Member States. The SPIERENBURG report which proposes only 10 portfolios works from purely statistical considerations and takes no account of the inevitable extension of the Commission's activities on the accession of Greece, Spain and Portugal or of the development of the European Community into a European Union. No independent portfolios are proposed for such important areas as the budget, relations with the European Parliament, research, cultural affairs and education! I also feel that the European Parliament should establish which spheres fall within the Commission's terms of reference since the Commission has arbitrarily laid down the political powers of its Members without taking any account of the Commission's structure.

A debate with the European Parliament must be held in the near future on the lack of proportion between the Commission's political responsibility and its administrative structure. For the time being I fear that a Commission of 10 Members would necessarily neglect relations with the European Parliament and contact with the Member States!

These arguments make the rejection of the proposal that the number of Commissioners be reduced essential. It would lead to the Commission losing political clout and to its position in the institutional set-up being further undermined. Consequently, the large Member States should continue to provide two Commissioners who, contrary to the SPIERENBURG recommendation, should both be prominent political figures.

The delegation of technical experts instead of politicians would be a first step along the road towards the situation where the Commission operates merely as a secretariat to the Member States.

Should Commissioners be appointed or elected?

My long-term political objective is that all Commissioners should be elected by the European Parliament and be subject to its political control. It is to be regretted that proposals such as that made in the past in the VEDEL report, that in particular the President of the Commission should be appointed by the European Parliament, have never been implemented. It is also to be regretted that the Three Wise Men did not have sufficient political courage at least to consider the possibility of the appointment of the Commissioners being ratified by the European Parliament.

The objection was raised that a body consisting of 410 Members could not give an opinion on individuals. But why can we not follow the example of the United States where the appropriate Senate Committee considers nominations for posts in the Supreme Court, as ambassadors, and even ministerial posts?

The Liberals urge most strongly that the European Parliament, possibly represented by the chairmen of the political groups, should be heard before the Heads of Government appoint the new President of the Commission this summer. The President should then, in conjunction with the European Parliament, submit proposals for the appointment of the other Commissioners, and the European Parliament should be able to discuss with him the objectives of the new Commission which is to take office on 1 January 1981. Only in this way will the European Parliament actually have a say in the appointment of those over whom it must exercise political supervision. In this connection it should not be forgotten that Parliament may invoke Article 144 of the Treaty which gives it the power to table a motion of censure and thereby force the Commission to resign as a body.

Consultation of the European Parliament on Commission proposals.

Now let me come to an aspect which the Liberals brought up in the 1960s and which was recently raised again by Commissioner VREDELING, namely that the Commission should be obliged to consult Parliament and secure the vote of a majority of Members before submitting its proposals to the Council. If the Treaties were interpreted in this way the Commission could defend its proposals to the Council from a position of greater political strength. The breakdown in the present decision-making procedure (212 Commission proposals have been withdrawn and 431 are pending because no agreement can be reached), could be remedied in this way. The Commission would then be more in the political centre. And only then would proper account be taken of the natural role of the directly elected European Parliament.

EUROPEAN PARLIAMENT

Unfortunately, the report has little to say about the European Parliament (or the Court of Justice and the Court of Auditors). Clearly the Wise Men consider that these institutions are functioning satisfactorily and are capable of looking after themselves. For my part I should like to emphasize once more the important role played by the Court of Justice in respect of the harmonization and interpretation of Community law and the role, so vital for the European Parliament, of the Court of Auditors which is an indispensable support for the European Parliament in the exercise of its political control powers. Since the report of the Wise Men only takes account of the role played by the European Parliament up to the time of the direct elections, I should like to emphasize that the directly elected Parliament is the new political reality and that the comment that the 410 directly elected representatives of the people are still an unknown quantity will be disproved by the facts. The emphasis in the report of the Wise Men is placed on the improvement in relations between Parliament and the other institutions as they existed in the old Parliament until last June.

For my part I should like to stress once more that the new Parliament is striving to give more positive form to its relations with the other institutions, especially in the sphere of its legislative powers.

#### Rivalry between the institutions - the budget

Bearing in mind the fact that the European Parliament and the Council are the partners which together form the budgetary authority, the two institutions whose task it is to establish the budget must be able to meet in order to find solutions to the problems which arise, particularly as a result of divergent interpretations of the relevant budgetary provisions.

We must admit that this objective is frequently not attained at these meetings. For example, during the consultations on the 1979 budget, a serious conflict arose between the two partners forming the budgetary authority concerning the possibility of exceeding the maximum percentage for non-compulsory expenditure. The various conciliation meetings on the draft budget for 1980 ended in a spectacular failure, so that Parliament was ultimately obliged to reject the budget.

The major cause of these repeated failures is the fact that there has never been any real dialogue between the two partners because the Council will still not accept that the two institutions possess joint legislative powers in the budgetary field and that the European Parliament even has the last word in the establishment of the budget. The Council's attitude frequently aims at completely undermining the European Parliament's budgetary powers.

The manifest refusal of the Council to recognize Parliament as a full partner in the budgetary procedure was therefore the real reason for the rejection of the budget.

I do not believe, therefore, that practical improvements in the conciliation procedure will by themselves be sufficient to solve the problems. Principally what is required is for the Council to accept the political reality and to stop refusing to accept the Parliament as a full partner in the budgetary procedure.

We are thus demanding that the Council change its attitude radically, and it is precisely that which will be the most difficult to achieve.

The system currently applied in the European Community by which legislative powers in respect of the budget are jointly allotted to two different institutions is at the root of the current unsatisfactory situation. If no change can be made in this respect, the utmost must be done at all events to agree on a common interpretation of the budgetary provisions.

#### Contacts with national parliaments

The report of the Wise Men also mentions the problem of contacts with national parliaments. The arguments for the need for such contacts are derived from the interests of the political groups and parties. Unfortunately, no solutions or recommendations are proposed. The political parties are left to find a solution for themselves. As you will have read in the press, we Members of the European Parliament are not being given any help in maintaining contact with our own national parliaments!

This problem is nonetheless crucial because there are significant differences between the European parties as regards their organizational structure and number of members. Some of the political groups may be able to maintain contact with their national parties and groups in the national parliaments, but not others! Consequently, this is a problem to which the European Parliament itself must seek a solution. This problem is of particular importance because the national parliaments are the only bodies which exercise control on the Council. If the political groups in the European Parliament and in the national parliaments act in coordination with respect to European policy, the political parties will undoubtedly be able to exercise maximum influence both at national and Community level.

## Resolutions

The Wise Men urge the Commission and Council of Ministers to take greater account of resolutions adopted by the European Parliament. That is difficult, not least because a large number of resolutions are simply a form of playing to the gallery.

Nonetheless, this recommendation of the Wise Men was implemented at the first Council meeting held under the Italian presidency. The result was not encouraging. The choice made by the President was limited, and the reactions of the other countries half-hearted or negative. It would be better if at certain Council meetings the European Parliament itself could indicate the matters to which they would like to see the Council give extended consideration. Until the Council keeps its commitment to make the European Parliament a partner in drawing up new legislation, the President of the European Parliament, for instance, should be able to defend his position himself at such a meeting.

