Éva Bóka

A European Parliamentary Project on the European Union

The first direct European parliamentary election was held in 1979. This was an important moment in the history of the European Parliament as the legislative power of the European Community. The European Coal and Steel Community established the Common Assembly in 1952. It was a consultative assembly having no legislative power. This was renamed European Parliamentary Assembly by the Rome Treaties, in 1958, and the Parliamentary Assembly was called as European Parliament in 1962. The European Political Community project[1] was rejected in 1954. This meant the defeat of a two chamber European Parliament as the legislative power of the European Community shaping the European integration process. De Gaulle's policy strengthened intergovernmentalism with the Luxembourg compromise (1966) but did not destroy the European Economic Community.

The first direct European parliamentary election in 1979 was the moment of a potential supranational reform in the direction of a parliamentary European Community. For this there was necessary a new vision on the European Parliament, on the European integration, and on a European Union. It was Altiero Spinelli who initiated the reform of the European Community in the framework of the European Parliament by proposing the Draft Treaty Establishing the European Union (Spinelli draft).[2]

Altiero Spinelli (1907-1986)[3], the federalist founding father of the European Union, was a constitutional European federalist fighting for the establishment of a United States of Europe after World War II (Ventotene Manifesto).[4] His model was the Constitution of the USA or the Swiss constitution. He played an important role in the drafting of the Draft Treaty embodying the Statute of the European Community (published in Strasbourg, on the 11th March 1953)[5] which proposed constitutional federalism: a parliamentary solution based on two chambers, representing the interests of the citizens as Europeans as well as citizens of their own states, and the autonomy of the member states (subsidiarity).[6] Spinelli from a federalist point of view criticised the

---

1 Griffiths (2000): 189-226.

2 Draft Treaty Establishing the European Union. In: Bieber, R. - Jacqué, J-P. - Weiler J. H. H. (eds.) (1985): *An Ever Closer Union. A Critical Analysis of the Draft Treaty Establishing the European Union*. Office for Official Publications of the European Communities, Luxembourg, 1985, 306-328; Draft Treaty Establishing the European Union. Official Journal of the European Communities, No C 77133, 14 February 1984, http://www.eurotreaties.com/spinelli.pdf ; Draft Treaty Establishing the European Union), Sinelli's Footsteps, http://www.spinellisfootsteps.info/treaty/

3 Spinelli (1983): 2; Olivi (2007): 173-183. Vayssière (2007); Palayret (2008): 325-339.

4 Lipgens (1968): 36-44.

5 Griffiths (2000), 189-226.

6 The first Chamber, called the Peoples' Chamber, shall be composed of deputies representing the peoples united in the Community. The Second Chamber, called the

Council of Europe, the Schuman plan and the Monnet-method, and opposed De Gaulle's politics because of the lack of a powerful two chamber European Parliament representing the interests of the European citizens, and shaping the European Community as the legislative power. Seeing the results of the European Common Market he criticised the intergovernmentalist policy because of democratic deficit. In 1979, Spinelli recognised the critical moment in the history of the European integration and proposed to the European Parliament to reform the basic treaties and to establish a parliamentary European Union. His vision on the European Union influenced the Single European Act, 1986, the Treaty on the European Union, 1992, the European Constitution of 2004, and the Lisbon Treaty of 2007.

The question raises how Spinelli and the European Parliament imagined a modern European Union, in 1984?

Draft Treaty Establishing the European Union, 1984

In 1976 Spinelli was elected to Parliament in Italy, as an independent in the PCI list. The same year, he was also appointed member of the European Parliament. On 9 July 1980, with eight other members of the European Parliament, Spinelli founded at Strasbourg (in the Crocodile restaurant) the Crocodile Club, with the goal of inducing the European Parliament to take on the task of drawing up a draft treaty instituting the European Union. On 9 July 1981, the Parliament adopted the Club's proposal by a large majority, and decided to set up from January 1982, a committee with the task of drawing up the project for a European Union. Altiero Spinelli was the general rapporteur to this committee.

