

# Life of EP: History of the empowerment of the European Parliament

Rocco Polin

17 April 2014<sup>1</sup>

The Parliament that European citizens have elected in May 2014 is a very different assembly from the one that convened for the first time in September 1952 under the name of “Common Assembly.” The 78 original MPs have now become 750, and they are no longer nominated by six national parliaments but rather elected by 400 million citizens from 28 different countries. Together with the number of its members, the European Parliament (EP) has significantly increased also its powers, to the extent of becoming an equal partner with the European Union Council in almost all policy areas (Hix and Hoyland, 2013, p. 172). The goal of this short article is to review the evolution of the European Parliament, from a small and almost irrelevant second-order assembly to a fundamental pillar of European democracy and of the function of the EU.

## Infancy: The Common Assembly of the European Communities (1952–1979)

The Schuman declaration of May 9, 1950, today rightly celebrated as the founding act of the European Union, does not make any reference to the need of a representative assembly. Such need was however felt by Jean Monnet, worried about the democratic legitimacy of the European Coal and Steel Community (ECSC) of which he was set to become the first president. Article 20 of the 1951 Paris Treaty hence mandated the creation of a “Common Assembly” whose only power was that of voting a no-confidence motion against the ECSC High Authority.

---

<sup>1</sup> This article was originally published in Italian on the CISE website. It appears in English for the first time in this book.

Few months after its creation, however, the newborn Assembly gave an early proof of its high ambitions. Taking the name of “*Ad hoc* Assembly,” it engaged in the drafting of a treaty for a new European Political Community, a project that quickly failed after the French Parliament rejected the European Defence Community. The hypothesis contained in this project, that of transforming the Common Assembly in a powerful chamber directly elected by European citizens, continued however to linger on until it eventually found a gradual but more and more effective realization.

Once the federalist great leap forward failed, the project of European integration regained the slow but steady pace of Monnet’s functionalist approach. In 1957, the Rome treaties established the European Atomic Energy Community (Euratom) and the European Economic Community (EEC), later merged together with the ECSC in the European Communities (Brussels Treaty of 1965). The Common Assembly, which in 1962 renamed itself European Parliament (a name officially adopted by the Single European Act of 1986), became a shared institution for all three communities. In its first meeting after the Rome Treaty, the Common Assembly elected Robert Schuman as its president and structured its parliamentary groups according to their political positions rather than their national affiliations. Such decision, taken on May 13, 1958, is since then considered the founding act of the modern European Parliament. As for the functions and the powers of the assembly, the Rome Treaty introduced the obligation for the EEC Council to consult the Assembly before adopting any legislative act. This was the first recognition of the European Parliament’s legislative role, a role that the EP will be called to fulfil with ever increasing powers in the following decades.

After a long stalemate in the years of De Gaulle, in the 70s, the European project and the Parliament gained new dynamism. In 1970, the EP obtained the first powers over the budget albeit initially limited to the so called “non-compulsory expenditures” (which excluded the substantial agriculture budget). Already in 1975, however, such powers were extended, and the Parliament was given the power to reject the budget as a whole and to discharge its implementation. In the subsequent decades, the control of the budget becomes a formidable instrument of pressure in the hands of the EP, and it was often used during interinstitutional negotiations to obtain further powers in other domains.<sup>2</sup>

---

<sup>2</sup> See, for example, the power struggles over the creation of the European External Action Service (Wisniewski, 2013).

## Childhood: A Parliament Elected by the People (1979–1992)

In 1979, the introduction of direct popular elections marked an important step in the life of the European Parliament.<sup>3</sup> While such innovation was not accompanied by any formal increase in power and functions, the new democratic legitimacy significantly increased the authority of the Parliament and its political ambitions. Its prestige was then further increased by the election of Simone Veil as its first president—a Holocaust survivor and a woman who fully embodied the deep values and profound historical reasons of the European integration project.

In the 80s, the European Parliament thus started to view itself as the driving force of the integration process and to fight with ever stronger vigour for increasing its powers. An important victory was obtained in 1980 when the European Court of Justice annulled a regulation approved by the Council without consulting the Parliament. Even if—according to the Rome Treaty—the Parliament’s opinion was not binding, it was nevertheless a mandatory part of the legislative process. In 1985, to underline and reinforce its centrality in the government of the EU, the EP, which until then had convened in Strasbourg, moved some of its works in Brussels.<sup>4</sup> Finally, in 1986, the approval of the organic treaty reform that goes under the name of Single European Act owed much of its ambition and federalist afflatus to the “Spinelli Plan” that was adopted by the EP in 1984.

The Single European Act introduced two new legislative procedures. The first one, known as “cooperation procedure” (abolished by the Lisbon Treaty in 2002) increased the Parliament’s influence by allowing for a second reading of legislative proposals. The second, known as “assent procedure,” and still used under the name of “consent procedure” (e.g., for the approval of international treaties), gave full veto power to the EP over proposed legislative acts.<sup>5</sup> Even more significant in terms of legislative empowerment was however the codecision procedure, introduced by the Maastricht Treaty in 1992. According to this procedure, if the Parliament and the Council are unable to reach a compromise during the second reading, a special Conciliation Committee is set up and tasked with agreeing on a common text, which then needs to be approved by both institutions in a third reading.