It is clear that following the direct elections it may be assumed that the European Parliament represents, interprets and understands the political will of the European electorate. The existence in the European Parliament of multinational political groups means that the Parliament's views are more European in nature than those of the Council. In that body, the interests of the various Member States are played off against each other only in the final phase of the decision-making procedure, whereas this happens in the European Parliament in the initial phase of consideration by the political groups.

If we wish to incorporate the same crystallized European approach in the whole decision-making procedure, then more weight will have to be given to the opinion of the European Parliament on proposals from the Commission. And as I have already made clear, the European Parliament must deliver its opinion before the Commission proposal is submitted to the Council.

### Conclusion

Although the report contains a number of sensible recommendations its terms of reference - which the Wise Men accepted! - restrict it to a somewhat indigestible mixture of retrospective examination and rather banal considerations. As a whole it gives a list of minimum requirements which solely concern procedures. But everything depends on the political will of the governments which will have to attempt to realize a minimum amount of 'realpolitik'. Unless this political will is forthcoming, 'neither institutional nor administrative reforms will help to overcome the crisis in the Community'.

The result is that although the diagnosis is generally lucid and precise, the conclusions appear to be inspired more by scepticism and the feeling that the whole exercise is a waste of time. I found little connection in the report between the diagnosis and the proposed remedy. For example, the Wise Men recognize explicitly that the horizontal and vertical disintegration of the structures, especially the role of the Council of Ministers, is the result of a desire on the part of national governments to resume control. But they do not draw the appropriate conclusions therefrom, they restrict themselves to recommending better coordination between the capitals and the European Community. It is, however, not a matter of coordination or 'unwieldiness' (a term of which the Wise Men are fond) but of political will.

The Wise Men have clearly understood that because the Council of Ministers was making no progress in its role as legislator, the Commission saw no point in submitting proposals. They did not have the courage to say that the conditions under which the Council can take a decision needed to be restored to their rightful place, they simply put forward any amount of authentic but minor justifications for so doing.

Nonetheless, the report may be regarded as a basis for a continuation of the dialogue in March, when the Heads of Government next meet, with a view to making improvements which are mainly of a practical nature and do not involve any radical political decisions.

Finally, the enlargement of the Community is glossed over as an accomplished fact. Even those who, like myself, consider that the three applicant countries are not necessarily less European in their outlook than, for example, the United Kingdom or Denmark, must admit that the problems of accepting three relatively poor Member States have been dealt with too glibly.

In the final chapters the Wise Men appeal for a substantial dose of determination, for proper understanding and for flexibility. This vocabulary is characteristic of the Three Wise Men.

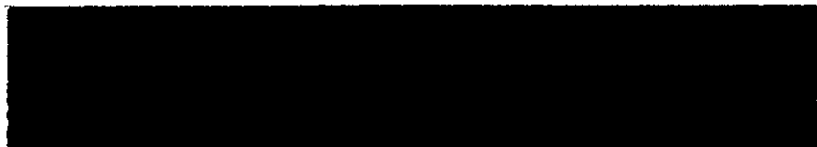
If only all the world were wise .....

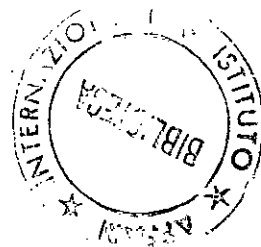
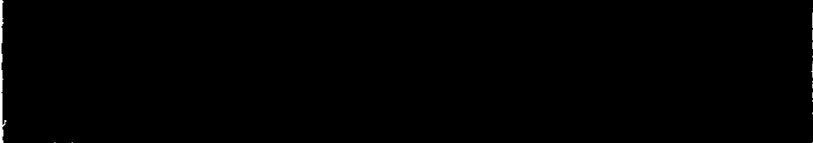
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THE ROLE OF THE EUROPEAN PARLIAMENT IN THE  
ACHIEVEMENT OF RAPPROCHEMENT OF MAJOR  
POLICY IN THE EEC

KEN COLLINS

original language

THE ROLE OF THE EUROPEAN PARLIAMENT IN THE ACHIEVEMENT  
OF RAPPROCHEMENT OF MAJOR POLICY IN THE EEC -

KEN COLLINS

One of the penalties of inviting a politician who is also a geographer to give a paper on a matter such as this, is that the final product will be an essay on neither the statistical analyses associated with the professional economist nor the detailed examination of governmental institutions expected of the political scientist but will, instead, offer a few thoughts on the use of geographical ideas in the discussion of the development of public policy in the European Community. The basic starting point is simply that the Community is a community only in the sense that there are macro-economic interests and considerations that have bound nine member states together in a Treaty born of the perceived need to achieve a degree of stability and security in patterns of manufacturing and of trade in an otherwise often unstable and even dangerous world. However, within this loose framework of common interest, the European Community is distinguished more by diversity than by unity, more by extreme variation than by homogeneity, and this variation and diversity applies not only to the physical landscape, but also to the patterns of culture which have helped to shape the different styles of government of the member states, and the expectations that people have of these governments.

In other words, in different parts of the Community member states have, over the years, evolved policies to deal with problems within their own territories and although many of the problems recur throughout the Nine, the policies are the creatures of the distinctive political traditions of the individual states. Sometimes, as in the UK or in

Germany, there are even clear variations in style and approach within the states themselves while, in others, such as France, there is a tradition of more centralised, uniform government activity. The point is that only very rarely indeed is the Community unified to any extent at all in the way in which common problems are tackled, and the question to which this paper addresses itself is whether the existence and the activity of the European Parliament will contribute to rapprochement in major areas of policy in the Community.

Unfortunately, "rapprochement" is not a word that is capable of easy or unambiguous interpretation but, in order to make clear the arguments advanced in this paper, it has been generally used to signify a coming together, a mutual adjustment to take account of differing positions and a tolerance of such differing positions. The approach of the paper itself is to discuss certain aspects of the spatial organisation of political units (and in particular those concerned with centre-periphery links), to review briefly the extent to which the Community exhibits social and economic inequalities within its boundaries and to proceed from there to a discussion of the contradictions that may exist between the bureaucracy of the Commission and the concerns of the directly-elected Parliament. Throughout, the main thrust of the argument is that the nature of the European Parliament is such that its collective awareness of the Community is fundamentally different from that of the Commission in terms both of political priorities and of space, and that the effect of this difference may be towards encouraging a more flexible shaping of Community policy to take account of the varying needs of different locations. The role of Parliament in other words, may be towards rapprochement but in the sense of tolerance of differences

(although not of inequalities) rather than in the sense of stultefying harmonisation.

The significance of the distinctly geographical approach to such problems lies in its concern and capacity to cast light on the important role of terrestrial space as a component in the determination of patterns of human activity. Harvey has spoken of "the geographical imagination" and how its possession enables the individual "to recognise the rôle of space and place in his own biography, to relate to the spaces he sees around him and to recognise how transactions between individuals and between organisations are affected by the space that separates them".(1) In other words, for the geographer, space is not simply a passive phenomenon, a neutral part of the environment which can be fashioned at will by man; but is, instead, an integral part of the social process itself, including economic activity, and, as such, can have a profound effect on the development of these social processes. Concepts of "location" and of "distribution" are therefore central to the geographer's analysis of the world.