Spinelli, in his famous lecture *Towards the European Union, Florence 13 June 1983*, outlined his ideas on the federalist reform of the European Community.[7] He emphasised the intergovernmental cooperation is the basic but questionable means of the European integration. European integration based on the common supranational institutions developed during the integration process would be more secure. Therefore it would be necessary to strengthen the institutions of the European Community by putting reform drafts to the European Parliament. The Parliament should become the place of an active European policy. In his view this was the means to avoid the domination of the national will above the European spirit.

The Draft Treaty Establishing the European Union was proposed by Spinelli to be an

---

Senate, shall be composed of senators representing the people of each State. Senators shall be elected by the national Parliaments for five years in accordance with the procedure determined by each Member State. The establishment of the European Executive Council shall solve the problem of European governance. It shall undertake the general administration of the Community. The Council of National Ministers shall harmonise the actions of the European Executive Council with the Governments of the Member States. The Council of National Ministers and the European Executive Council shall exchange information and consult each other.

7 Spinelli (1983): 9-28.

example of a new European parliamentary policy. It was discussed and adopted by the European Parliament, and influenced the Single European Act, as a compromise between federalists and intergovernmentalists.

Institutional reform

The Draft Treaty Establishing the European Union regarded the European Parliament as the most important European institution: the legislative power of the union directing the European policy together with the European Commission.

According to article 14 of part 3 of the Draft Treaty

> "The European Parliament shall be elected by direct universal suffrage in a free and secret vote by the citizens of the Union. The term of each Parliament shall be five years".[8]
>
> According to article 16 of part 3 of the Draft Treaty
>
> "The Parliament shall participate, in accordance with this Treaty, in legislative and budgetary procedures and in the conclusion of internal agreements, enable the Commission to take office by approving its political programme, exercise political supervision over the Commission, have power to adopt by a qualified majority a motion of censure requiring the members of the Commission to resign as a body, have the power to conduct inquiries and receive petitions addressed to it by citizens of the Union, exercise the other powers attributed to it by this Treaty". [9]

The Council of the Union (the Council of Ministers) and the European Council should represent the interests of the member states. They should mediate the common interests towards governments promoting by this the common supranational institutions and the cooperation among the member states.

The Council of the Union shall consist of representations of the Members States appointed by their respective governments; each representation shall be led by a minister who is permanently and specifically responsible for Union affairs. The Council shall participate in the legislative and budgetary procedures and in the conclusion of international agreements. [10]

In the lack of a federal European government Spinelli recognised the importance of the advisory function of the heads of state or government of member states. Article 31 and 32 of the Draft Treaty introduced as a new institution the European Council, consisting of the Heads of State or Government of the Member States of the Union, and of the President of the Commission. The European Council's function was to formulate recommendations and undertake cooperative commitments. [11]

---

[8] OJEC (1984): 5; SF, http://www.spinellisfootsteps.info/treaty/14.html
[9] OJEC (1984): 5; SF, http://www.spinellisfootsteps.info/treaty/16.html
[10] OJEC (1984): 6-7; SF, http://www.spinellisfootsteps.info/treaty/
[11] OJEC (1984): 8; BJW (1985): 314.

Co-decision procedure between the Council and the Parliament

Spinelli was for the reform of the European Parliament because in his view European decisions on European matters had to be made by the Parliament in cooperation with the Commission, and not by the national ministers who represented national interests and not European ones.[12] Therefore the European Parliament had to develop so that it could become the representative of the citizens as Europeans. He believed that the reform of the cooperation among the Commission, the European Parliament, and the European Court of Justice could start the necessary institutional reform. He thought that the antidote of the Commission's weakness was in strengthening the EP's legislative power.

Regarding the democratic parliamentary reform the most important idea of Spinelli was to set out a new legislative procedure involving a bicameral system of co-decision by the EP and the Council of Ministers. He thought that it would alter the community's institutional balance in favour of the Commission and the European Parliament. From this point of view Art. 38 can be regarded as the key article of the Draft Treaty. It served as a means of political struggle to achieve the most important federalist aim which was a bicameral parliament representing the interests of the European citizens as Europeans, and as the members of their states. The co-decision procedure was aimed to help the Parliament to strengthen its role in legislation, and made it enough strong to elect a European government representing the executive power. The institution of the Conciliation Committee between the Parliament and the Council served the aim of achieving the equal status of the Parliament with the Council.

