Wednesday, 20 January 1993

32. Takes the view that NATO, pending development of the role of the CSCE and pending NATO's organizational reform and political and strategic realignment on the basis of the Copenhagen and Rome Declarations, can continue to act as a security guarantee for the whole of Europe and a close bond between Europe on the one hand and the US and Canada on the other;

33. Considers that the creation of the North Atlantic Cooperation Council provides a suitable starting point for increased security policy links between NATO and the member states of the former Warsaw Pact;

34. Considers it desirable for NATO to play a leading role in a comprehensive non-aggression and mutual assistance pact binding all its member states with all other European states including Russia and possibly other states on the territory of the former Soviet Union and the European Union;

Mandates to the bodies of the European Union

35. Confirms the mandate to its appropriate committee rapidly to complete the drafting of the constitution for the European Union;

36. Calls on the Commission, the Council and the Member States to develop the European Union into the driving force and focal point of the 'system of confederative cooperation in Europe' and thus the fixed starting point for a Europe-wide order to maintain peace across the continent, foster the development of democracy, strengthen economic and social cohesion, protect the natural foundations of human life, preserve the regions and cultures of Europe in their diversity and also meet its responsibilities for the fight against famine, poverty, environmental degradation and rearmament in other parts of the world as well;

*
* *

37. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States, the US and Canada, the Council of Europe, the CSCE, the WEU and NATO.

(b) RESOLUTION A3-0190/92

Resolution on the institutional role of the Council

The European Parliament,

— having regard to Article 145 *et seq.* of the EEC Treaty, Article 26 *et seq.* of the ECSC Treaty and Article 115 *et seq.* of the EAEC Treaty,

— having regard to the draft Treaty establishing European Union, adopted on 14 February 1984 [1],

— having regard to the resolution of 12 December 1990 on the constitutional basis of European Union [2],

— having regard to the Final Declaration by the Conference of Parliaments of the European Community from 27 to 30 November 1990 in Rome [3],

— having regard to the conclusions of the European Council of December 1991 and the Treaty signed in Maastricht on 7 February 1992,

---

[1] OJ No C 77, 19.3.1984, p. 33.
[2] OJ No C 19, 28.1.1991, p. 65.
[3] EP Bulletin 4/S — 90.

— having regard to its resolution of 7 April 1992 on the results of the Intergovernmental Conferences (1),

— having regard to its resolution of 14 October 1992 on the state of European Union and ratification of the Maastricht Treaty (2),

— having regard to the motions for resolutions by Mr Roumeliotis (B3-0250/91), Mrs Aglietta, on behalf of the Green Group, (B3-0533/91) and Mr Bowe (B3-1051/91),

— having regard to the report and supplementary report by the Committee on Institutional Affairs (A3-0190/92 and A3-0190/92/Suppl.),

A. whereas, in view of the enlargement of the Union, the uniqueness of the Community institutions must be confirmed, their special nature readjusted, and the essential balance between them improved with a view to a Union on a federal basis,

B. whereas it is necessary to improve the efficiency and the democratic basis of the Community enterprise, strengthen the political nature of the representation of the Member States and in general increase the representative nature of the institutions of the Union,

C. whereas in its current form and as it operates at present, the Council does not guarantee full representation for the complex political and institutional reality of the Member States; whereas adequate expression is thus not given to the fundamental importance of the Council, which represents the sovereignty progressively pooled by the Member States,

D. whereas, in the spirit of the Treaties, the permanent nature of the representation of the Member States within the Council must be completely restored and in general further defined and, at the same time, the Council must be constituted in such a way as to reflect the different constitutional structures of the Member States,

E. whereas the excessive fragmentation of the Council into specialized Councils, contrary to the spirit and the letter of the Treaty, reinforces the bureaucratic and non-political nature of the Member States' involvement in decision making, and the institutionalization of preparatory committees further undermines its unity,

F. whereas the European Council must preserve in its entirety and even step up its function of stimulating and guiding the Union; whereas the conferring of direct responsibilities in the decision-making procedures of the Union would distort the general nature of the choices it is required to make,

G. whereas this specific function must be carried out both in the traditional Community context, in accordance with the role of the Institutions, and in the context of the Union's new competences in the field of common foreign and security policy and internal affairs and justice,

H. whereas, in accordance with the principle of dual legitimacy, the Council must above all carry out its role as co-legislator with the European Parliament, through an appropriate procedure in which the equality of the two arms of the legislative authority is fully guaranteed,

I. whereas the Commission, in addition to its exclusive power of legislative initiative, must have responsibility for proper implementation; whereas this must be carried out in contact with the Council and the national or, if appropriate, regional authorities of the Member States, via well-defined procedures,

J. whereas the Council must act by a qualified majority in legislative procedures and unanimously in constitutional procedures,

K. whereas the system of weighted voting must be maintained, but the details of the system must be adjusted to a Union in the process of enlargement,

(1) OJ No C 125, 18.5.1992, p. 81.
(2) OJ No 299, 16.11.1992, p. 8.