So far as the European Community is concerned, this means that we must begin to understand that the problems of rapprochement are not merely problems of persuading each other to adopt policies and expound philosophies that are more closely bound to a European consensus than they may have been before. They are problems associated with the disparities of culture, social and economic philosophy and distance between the core of the Community and its periphery. This is not in any way to be simplistically deterministic but is merely a plea for a recognition that strength of feeling in favour of the Community fades with

increasing distance from its centre and that this may be associated with the difficulties of diffusing social ideas across physical space.

It should be pointed out that this is not a new idea that in 1895, Ratzel, a German geographer, argued that the strongest political units exhibited a close relationship between the core and the border zone. (2) The nature of that relationship or the now discredited organic view of the state that went with it need not concern us here but his view was, nonetheless, that if these connections were in any way weakened, then there would follow a tendency for the peripheral regions to demand, and perhaps achieve, independence. Now, of course, it is true that he is discussing the nation state and that at a time when boundaries in Europe were still relatively fluid. However, the experience of Europe in recent years would appear to suggest that it is in these very peripheral areas, where there are distinct disparities of culture from the centre and where there is a feeling of resentment against the centripetal tendencies of large-scale government, that movements for (greater) independence have been most marked. And what is true of the Bretons or the Scots vis-à-vis France or the United Kingdom is surely true not only of the peripheral regions of the European Community but also of its peripheral member states. The strength of Europe lies in the degree of acceptance by the periphery that Community policies are not framed in terms of a consensus of core states, but that they have been sensitive to the different requirements of the remote areas and responsive to demands made by the populations of areas that do not conform to conditions at the centre.

It may be as well at this stage to discuss the nature of this consensus in government in terms both of policy and of spatial variation. How is the "Community view" arrived at and how representative is it of the population at large?

In the first place, Community policy is arrived at in a way which has no precise parallel anywhere else in the world. Under the terms of the Treaty there is not one institution of government, but four. The Commission has the duty of taking initiatives, of making proposals for Community development; the Council of Ministers of taking the final decision on these proposals; and the Parliament of recommending amendments and improvements to the Commission's proposals to both Commission and Council. In other words, as Lord Thomson, the former Commissioner, puts it "...the Commission proposes, the Council disposes and the Parliament seeks to impose its views on both".(3) The fourth institution is, of course, the Court which adjudicates in cases where it is alleged that Community law has been broken but, for the purpose of this paper, its function is not germane to the argument.

The system is therefore, in essence, a simple one but of course it is far from simple in its operation. The procedure is that the Commission makes a proposal for a Community initiative to the Council which then refers it to the Parliament; the matter is discussed in committee, a report is prepared and is presented in plenary by the appointed rapporteur. The opinion of Parliament is then conveyed to the Council "meeting in political cooperation" and hopefully, a decision is arrived at. However, throughout this, there are not only the usual blurred distinctions

between politics and administration, but there are also balances of sovereignties to be achieved, hurt national pride to be watched over and above all, it seems, the role of Parliament and of Parliamentarians has to be jealously controlled.(4).

However, although this kind of account of policy-making in the Community is accurate enough, it is very limited in its scope. For example, it ignores completely the complexities of the discussions and processes that go on to formulate the views of each of the participants at each stage and gives the impression that nationally-formed consensus is transformed into Community consensus by a negotiating and bargaining process which takes place in a rational, objective and spaceless environment. It is my own contention that the environment in which Community policy is presently made is rarely objective, only occasionally aware of space and indeed is rational only in a very limited sense.

To a very large extent, the Community is run by professional administrative and technical staff whose principal concern is supposed to be European. The attitude is typified by Roy Jenkins in his inaugural address to the European Parliament in 1977 when he said that he would "need to be a coalition rather than a partisan President". His partisanship would be "only for Europe".(5) In other words, the attitude of the staff of the various institutions is precisely that of the professional institutions that, to a large extent, are responsible for the administration of government at all levels within the Member States. The "public interest" is their master and they are themselves as altruistic defenders of it, standing out against narrow

sectional interest and above the crude, prejudiced battles of party politics. Their concern is with the utilitarian doctrine of the "greatest good of the greatest number" and in their pursuit of this apparently neutral political position they collect "facts", devise objective techniques of analyses, and reach conclusions which they then recommend as the apolitical, natural course of action that should be followed.

However, there are two points worth making at this stage. Firstly, the reliance on "objective" politically neutral techniques of analysis is somewhat misplaced because the view of society on which such a reliance is based is essentially and necessarily one in which there is assumed to be an optimum solution to every problem because there is a general consensus view of ultimate goals. Unfortunately, there would appear to be little evidence to support this and so the "objectivity" of such techniques as cost-benefit analysis is seen to rest on the social values held by their practitioners who are not necessarily politically neutral. Similarly, the collection of "facts" is inevitably a selective process in which appropriate information is used and the rest is rejected as unsuitable.

Secondly, this is equally true of perceptions of the public interest by the professionals who, again inevitably, bring to their definition their own preferences and prejudices about the interpretation of events. In any case, as Banfield and Meyerson pointed out in their work a number of years ago in Chicago, the public interest is capable of being defined in different ways by different groups (6) and so it may be argued that the conclusion must be that not only

is the public interest a somewhat illusory and ambiguous concept but that in a European context, its interpretation must often rest with an elite of professional administrators whose perceptions may from time to time be more bound up with the problems of career advancement than with a real awareness of political events on the periphery of the Community.

Nevertheless, ambiguous or not, the idea of the public interest is an abiding one on government at every level and it would therefore be reasonable to ask how the professionals' perception of it is developed. Harvey has argued that it is likely that it will be perceived in terms of the values those who participate in the political bargaining activity and who are able to form sufficient coalitions of power to exert real influence on decision-making within the institutions of government. (7) That is to say, the public interest will be defined in terms of those with whom the professionals have most frequent contact. However, and this is the crucial point, not all groups are equally equipped to form these coalitions of power. More specifically, as Hall has argued,

"As the rich will use their money to buy more private goods in the market place, so they will tend to use their knowledge and influence to write more effectively in the pursuit of public goods. Since these goods tend to loom larger and larger on the total pattern of consumption in advanced societies, it can be expected that the richer and better advantaged sections of the population will tend to transfer their energies progressively from the market place to the political forum". (8).

The significance of this in the European Community, run as it has been until now by the bureaucracy of the Commission, is to emphasise the importance of the various consultation procedures undertaken and of the multitudes of professional lobbyists. However, it should be pointed out so far as the latter are concerned, not only do the disparities of income and organisation within the Community inhibit the participation of all but the better off, the difficulties of travelling raise problems for those from the more remote regions. To be poor and to be peripheral are surely almost insuperable handicaps!