Article 38 – Voting procedure for draft laws (the case of the Conciliation Committee)[13]

> "1. All draft laws shall be submitted to the Parliament. Within a period of six month, it may approve the draft with or without amendment. In the case of draft organic laws, the Parliament may amend them by an absolute majority; their approval shall require a qualified majority.
>
> Where the majority required for approval of the draft is not secured, the Commission shall have the right to amend it and to submit it to the Parliament again.
>
> 2. The draft law, approved by the Parliament with or without amendment, shall be forwarded to the Council of the Union. With a period of one month following approval by the Parliament, the Commission may deliver an opinion which shall also be forwarded to the Council.
>
> 3. The Council shall take a decision within a period of six months. Where it approves the draft by an absolute majority without amending it, or where it rejects it unanimously, the legislative procedure is terminated.
>
> Where the Commission has expressly delivered an unfavourable opinion on the draft, or in the case of a draft organic law, the Council shall by a

[12] Spinelli (1972): 5-17.

[13] BJW (1985): 316; OJEC (1984): 10-11; SF, http://www.spinellisfootsteps.info/treaty/38.html

qualified majority approve the draft without amending it or reject it, in which cases the legislative procedure is terminated.

Where the draft has been put to the vote but has not secured the majorities referred to above, or where the draft has been amended by a simple majority or, in the case of organic laws, by an absolute majority, the *conciliation procedure* laid down in paragraph 4 below shall be opened.

4. In the cases provided for in the final subparagraph of paragraph 3 above, the Conciliation Committee shall be convened. The Committee shall consist of a delegation from the Council of the Union and a delegation from the Parliament. The Commission shall participate in the work of the Committee.

Where, within a period of three months, the Committee reaches agreement on a joint text, that text shall be submitted for approval to the Parliament and the Council; they shall take a decision by an absolute majority or, in the case of organic laws, by a qualified majority within a period of three months. No amendments shall be admissible.

Where, within the period referred to above the Committee fails to reach agreement, the text forwarded by the Council shall be submitted for approval to the Parliament which shall, within a period of three months, take a decision by an absolute majority or, in the case of organic laws, by a qualified majority. Only amendments tabled by the Commission shall be admissible. Within a period of three months, the Council may reject by a qualified majority the text adopted by the Parliament. No amendments shall be admissible." [14]

In reality the Parliament was not equal with the Council because the Council had the right of veto, and could reject the propositions of the Parliament.

Other important reform ideas

The other important reform ideas of the Draft Treaty were the followings: subsidiarity, transfer of competences from the member state level to the union level, multilevelism, precise division and definition of the competences belonging to the union and to member states.

The principle of subsidiarity [15]

Altiero Spinelli introduced the principle of subsidiarity in the EU's formal legal document, when he first led the European Commission to make a contribution to the Tindemans Report in 1975. Then he proposed to the European Parliament to adopt the

[14] BJW (1985): 316; OJEC (1984): 10-11; SF, http://www.spinellisfootsteps.info/treaty/38.html

[15] On the history of the idea of subsidiarity see: Bóka (2007)

principle of subsidiarity in the Draft Treaty on European Union.[16]

The Preamble of the Draft Treaty emphasised that to the union belonged only those competences which the union could solve better than the states and therefore the member states transferred to the union level.

> "Intending to entrust common institutions, in accordance with the principle of subsidiarity, only with those powers required to complete successfully the tasks they may carry out more satisfactorily than the States acting independently." [17]

Division and transfer of competences

All these meant, in practice, the division and transfer of competences between the union and the member states (Article 10, Part 2, Methods of Action):

> "1. To attain these objectives, the Union shall act either by *common actions* or by *cooperation* between the Member States; the fields within which each method applies shall be determined by this Treaty.
>
> 2. *Common action* means all normative, administrative, financial and judicial acts, internal or international, and the programmes and recommendations, issued by the Union itself, originating in its institutions and addressed to those institutions or to States, or to individuals.
>
> 3. *Cooperation* means all the commitments which the Member States undertake within the European Council. The measures resulting from cooperation shall be implemented by the Member States or by the institutions of the Union in accordance with the procedures laid down by the European Council." [18]

Transfer from cooperation to common action (Article 11) was possible by the fallowing way:

> "On a proposal from the Commission, or the Council of the Union, or the Parliament, or one or more Member States, the European Council may decide, after consulting the Commission and with the agreement of the Parliament, to bring those matters within the exclusive or concurrent competence of the Union."[19]

The Spinelli-draft expressed the meaning of the subsidiarity principle, in the case of defining competences (Article 12), in the following terms:

> "1. Where this Treaty confers exclusive competences on the Union, the institutions of the Union shall have such power to act; national authorities may only legislate to the extent laid down by the law of the Union. Until

[16] Endo (2001): 23.
[17] OJEC (1984):1; BJW (1985): 306; SF, http://www.spinellisfootsteps.info/treaty/preamble.html
[18] OJEC (1984): 4; BJW (1985): 309; SF, http://www.spinellisfootsteps.info/treaty/10.html
[19] OJEC (1984): 4; BJW (1985): 309; SF, http://www.spinellisfootsteps.info/treaty/11.html

the Union has legislated, national legislation shall remain in force.

2. Where this Treaty confers concurrent competences on the Union, the member States shall continue to act so long as the Union has not legislated. The Union shall only act to carry out those tasks which may be undertaken more effectively in common than by the Member States acting separately, in particular those whose execution requires action by the Union because their dimension or effects extend beyond national frontiers."[20]

The competences left to the Union by the specific articles of the Draft Treaty were sufficiently broad: monetary policy, sectorial policy (agriculture, transport, telecommunications, research and development, industry, energy), social and health policies, environmental policy, education and research policy, cultural policy, industrial policy. Spinelli proposed to extend the field of cooperation to defence, disarmament and foreign policies, too.[21]

Spinelli proposed the Draft Treaty Establishing the European Union in the interest of a democratic European parliamentary union representing the European citizens. His reform policy and the Draft Treaty Establishing the European Union started a new federalist élan in the European integration, with a major role given to subsidiarity. He emphasised that the federalists had to struggle against the nationalist interpretation of subsidiarity.

Conclusions

The Draft Treaty establishing the European Union was based on Spinelli's vision on the European Community and on a modern European Parliament.

Recognizing the results of the Monnet-method, Spinelli realised that the building of a federalist Europe could start from the level of economic sectoral integration. Therefore he wanted to revitalise the Monnet-method by proposing the completion of the internal market, the establishment of the European Monetary System, and the continuation of the sectoral integration policy. He hoped to renew the chain reaction, too.

Regarding European policy Spinelli accepted the intergovernmentalists as a democratic political opposition of the federalists. He accepted also the European Council as a necessary advisory body. As political organizational principle he proposed to accept the principle of subsidiarity. By subsidiarity he aimed to achieve a clear division of the competences between the union and the member states: the governments had to define precisely what belong to the member states, and what to the union. By this way the governments could safeguard sovereignty in all those fields what they could manage. But what was transferred to the supranational level they had to manage as union competences belonging to the sphere of the supranational institutions

[20] OEJC (1984): 5; BJW (1985): 309-310; SF, http://www.spinellisfootsteps.info/treaty/12.html
[21] OJEC (1985): 12-17; BJW (1985): 318-324. SF, http://www.spinellisfootsteps.info/treaty/

(European Parliament, European Commission, European Court of Justice). This was a vision of a two-level or multilevel European governance based on subsidiarity.

To realise the vision of an intergovernmental and supranational European Union based on subsidiarity and multilevelism, Spinelli emphasised the necessity of the institutional reform, first of all the reform of the European Parliament. He aimed to diminish the veto right of the Council, and strengthen the European Parliament as a legislative power. He struggled for equal rights for the Parliament with the Council by proposing ideas on a democratic co-decision procedure. This could lead to a bicameral parliamentary system. By strengthening the Parliament as European legislative power, Spinelli wanted to solve the democratic deficit of the European Community, and to involve the European citizens in the making of the European policy. He continued to believe that the establishment of a constitutional European parliamentary federation directed by a two chamber European Parliament as legislative would be necessary.