Wednesday, 20 January 1993

L. whereas the debate on the transparency of the Community's decision-making procedure, with regard *inter alia* to the requirement that some of the Council's business should be conducted in public, that there should be improved information on the activities of the Community and that Community legislation should be made more easy to understand, was launched at the European Council meeting in Birmingham and has been taken up, albeit to a limited and unsatisfactory extent, by subsequent meetings of the Council and Coreper;

1. Considers it vital that the European Council preserve in its entirety and even step up its function of stimulating and guiding the Union, which must not be weakened by the exercise of other responsibilities concerning the decision-making procedures;

2. Also considers it vital that this essential function should involve, without prejudice to the competences of the Institutions, both the areas of traditional competence of the Community, and also common foreign and security policy and internal affairs and justice;

3. Considers that full observance of the spirit and letter of the articles of the EC Treaty with regard to the political, permanent and unitary nature of the Council is essential;

4. Also hopes that the constitution of the institutional establishment of the Union will include provisions taking account of the following principles, aimed at improving the political nature of representation of the Member States and strengthening the efficiency and the democratic nature of the Community enterprise:

(a) the Member States shall be represented in the Council by permanent delegations, chaired by a minister responsible, whose members shall be appointed by the Member States, in accordance with their own internal Regulations; the unitary and the permanent nature of the delegation of each Member State to the Council is designed to guarantee — in full observance of the principle of subsidiarity — the possibility of representation expressing the different constitutional structures of the individual Member States and, for example, of those regional authorities which have exclusive competence;

(b) each delegation in the Council shall have a unitary vote, weighted in accordance with the provisions of the Treaties, and shall have the power to commit the state;

(c) the permanent nature of the delegation in the Council shall not conflict with the possibility that Council decisions may be prepared by technical committees established with specific competences in order better to guarantee the convergence and complementary nature of national policies; such committees shall form part of a single structure — like Coreper — in order to guarantee uniformity of direction;

(d) the permanent nature of the delegation must, however, ensure that the general interest of each Member State and the common good of the Union take precedence over the tendency towards special interest or bureaucratic interventions and the weakening of the general lines of Union legislation;

(e) all the legislation of the Union shall be adopted on the basis of full co-decision between the European Parliament and the Council, via a procedure which guarantees full parity between the two institutions and the efficiency of the decision-making process; legislative decisions are those referred to in the resolution of the European Parliament of 18 April 1991 on the hierarchy of legal acts [1]; an interinstitutional agreement should be reached on this subject by the end of 1996;

(f) as a rule, the Council shall act by a qualified majority; in the case of politically sensitive issues the majority shall still be around two thirds of the weighted votes and in the case of other legislative decisions an absolute majority of the weighted votes shall be sufficient; for decisions of a constitutional nature the principle of unanimity or a reinforced qualified majority shall apply;

(g) when the Council is acting in its legislative role, it shall sit in public; major policy debates shall also be held in public as shall the debates on the Commission's annual report and all the other regular reports by the Commission and other bodies of the Union;

---

[1] OJ No C 129, 20.5.1991, p. 136.

(h) the presidency of the Council, particularly in view of enlargement of the Union, shall have a purely coordinating role, in as much as the Council represents equal sovereignties of states and does not admit any superiority or leadership; by means of an amendment of Article 146 of the EEC Treaty, it shall be on a personal rather than a state basis, and shall be constituted via election by the Member States according to arrangements and periods of rotation — necessarily short — to be established;

(i) in addition to the powers already defined, in particular the exclusive power of legislative initiative, the Commission shall carry out the governing activities of the Union and hence shall be responsible for the proper execution and application of Union legislation; in accordance with the principle of subsidiarity, implementation shall largely be the task of the Member States and their institutional authorities, which are in a better position to fulfil this role in line with the different local circumstances; implementing rules shall be issued by the Commission on the basis of laws adopted by the Council and Parliament, but in certain cases and according to certain procedures the legislative authority shall have the right of assent;

5. Considers that the permanent nature of each national delegation will promote a more effective democratic relationship with the national parliaments, in particular by:

— providing the national parliaments with precise information and, through this, greater involvement of these parliaments in the preparation, at national level, of the main legislative procedures of the Union;

— greater democratic transparency in the functioning of the Council which may be obtained by monitoring the actions of each delegation through the respective national parliaments, by making meetings where legislation is adopted open to the public — while at the same time guaranteeing the requisite confidential nature of technical deliberations and of the detailed preliminary negotiations stage — by institutionalizing the rule whereby major policy debates and discussions of work programmes should be held in public and institutionalizing the presence of the Council at the meetings of committees of the European Parliament and at its plenary sessions by analogy with Commission practice;

— providing for greater clarity in Community legislation and the regular compilation of codified texts containing all the successive modifications to legislative texts;

6. Points out that, especially in view of the enlargement of the Union, it will be necessary to adjust the definition of the qualified majority, on the basis of the following principles:

— votes should continue to be weighted for all legislative decisions and politically significant decisions, as already reiterated;

— in the event of enlargement of the Union the weighting of votes should be updated in accordance with the new situation;

— equality of votes among the large founding Member States should be maintained;

— the qualified majority should be set so that it can not be reached by the five large Member States of the Community of Twelve by themselves;

— the minority required to block legislation should be set so that it can not be reached by three large Member States of the Community of Twelve by themselves;

7. Points out, finally, that the modification of the composition and functioning of the Council must lead towards more active participation by constitutionally recognized regions, social institutions and national parliaments in forming the position of the Member States at Community level, according to their respective constitutions;

8. Instructs its President to forward this resolution to the Council, the Commission and the Parliaments of the Member States.