The picture is thus of a Community whose primary source of ideas and initiatives (the Commission) is not exposed to the wider and sometimes tougher world of public opinion fed straight into the machinery of government. Instead, the Community all too often depends on the corps of journalists, lobbyists, senior national politicians and officials and the like for their feedback on public opinion and for their views on what may or may not constitute public opinion. (9) Inevitably, because this corps is based either in Brussels itself or in one of the national capital cities, the view that is most frequently expressed is that of the elites at the centre of affairs both in the member states themselves and in the Community. To put it no more strongly, the voice of the less advantaged, both politically and geographically, is imperfectly heard in the corridors of the Berlaymont.

To be entirely fair to the Commission, this situation is not one of their deliberate making. It has been remarked elsewhere that, in fact, the Commission is uniquely penetrable by pressure groups of one kind or another and that

it does try reasonably hard to consult with outside interests. (10) Nevertheless, the twin problems of career advancement in a large bureaucracy and the structural and geographical difficulties in maintaining contact with the Community as a whole tend to result in a public view of the Commission as a sluggish, unresponsive and stultifying organisation that seeks to impose its views on member states with little regard for local conditions. The Community consensus, in other words, tends to be defined in terms of conditions at the centre and in terms of a search for compromise among the competing interests of member states, themselves adopting a self-view that eliminates internal disparity and variation.

The truth is, however, that the European Community exhibits not only enormous differences in measurable wealth from one state to another but, in addition, there are similar disparities within the states. The Hautes-Pyrenees, the Mezzogiorno and Northern Britain are all examples of relative poverty not only in Community terms but in national terms as well. They are all peripheral in the economic as well as in the geographical sense, and it might also be observed with some justification that they also demonstrate the problem referred to earlier and discussed by Rokkan in terms of the "cultural distance of the periphery from the centre" and of the "economic and political resources for resistance against integration and standardisation". (11)

The Commission, for example, tells us that in recent years that while unemployment levels have risen throughout the Community, there is still a difference of unacceptable magnitude between the lowest, Germany (4%) and the highest,

Ireland (over 9%). Table 1 provides the information for the years since 1973 and it can be clearly seen that even allowing for difficulties of comparing international statistics, high unemployment appears to be endemic in Italy and in Ireland and perhaps rather more cyclical in some of the other member states. Similarly, the inequalities among member states are demonstrated by the level of GDP per head of population and again the Commission's figures show that within the Community the differences between top and bottom are considerable (see Table 2) even before further enlargement.

Table 1

UNEMPLOYED  
AS % OF THE CIVILIAN WORKING POPULATION

Country	1973	1974	1975	1976	1977	1978
EUR 9	2.5	2.9	4.3	4.9	5.3	5.6
1 FR Germany	1.0	2.2	4.2	4.1	4.0	3.9
2 France	1.8	2.3	3.9	4.3	4.9	5.3
3 Italy	5.3	5.1	5.3	5.6	6.4	7.1
4 Netherlands	2.3	2.9	4.1	4.4	4.3	4.3
5 Belgium	2.9	3.2	5.3	6.8	7.8	8.4
6 Luxembourg	0.0	0.0	0.2	0.3	0.6	0.8
7 United Kingdom	2.5	2.4	3.8	5.3	5.7	5.7
8 Ireland	6.0	6.3	8.7	9.8	9.7	8.9
9 Denmark	0.7	2.0	4.6	4.7	5.8	6.7

EUR 9: Proportion of registered unemployed in the civilian working population.

Table taken from "Basic Statistics of the Community".

Table 2

GROSS DOMESTIC PRODUCT  
PER HEAD OF POPULATION, 1977

	£s Sterling
Belgium	4700
Denmark	5380
France	4270
Germany	5000
Ireland	1750
Italy	2070
Luxembourg	4640
United Kingdom	2600
Greece	1486
Portugal	990
Spain	1760

Table from the Commission of the European Communities.

Similar comparisons could be made which would further illustrate the inequalities that exist among the present members of the Community, but the point, so far as policy is concerned, is that these inequalities tend to be seen in national terms as though they were simply characteristics of spaceless institutions, without any real sense of the significance of their distribution in the Community. However, it can also be shown that within each of the member states there are further and sometimes even more striking inequalities. Thus, for example, within Germany, Hamburg enjoys a per capita GDP of 158% of the rest of the country while the Weser-Ems part of Lower Saxony has a level of only 82%. The same (only more so) is true of Italy

where Calabria, for example, at 56% contrasts with Lazio at 403% and in France where the South West is generally well below the levels of GDP recorded in some of the more central regions. (12) The European Community is thus demonstrated to be composed of areas with widely varying social conditions in which expectations of government as well as performance of government can be expected to vary just as widely. Yet it is the contention of this paper that the structure of decision-making within the Community does not allow sufficient recognition of these inequalities and tends to place undue emphasis on uniform solutions to problems, whether at Community or at national level. In other words, it is necessary to take firm action to ensure that the experience of the periphery is fed into the Community and into government, to recognise the extent of the inequalities and yet to understand the important difference between the drive for convergence in terms of economic performance and return, and the dangers of producing homogeneity instead. Rapprochement is crucial; but for the reasons set above, it would appear to be unlikely that it can be produced by the Commission and it has never been very probable that it could be produced by the Council. What then of the Parliament?

Marquand has argued that the directly-elected Parliament "will do more than any previous development in the Community's history" to "spring the trap" that it is presently in (13). He believes that the Community is now failing to make real progress, that it is stagnating and that this is so because there is an "accountability gap" between the activities of the Commission and the interests of the people. Further progress can be made, but only if the power and decision-

making is legitimated by a clearer line to the people themselves, and provided the elected Members of Parliament display "considerable skill, courage and resolution", then there is every reason to hope for greater movement than has been seen in recent years.

He accepts, of course, that, given French and British attitudes it is unlikely in the near future that Parliament should be given more formal powers, or that its relationship to the other Community institutions should change in any formal sense. In other words, he does not really envisage any possibility of amendments to the Treaties in the short-run. On the other hand, his view of the Commission is that it has become "a cautious, timid and defensive body, more anxious to cling to the slender powers which it has managed to acquire over the last twenty years than to create opinion or to change the context within which policies are made".(14) If that is so, then it must be possible for the Parliament to exert influence over it in its various deliberations, to subject it and its members and officers to a detailed scrutiny of work and procedure and to feed in the legitimate views of people who have the authority of direct elections to sustain them in their efforts.

The point is that the average age of the Members of the European Parliament is lower than that of any comparable institution in the world, and it might be reasonable to expect a fairly high output of work and a considerable degree of enthusiasm for the work. A glance at the biographies of members would suggest that their intellectual calibre and practical experience is certainly no lower

than that of other Parliaments and so, on these counts, it would appear that conditions are right for Parliament to assert itself. Certainly, the rejection of the Budget in December 1979 could be interpreted in this way; a young, enthusiastic Parliament, still perhaps a little brash, making sure that its views are heard.