Spinelli's ideas expressed in the Draft Treaty Establishing the European Union influenced the establishment of the European Union by the Treaty on the European Union, in 1992. His ideas can be found in the Draft Constitution, 2004, and in the Treaty of Lisbon, 2007. The Treaty of Lisbon, 2007, for example, continued to shape the EU, essentially in line with the ideas of Spinelli on subsidiarity, multilevelism, and categories of competences (union competences, shared competences, and coordinated competences). In reality the European Union remained an unfinished federalist project, a compromise on a federalist project.[22] There is no two chamber European Parliament, equality between the European Parliament and the Council, and there is no federal governance. In this circumstances subsidiarity can be regarded as the substitute of a European governance. Its role is to keep in balance the supranational, the intergovernmental, the nationalist, and the chauvinist forces.

European integration is characterised by the dichotomy of centralization versus decentralization. It requires the wisdom to establish a balance between supranationalists and intergovernmentalist forces to avoid the still-stand of the integration process. Therefore to find the wise middle way between centralisation and decentralisation is the most important challenge for the European citizens.

Literature

Abbreviations

BJW (1985) = Bieber, R. - Jacqué, J-P. - Weiler J. H. H. (1985): *An Ever Closer Union. A Critical Analysis of the Draft Treaty Establishing the European Union*. Office for Official Publications of the European Communities, Luxembourg, 1985

OJEC (1984) = Draft Treaty Establishing the European Union. Official Journal of the European Communities, No C 77133, 14 February 1984, http://www.eurotreaties.com/spinelli.pdf

[22] Bóka (2013)

SF = Draft Treaty Establishing the European Union (Spinelli draft), Sinelli's Footsteps, http://www.spinellisfootsteps.info/treaty/

Bieber, R. - Jacqué, J-P. - Weiler J. H. H. (1985): *An Ever Closer Union. A Critical Analysis of the Draft Treaty Establishing the European Union*. Office for Official Publications of the European Communities, Luxembourg, 1985.

Bóka, É. (2010): Europe in Search of Unity in Diversity. Can Personalist Federalism and Multilevelism Manage Diversity? *ISES Füzetek* 14. Társadalomtudományok és Európa-tanulmányok Intézete, Szombathely-Kőszeg

Bóka, É. (2007): The Idea of Subsidiarity in the European Federalist Thought. *Grotius*, The Journal of the Institute of International Relations of the Corvinus University of Budapest, http://www.grotius.hu/publ/displ.asp?id=ECICWF

Bóka É. (2013): Búcsú a föderalizmustól? (Goodbye federalism?). In: Bóka É. (ed.) (2013): *Az EU: problémák és alternatívák (The EU: Problems and Alternatives)*, Grotius E-books 65, Budapest, http://www.grotius.hu/publ/displ.asp?id=HRMOMK

Draft Treaty Establishing the European Union. Official Journal of the European Communities, No C 77133, 14 February 1984, http://www.eurotreaties.com/spinelli.pdf

Draft Treaty Establishing the European Union, Sinelli's Footsteps, http://www.spinellisfootsteps.info/treaty/

Endo, K. (2001): Subsidiarity & its Enemies. To What Extent is Sovereignty Contested in the Mixed Commonwealth of Europe? *EUI Working Papers*, European University Institute, San Domenico (FI), 2001.

Griffiths, R. T. (2000): Europe's First Constitution. The European Political Community, 1952-1954. Federal Trust for Education and Research, London

Lipgens, W. (1968): Europa-Föderationsplane der Widerstandsbewegungen, 1940-45. R. Oldenbourg Verlag, München, 36-44.

Olivi, B. (2007): L'Europe difficile. La construction européenne. Gallimard, Paris

Palayret, J-M. (2008): Le premier Altiero Spinelli (1922-1945). In: Schirmann, S. (dir.) (2008): Robert Schuman et les Pères de l'Europe. Cultures politiques et années de formation. P.I.E. Peter Lang, Bruxelles, 325-339.

Spinelli, A. (1972): *The European Adventure. Tasks for the Enlarged Community*. Charles King & Co. LTD, London

Spinelli, A. (1983): *Towards the European Union*, Florence,13 June 1983. Sixth Jean Monnet Lecture, European University Institute, Florence

Vayssière, B. (2007): Vers une Europe fédérale? Les espoirs et les actions fédéralistes au sortir de la Second Guerre mondiale. P.I.E Peter Lang, Bruxelles

The Ventotene Manifesto, http://www.altierospinelli.org/manifesto/en/manifesto1944en_en.html