---

<sup>3</sup> Such possibility was already envisaged by the Rome Treaty of 1958.

<sup>4</sup> Even if an initial compromise was reached in 1992, the issue of the double seat is still subject to heated debates. The opposition of France notwithstanding, it is reasonable to hope that the definitive relocation of all parliamentary activity to Brussels is only a matter of time.

<sup>5</sup> On the role of the European Parliament as a powerful veto player, see Tsebelis 1994 and 2002.

The Maastricht Treaty also introduced other important innovations in terms of legislative initiative and control over the executive bodies. As for the former, Maastricht gave the Parliament the right to invite the Commission to introduce the legislative proposals that it deems necessary for the full implementation of the treaties. While the EP, unlike most national parliaments, still lacks the full right of initiative, the Treaty also obliges the Commission, in case of refusal to follow up on the Parliament's requests, to fully justify its decision. As for the powers of control over the executive, the Parliament obtained the right to be consulted in the choice of the Commission's president, to vote the confidence to the incoming Commission (but not to the single commissioners), to set up temporary committees of enquiry, and to name important officials such as the head of the European Central Bank, the Ombudsman, and the members of the Court of Auditors.

### Adolescence: From Maastricht to Lisbon (1992–2009)

With the approval of the Maastricht Treaty, the European Parliament essentially acquired its current functions: it has relevant powers of control over the Commission and other executive agencies, it acts as co-legislator with the Council in an increasing number of policy areas, and it holds the power to approve and discharge the community budget. The expansion of powers in the two following decades thus proceeded along already consolidated directions.

The Amsterdam Treaty of 1997 formalized the veto power that the Parliament holds over the nomination of the Commission president and increased from 15 to 32 the number of policy areas that fell under the codecision legislative procedure (they became 37 with the Nice Treaty in 2001). The Amsterdam Treaty also strengthened the position of the EP in the codecision procedure by eliminating the possibility for the European Council to reintroduce its original proposal as a "take it or leave it" offer in case of failure of the Conciliation Committee. It is however interesting to notice how such innovation was in fact a mere ratification of a *de facto* situation—in its internal rules of procedure, the Parliament had already committed itself to reject any text proposed by the Council in a take-it-or-leave-it form (Hix, 2002). Generally speaking, it is important to keep in mind how the gradual empowerment of the European Parliament was due to the amending of internal procedures and to innovations in the political practice as much as to treaty reforms (Kappel, 2002).

Over the last few decades, particularly important victories have been secured by the EP in its efforts to create a more binding relationship with the European Commission. In 1999, the Parliament obtained the resignation of the Santer Commission, first by refusing to approve its budget and then by

menacing a no-confidence vote. Furthermore, albeit the treaties do not foresee individual confidence votes for each commissioner, the Parliament became able to exercise considerable influence over their nominations, vetoing those of Mr. Buttiglione in 2004 and Ms. Jeleva in 2009. In the course of such arm wrestling with the Commission, the Parliament was also able to extract other important concessions, later formalized in *ad hoc* interinstitutional agreements. These included the rights to receive periodical reports, to question the Commissioners, to be consulted during the drafting of legislative proposals, and to take part in international negotiations.

The last far-reaching reform of the European treaties so far was signed in Lisbon in 2007. It extended the codecision procedure to most policy areas, transforming it in the standard procedure under the new name of Ordinary Legislative Procedure. Furthermore, according to the Lisbon Treaty, the president of the Commission is now “elected” by the Parliament albeit on the base of a proposal made by Council taking into account the results of the parliamentary elections (art. 17.7, TEU). This latest innovation, together with the fact that this year, for the first time, each one of the main European political parties has indicated a presidential candidate, suggests that the 2014 elections will mark a new important step in the empowerment of the European Parliament. Indeed, the treaties themselves now recognize how the functioning of the Union shall be founded on representative democracy (art. 10, TEU) and thus the essential role of the European Parliament. It is then possible that after a long and difficult adolescence, the European Union and its Parliament will finally reach a full and responsible maturity.

## References

- Corbett, R., Jacobs, F. and Shackleton, M. (2011), *The European Parliament*, 8th edition. London: John Harper Publishing.
- Kreppel, A. (2002), *The European Parliament and Supranational Party System: A Study of Institutional Development*, Cambridge. UK: Cambridge University Press.
- Hix, S. (2002), Constitutional agenda-setting through discretion in rule interpretation: why the European Parliament won at Amsterdam. *British Journal of Political Science*, vol. 32(2), pp. 259–280.
- Hix, S. and Høyland, B. (2013), Empowerment of the European Parliament. *Annual Review of Political Science*, vol. 16, pp. 171–189
- Tsebelis, G. (1994), The power of the European Parliament as a conditional agenda setter, *American Political Science Review*, vol. 88(1), pp. 128–142.
- Tsebelis, G. (2002), *Veto Players: How Political Institutions Work*. Princeton, NJ: Princeton University Press, New York: Russell Sage Found.
- Wisniewski, E. (2013), The Influence of the European Parliament on the European External Action Service, *European Foreign Affairs Review*, vol. 18(1), pp. 81–102.