However, another interpretation is surely possible, for the real distinction to be drawn between the present Parliament and its predecessor is not in terms of the age or enthusiasm of its members but is surely in terms of their direct accountability to their electors and, presumably, their ability to represent the views of these electors in the Community. For the first time, they are not representing the individual legislatures of the member states, they are representing, instead, the same people as give these institutions their political legitimacy and authority; and it would be surprising indeed if Members of the European Parliament were not expected to be as assiduous at representing their electors' interests as are members of national parliaments. At the end of their terms of office, the new elected Members of the European Parliament will surely be required to give an account of their stewardship of the office and power conferred on them by the people and will be required to demonstrate that they did not rest content with the status quo. It follows, therefore, that if Parliament continues to assert itself as it did over the Budget, it will be because its Members, conscious of their duties at home, are determined to press for policies that will be acceptable, not just to the speechmakers in the capital cities and leader-writers in quality newspapers, but to the people who elected them in the first place in their home territories. Direct elections thus provide the opportunity for the Community to change to a healthier and more varied diet of ideas and perceptions from the periphery as well as from the centre.

It is important to realise, however, that this does not simply mean the collection of more or in some way 'better' facts about more places within the Community. Rather does it mean realising that the Community is not a piece of objective reality, acknowledged in every quarter as possessing the same form, exhibiting the same characteristics; it is much more likely that it is perceived in different ways depending on the experiences (including place of residence i.e. location) of the viewer.

In recent years, this question of how images of place are built up in the minds of people, and how these images help to shape the use of space has occupied much of the research time of both geographers and psychologists and, tentatively, it might be suggested that some of the insights of their work might allow us to speculate a little about the future of the Community and about the role the Parliament might play in it. Much of this work has demonstrated very clearly that, for the most part, human beings inhabit a world that to them is substantially ego-centric or at least centred on their home area (15) and Dornic has shown how people's concern about what happens at a place actually falls off in an extremely regular way with increasing distance from it (16). In simple terms, nearly every country has a joke about how big city dwellers see life in smaller towns in the remoter areas as being even more remote in terms of social distance than they are on the map, and much less au fait with current fashions in politics, dress, theatre or music. To illustrate the point, I include 'Ye Newe Map of Britain' produced some years ago by Doncaster and District Development Council in order to make an attempt to convince Londoners that in making business location decisions, it was necessary to adjust their highly subjective view of space and distance. (17); and what is true of big city dwellers is no less true of others. That is to say, we all live in a world which can be defined and delimited in objective, measurable

units of physical distance, but what really influences our activities is not objective location or objective distance but how we perceive location or distance and that is, in turn, heavily influenced by the images and values built up over time in our home areas.

The significance of this for Europe is quite simply that Parliament is now composed of people who are accountable to an electorate whose perception of Europe is skewed away from the centre and away from the preoccupations of civil servants. If the periphery looks remote from Brussels, then it is equally true that Brussels looks remote from the periphery. The effect of this may be to ensure that the centripetal tendencies of the Commission can no longer be taken for granted and that there will be a strong input from the Parliament of a sense of spatial variation. Hitherto, the only different perceptions of the Community have been those associated with the Council as they negotiate the best terms not for Europe but for their own individual countries. However, as has already been suggested above, this sense of the variety of the Community is a strictly limited one and has rarely shown a capacity to understand the heterogeneity of the Member States themselves and therefore the different means needed across Europe to achieve the same ends.

This is perhaps the crucial point of this paper. As the Parliament comes to voice the opinions, worries and perceptions of the various localities of the Community so it will present a useful counterpoint to the centralised harmony of the Commission and the often self-interested discordance of the Council. If rapprochement means a search for some kind of homogeneity then the Parliament is unlikely to support it or indeed to contribute much to it even inadvertently. However, if rapprochement means an adjustment of policy and of attitudes

to take account of conditions elsewhere then it may be possible to see that Parliament's contribution could be very great indeed.

One of the complaints levelled against the Community as a whole is its tendency to interfere (intervene!) in matters which may not always be of European significance. If, however, the whole thrust of Parliament is towards making a real political impact in the way I have suggested, then it is likely that it will be able to concentrate its actions (though not always its talk!) on fewer items of comparative triviality and on more of the bigger, more important structural and strategic matters where European action could be really significant and effective. In other words, by the simple matter of direct elections there has been produced a means, if we are prepared to use it, of moving forward towards the separation of the mass of detailed, inconsequential and often irrelevant material from the real political issues on which the Community has a clear right to take action.

However, one further point remains to be made. Members of the European Parliament are also members and representatives of their home political parties and to the extent that they share this status with members of the Council, then it can be argued with some justification that the picture I have just sketched is more blurred than I have suggested. Federalist solutions or looser groupings of nation states can be argued and indeed are argued at the conferences of national political parties and there are a few who would go further and who would countenance (and even encourage) the total dissolution of the Community in its present form. This is not the place to take up these arguments but it is, I think, possible to suggest that if we do reach the happy position in Parliament and in the Community of debating truly European matters and letting the member states continue to exercise their judgement on national matters, then we are well on the way to understanding the Community as an

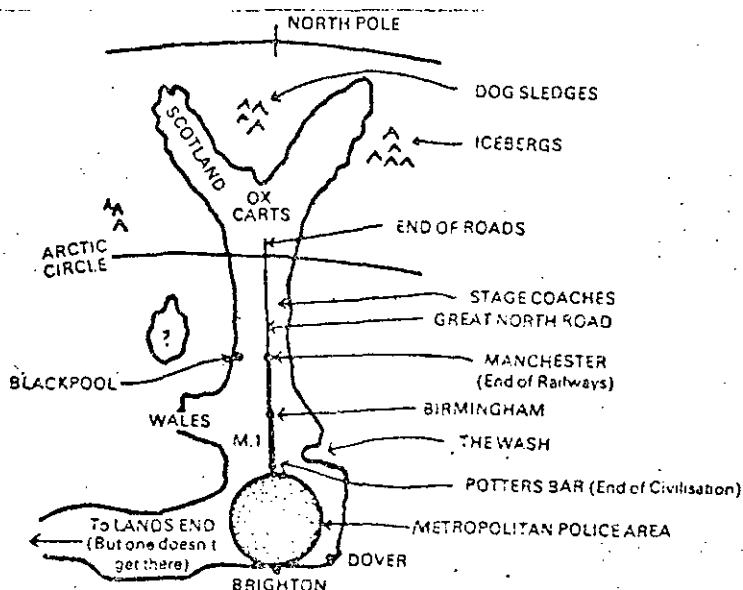
appropriate agency for setting standards and reaching agreement on international matters while the members states are able to respond to devolutionary pressures at home by employing the most appropriate methods for achieving these standards, consistent both with their own traditions and with their relationship with their Community partners.

I am conscious that this paper has made no contribution to the current debates on the Community Budget, on CAP or on the search for an energy policy. However, I believe that it is important to discuss the general role of Parliament before getting down to specific problems whose very definition can be affected by the view eventually adopted of the future of the Community, and of the appropriate issues that should concern it. The new Parliament has shown itself to be a vigorous and perhaps precocious child, but if its members seize their opportunities well to serve their electors, and to make the Community accountable to the people of Europe, then even without any increase in its formal powers it may be possible to see a Community with perhaps looser connections between the Member States and yet showing more purpose and strength than we have seen in recent years.

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MAKING EUROPEAN RESEARCH ACCESSIBLE  
TO THE EUROPEAN PARLIAMENT

J.E. CHABERT, R. GEORIS,  
K. von MOLTKE, R. MORGAN

original language: French

## MAKING EUROPEAN RESEARCH ACCESSIBLE TO THE EUROPEAN PARLIAMENT

J.E. Chabert, R. Georis, K. von Moltke, R. Morgan

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Until it was directly elected, the European Parliament, unlike other parliamentary assemblies had not had to snatch its powers from an executive. On the contrary, they were offered to it. Pressure might perhaps have been exerted, but certainly no fight ever took place.

In a number of countries with a long established democratic tradition, the principles of parliamentary government are facing difficulties and receiving less interest sometimes to the extent of bordering on a crisis in the system. On the other hand, in countries in the South of Europe where it has just been reborn after a painful, and in two out of three cases, a very long absence, democracy is held in very high esteem. Paradoxically, the European Parliament elected in 1979 by countries all of which belong to the first category seems to be benefiting from the impetus which has stimulated those in the second. It thus acquires a totally new dimension. It is striking in this context to note the extent to which the Commission and its staff care about its opinions, fear its reactions and dread its power of censure.

It is worth asking whether we are witnessing the first signs of a realignment of power within the Community, whereby the European Parliament might be able to play a balancing role to the Council of Ministers whose role has continued to grow and the Commission whose political influence has, at the same time, diminished. Will the natural alliance between the Community minded institutions of the Parliament and the Commission ever see the light of

day, and if so will it be workable? The direct elections created, even more so than for the treaties the necessary conditions for they ensure that the Community has a popular base, something which it had singularly lacked in the past.

That could and should create sufficient impetus of benefit to the whole Community and not just to the European Parliament. But before this stage is reached, it is first necessary for the European parliamentarians, or at least the majority of them, to want to move in this direction. Next, the European Parliament must have at its disposal facilities to provide technical opinions and analyses so that it may be aware of all the facts when implementing the task entrusted to it by all the electors of ensuring the transparency of decision making in the Community and of controlling proposals submitted to it by the other institutions.

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The first condition should not take a long time, in that it is obvious and because it depends on the Parliament and on it alone, whether it will be met or not. Before tackling the others, it is necessary to first make sure that it is indeed possible for the Parliament, depending on its needs, to set up or create bodies able to help it carry out its tasks.

The European Community institutions (Assembly, Council, Commission and Court of Justice) exercise their competence within the limits laid down by the Treaties. These powers, which include the conception, adoption and

implementation as well as the control of common policies in many complex areas, imply that the Community institutions should be able to surround themselves with the appropriate expertise.

In the first place, it is the Commission and its departments which, through committees of experts, have to collect the information or opinions which may turn out to be necessary. The powers of initiative, management, control or decision, which it holds under the Treaties, allow it, when necessary, to call on independent experts from outside or within the institutions, or on individuals among its own staff or it may set up committees or working groups to help it by giving it every piece of relevant information on a specific question, opinion or report which it considers necessary.

It is generally considered that article 155 gives the Commission legal justification for this. (1) This is the basis for a large number of expert committees of all kinds, whether they be national or independent, whose role is to give occasional opinions, or else the Commission has given them a certain permanency more often than not through a formal decision.

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- (1) Article 155 - In order to ensure the proper functioning and development of the common market, the Commission shall:
- ensure that the provisions of this Treaty and the measures taken by the institutions pursuant thereto are applied;
  - formulate recommendations or deliver opinions on matters dealt with in this Treaty, if it expressly so provides or if Commission considers it necessary;
  - have its own power of decision and participate in the shaping of measures taken by the Council and by the Assembly in the manner provided for in this Treaty;
  - exercise the powers conferred on it by the Council for the implementation of the rules laid down by the latter.

The Council obviously has similar powers. It is a fact, however, that the expert committees it creates very often consist of national experts representing their respective governments. But this is not always the case, as can be seen by the "Committee of Three Wise Men" set up by the European Council to report on changes to the machinery and procedures of the institutions.

There are no a priori legal or institutional reasons to prevent the European Parliament from also calling on the expertise it considers necessary to carry out the tasks entrusted to it under the Treaties and hence to report to it on any question it considered relevant to submit to it.

It should be pointed out, however, that neither in the Treaty of Rome (in articles 137 to 144 on the Assembly), nor in the internal rules of procedure adopted by the Parliament in April 1979 is there a formal legal base which would allow it to set up independent expert committees. But under the circumstances, the absence of such a legal base is not a determining factor.

We should in fact consider that at the institutional level this power the Parliament has merely stems from the accepted principle, but improperly termed "administrative autonomy" which enables an independent institution to organise its working methods as it judges appropriate while remaining within its powers. In this sense, there is no doubt that the Parliament could have or could foresee in its internal rules a specific provision which would allow it to set up any body it considered necessary.

But even in the absence of such an explicit provision this power exists. To the principle of administrative autonomy could be added that of implied powers.

The fact that the Treaties have granted the Parliament the powers of consultation and control implies that it may exercise these in the most favourable conditions and that to this end it may act as it sees fit. Thus, it would be possible to imagine the Parliament asking a group or special research and advisory unit to submit a report to it on a particular question concerning development cooperation, agricultural surpluses, the environment or the institutions, for instance. This unit could even be asked to examine and give a judgment on Community policies in these areas.

At the institutional level, it is clear, however, that there would be limits to the mandate given.

- In the first place, it could not carry out on its own authority any constant and indirect control of the policies being pursued by the Community institutions. In fact, this power belongs to the Parliament alone and to its committees. It would certainly not be desirable for reasons of political expediency and institutionally it would even be open to criticism to create independent and therefore non-accountable bodies to take the place of the Parliament's committees.

- Secondly, and following on from what has just been said, it should be added that the European Parliament could not delegate to this unit powers or responsibilities it holds under the Treaties. This would be contrary to the institutional balance set out in the Treaties. In this

respect, the Court in its jurisprudence developed since the Meroni judgement (Aff 9/56 judgement of 13 June 1958 Rec. p.11), ruled that the Commission cannot delegate its powers of control to the committees it set up. Such jurisprudence should by analogy be considered as applicable to other Community institutions .

These considerations imply that if a unit is created its "mandate" must be clearly defined and should not contain provisions which could in any way infringe on those of the Parliament or its committees. As a result, it would seem prudent and self evident that the establishment of this unit should be on the basis of a formal parliamentary "decision" which would certainly take the form of a resolution. It is doubtful whether a "decision" (an informal definition) of a Parliamentary committee would be sufficient.

To sum up, the Parliament is now facing an important development in the nature and efficiency of its work. It seems that there are no legal or institutional obstacles to the European Parliament creating either for itself or for one of its committees, a unit with the task of submitting an opinion or report on any subject raised by the Parliament. The establishment of this body would stem from a formal resolution of the Parliament. Its role would have to be essentially neutral in the institutional process as far as the powers of the Parliament and its committees in their relations with the other institutions are concerned.

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Among the European Parliament's functions, control of the Community decision making process, given the veil of secrecy which has shrouded it up till now, deserves special attention. Firstly, because at the national level, parliamentary institutions play a basic role in practically all countries in achieving this transparency and it is difficult to see why it should be any different in the Community. Next, because the European Parliament would considerably strengthen its standing in the public eye if it could carry out this task efficiently. This is important for a body whose first direct elections took place amid relative indifference. If the interest of the public could be mobilised as a result, there is no doubt that, indirectly, the weight of the Parliament in relation to the other Community institutions would be increased.

What in fact is at stake? From the time the Commission asks its staff to prepare a draft regulation, directive or decision, until the moment the legal act is taken by the Council of Ministers, there are very few people, outside the Community bodies, who even know what is happening. What changes are made in the to-ing and fro-ing between the Commission, Council and COREPER? Why are they made and by whom? When there are no replies within easy reach to these questions, a text can evolve over several months, or even years, in a restricted circle of civil servants without the public knowing anything.

In the life of the European Parliament the notion of legislature, i.e. the idea of the duration and stability of the mandate, has just appeared, whereas up to now there was never any well defined period of service. On the

contrary, there was a permanent rotation of members depending on national elections. (1). This will allow the Assembly to establish its own working pattern, but it also makes it incumbent on it to show clearly any results achieved as soon as possible and at the latest in five years time when its members will have to stand for election once again. The electorate will certainly not accept a second campaign as lacklustre as the one in 1979. The fact that the majority of the European parliamentarians have only this mandate makes it all the more important to them and success even more imperative.

If the Parliament could contribute to a significant improvement in the transparency of the Community's decision making process, it would certainly be killing two birds with one stone. On the other hand, it would be performing a remarkable service to Europe by "detechnocratising" it and therefore bringing it nearer to the citizen. Community decisions would cease to be seen as arbitrary decrees handed down from on high after being concocted by anonymous and mysterious forces divorced from reality. Whether this is the truth or not, the fact that the public sees things in this way is an important political factor. On the other hand, the European Parliament would also be giving the electorate the best possible impression of itself and its capabilities.

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(1) It is quite possible, however, that certain political parties, like the RPR in France will introduce a rotation of members on the list of candidates they presented at the June 1979 elections.

What practical steps should be taken to achieve this? A certain number of key areas of an undoubted European nature should be chosen where the solutions to the problems they raise cannot be found just at the national level. Thus agricultural, transport, energy, regional and environmental policy along with relations with the Third World and the link between training and employment could be singled out. But it is obvious that, within these areas, the Parliament, so as not to be submerged by the problems, should at least in the beginning make certain contacts and establish priorities. If it does not do this, its input no matter how pertinent, may not be sufficient to influence the work and decisions of the Council of Ministers in the desired direction. For each problem under examination, the European Parliament should ensure that, on the basis of the working documents from the Commission, the Council of Ministers and the Economic and Social Committee, a certain popularisation, in the good sense of the word, takes place so as to inform the public at regular intervals of the evolution and state of progress of the legislation.

To achieve this, the European Parliament will undoubtedly have to equip itself with extra expertise, as for example a study unit independent of the Commission and the Council which could either be part of its staff or work for it on a contractual basis. Moreover, it need not be alone, but could be subdivided according to major problems.

The European Parliament's present structure is still reminiscent of its existence before direct elections. Then, its members were also nationally elected representatives,

intrinsically linked to the parliamentary institutions of their respective countries, especially to the traditions and patterns of work of these institutions. National delegations played an important liaison role and more than the political groups they provided a meeting point as they could call on a certain infrastructure in their own parliament and everyone spoke the same language.

It is no longer the case. Recent months have seen the almost total eclipse of the national delegations and the increasingly more marked rise of the political groups. This has inevitably brought in its wake a politicisation of the European Parliament.

Moreover, the staff traditionally enjoyed a very large degree of independence, through the single fact that the parliamentarians, tied by their dual mandate, were unable to give to their European mandate all the attention it deserved or required. Since July 1979 the intensity of the European Parliament's work has increased in an astonishing fashion, imposing on staff a volume of extra work which is not entirely due to the doubling of the number of members.

As a result, it is becoming far harder to table a subject on the agenda and to speak. It will undoubtedly become necessary to find new ways of communicating interim results and preparatory work to the public, especially by giving greater independence and scope for action to the committees which should see a rapid strengthening of their own means of assistance and advice. The structures and working patterns of the European Parliament will undoubtedly

have to be remodeled in the coming years to arrive at a style of parliamentary life which corresponds to its special mission.

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Parliamentary democracy is one of the basic links between the countries of the Community. At the same time, each country's parliamentary tradition is closely bound up with its national history. Thus, internal structures, the style of parliamentary work, rules, and the rights and powers of parliamentarians are very different from one country to another, although they depend on common principles.

In recent years, important contacts have been made between Western European parliaments. The former European Parliament, whose members came from national assemblies contributed a great deal to this trend and this cooperation was, and still is, strengthened through the channels opened up by the Council of Europe. Within the framework of the latter, for instance, there is a Conference of the Presidents and Secretary Generals of the Parliaments of the member countries. The research and documentation services exchange information and organise in-service training schemes to enable their staff to spend a certain amount of time in another parliament. Since 1977, there has also been a European centre for parliamentary research and documentation. Created by the Conference of the Presidents of the Parliaments of the member countries of the Council

of Europe, but for material reasons attached to the European Parliament, this Centre is a contact point between research and documentation services of the different national and European parliamentary assemblies. Its role will probably be even more important now that direct elections have taken place. It is thus possible to discern trends towards exchanges and even a certain rapprochement between parliaments in Europe, especially those in the Community.

The European Parliament has tended to base its research facilities on the most developed models in the member countries. It is possible, in fact, to distinguish between those countries whose parliaments have only limited facilities (Belgium, Denmark, Ireland, Luxembourg and the Netherlands) and the two examples where parliamentary institutions, obviously influenced by American parliamentary traditions, have more important means at their disposal (Germany and Italy), while France and the United Kingdom are between these two extremes.

Parliaments with only limited facilities are all in countries with a population, which in absolute terms is small and thus the number of parliamentarians is also fairly low. The parliaments have only a secretariat to ensure that the reports of the debates are prepared and to liaise with the administration. But on the other hand, the fact that each parliamentarian represents a relatively small number of people means that he can have more direct contact with the electorate and therefore have a better practical knowledge of the problems.

Only in the Netherlands, where the facilities are

already more developed is there a tendency to enlarge the means available to the Parliament. Not all parliamentarians have official offices and there is no research and study department capable of carrying out work independently of the administration. Parliamentary work is based on information supplied by the government, and completed by each parliamentarian's institutional or personal sources of information. If members want a certain question to be carefully studied, they must either urge the government to do it or else seek the information themselves, with or without the help of their party.

Even in parliaments with average facilities, the research and documentation departments still have only fairly limited resources and must therefore depend to a large extent on the information supplied in particular by government bodies. They are therefore more a documentation and library service which is able to actively manage the information available in the country and to reply to precise questions that might be put by parliamentarians.

The Bundestag and the Italian Chamber are better equipped than all other European parliaments as far as study and research services are concerned. Not only do they have a sizable secretariat for the permanent committees, but also study services able either to carry out their own research when requested by parliamentarians or to hire outside consultants and experts. In the Bundestag, each parliamentarian also has the right to the services of an assistant, a secretariat and an office.

The European Parliament has tended towards these

last examples, and it is worth noting that a discussion is currently taking place in all Community countries on whether the powers of their parliaments should be strengthened. Paradoxically, it is those parliaments with fairly limited facilities which ought to be analysed more closely in order to reach a better understanding of the problems that need to be resolved before the European Parliament can play its full role.

In fact, no parliament can be effective if all it has are its own research and study facilities. All of them, even those with extensive departments, depend on outside research, information and discussion. The departments can not be the only means of effective classification of everything available and of replacing the work of the administration or social and research institutions which contribute to every decision. The gaps in the European Parliament lie rather in the lack of external study and research bodies capable of preparing a debate even before the problems have been raised in the Assembly and a decision has to be taken.

Two solutions could be envisaged. The first would involve copying the American Congress example and setting up a body similar to the Office of Technology Assessment (O.T.A.). The second would be for the Parliament to use directly the research and analytical facilities that already exist in the different countries of the Community. A third approach, more nuancé, could also be tried.

In order to help us reach a decision, it would be useful to state exactly what these two alternatives involve.

As far as the first is concerned, it would obviously be useful to describe the O.T.A. and say a few words on how it operates. The Office is one of the four research, analytical or documentation bodies that surround the Congress (1). At the head of the O.T.A. is a Board of 11 members, half of whom are Senators and half Representatives appointed by the President pro tempore of the Senate and the Speaker of the House.

The majority and the opposition are equally represented. The Board Chairman alternates between the Senate and the House of Representatives and the Vice Chairman is a member of the minority party in Congress. The full-time staff of 80 to 90 are under a Director who participates in the Council's meeting's, although without voting rights, and who has complete authority over the execution of the work. O.T.A. also has an Advisory Council appointed by the Board and consisting of prominent experts in the various areas where the Office has responsibility. The financing is guaranteed every year by Congress. The 1979 budget was 11 million US dollars and the O.T.A.'s demand for 1980 is for 14 million.

The Office is particularly interested in problems concerning energy, the environment, natural resources, security, health and telecommunications, all of which have have three basic characteristics in common:

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(1) The others are the "Congressional Research Service" which depends on the Library of Congress, the Congressional Budget Office and the General Accounting Office.

- the most important impact of choices made in these areas are often not immediate and affect many other sectors;

- they are complex and their analysis demands that a wide variety of data be taken into account and a pluridisciplinary approach adopted;

- they have an important technological content and every effort to resolve them adequately must employ the use of the best scientific analysis available.

The Office works directly for and with the parliamentary committees which carry out the preliminary work for Congress. According to its status - the O.T.A. Act - demands for studies may come from:

- Committee Chairmen acting on their own initiative or at the request of the opposition leader, or even from a majority of the members;

- the O.T.A. Board;

- the Director of the O.T.A. in consultation with the Board.

The Board decides if the work should be carried out or not. The O.T.A. staff undertake all the studies, with an ad hoc team being set up for each one. Nevertheless, during the investigations many outside experts from universities, industry and other research bodies are consulted. The O.T.A also tries to involve various interest groups in its work so that the final results take account of public opinion.

Although it is highly interesting, this example does not seem directly appropriate for Europe for both political

and practical reasons. Whereas federal bodies in the United States are centralised, in the Community on the other hand, they are many in number and scattered among the member countries. Formal decisions are certainly taken by the Council of Ministers, or in certain cases by the Commission and the monitoring is done by the European Parliament, but it is obvious that behind these institutions governments almost always loom and, then at another level, the national parliaments which control them. It seems that a body like the Office of Technology Assessment would be unable to play a satisfactory role with so many centres of decision making. To this should also be added the major, not to say insuperable, difficulties the Community has when it tries to set up new institutions. As a result it does not seem very realistic to follow this road (1).

In these conditions, we should ask whether the second solution might not be more appropriate whereby the European Parliament's committees use directly the research facilities that exist in the different countries.

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(1) The author is thinking in particular of:

- the difficulties encountered in establishing the Foundation proposed by Mr. Tindemans in his Report on European Union, although the principle has been accepted at the highest level in the Community and
- the creation of a European Policy Research Institute, as a kind of European Brookings, which is also marking time.

In the first place, it would not be necessary to set up a new body with all the running in, financial and administrative difficulties and inescapable balances that this involves. This choice would also ensure much greater flexibility as it would mean that in each case the best qualified body with the greatest experience of the problem could be called upon. Even so, this second possibility does present one major inconvenience in that there are very few national research centres which have a European perspective. We would therefore run the risk of everyone seeing the European Parliament as a replica of his own national parliament and that in this way the proposals or opinions presented would each time be inspired - by a German, Belgian, British or French way of thinking. Moreover, the Chairmen of the committees undoubtedly do not, at the present time, have the secretariat necessary to know and to get in touch quickly with the appropriate research Centres.

This leads us to believe that neither complete centralisation nor systematic decentralisation is suitable for Europe in general and the European Parliament in particular. On the other hand, a combination of the two which attempts to retain their respective advantages without being encumbered by their drawbacks appears possible. In the second part of this report, it was suggested that a special unit be established to assist the European Parliament in ensuring transparency in the Community's decision making process. It would be quite easy to widen its scope of activity and make it the body, which the parliamentary committees would approach to shed some light on a particular problem, with the difference that, unlike the Office of

Technology Assessment , the unit would not do the work itself. After drawing up a list of available information and working out with the parliamentarians concerned the exact nature of the research to be done it would entrust the task to national bodies (universities or research centres). It would, nevertheless, control the work and make sure that the European dimension to the problems was being sufficiently taken into account, and, if necessary, it would add to the information it received.

The unit would play the role of an active intermediary between the Parliament and the research teams, which would guarantee not only the independence of the latter, but also of the parliamentarians.

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Since it was directly elected, the European Parliament has been constantly evolving. There have been numerous changes, but many of its working methods must be improved - and fast - if a repeat of the disappointments at this year's January session are to be avoided.

To conclude, in order to play its role as fully as possible the European Parliament should:

- have closer contact with the public and in particular make the Community's decision making process more transparent;
- have more permanent links with the world of research and be able to organise them as it wishes within the framework of its own powers.

- using the experience of national parliaments and other assemblies like the American Congress establish its own working methods.

To achieve these aims and bearing the development of the European Parliament's activities in mind, one solution would be to establish within the Parliament's framework a body which would systematically ensure the contacts it should maintain with the public and the world of research.