

T.C.
MARMARA ÜNİVERSİTESİ
AVRUPA TOPLULUĐU ENSTİTÜSÜ
AVRUPA BİRLİĐİ HUKUKU ANABİLİM DALI

STRUCTURE AND FUNCTIONS OF
THE EUROPEAN PARLIAMENT
AFTER 2004 ENLARGEMENT

YÜKSEK LİSANS TEZİ

Dilek ÇETİNKAYA

İstanbul – 2006

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ABSTRACT

This is a study about the structure and the functions of the European Parliament after the 2004 enlargement of the European Union. Initially it explores the historical background and institutional framework of the European Union, closely inspecting the treaty reforms influencing the European Parliament. It continues with the close inspection of the structure, powers and responsibilities of the European Parliament and with the study of two major events in 2004 having a great influence over the European Parliament, which are, namely, the 2004 enlargement of the European Union and the 2004 European Parliament elections. As a conclusion, the study argues that the 2004 enlargement poses new challenges for the European Parliament and that it may cause a certain level of slow-down in the decision-making process within the European Parliament.

ÖZET

Bu çalışma, Avrupa Birliği'nin 2004 Genişlemesinden sonra Avrupa Parlamentosu'nun yapısını ve işlevlerini incelemektedir. Çalışmanın ilk bölümünde Avrupa Birliği'nin tarihsel gelişimi ve kurumsal yapısı ele alınmış ve özellikle Avrupa Parlamentosu'nu etkileyen reformlar üzerinde durulmuştur. Ardından, Avrupa Parlamentosu'nun yapısı, yetkileri ve görevleri incelenmiş ve 2004 yılında Avrupa Birliğini etkileyen iki önemli olay, sırasıyla Avrupa Birliği'nin 2004 Genişlemesi ve 2004 Avrupa Parlamentosu seçimleri ele alınmıştır. Çalışmanın sonuç bölümünde, 2004 Genişlemesinin Avrupa Parlamentosu için yeni sorunlar yarattığı ve Avrupa Parlamentosu içindeki karar alma süreci üzerinde belli düzeyde bir yavaşlama yaratabileceği savunulmaktadır.

ABBREVIATIONS

ASEAN:	Association of Southeast Asian Nations
ACP countries:	African, Caribbean, Pacific countries
ALDE/ADLE:	Group of the Alliance of Liberals and Democrats for Europe
CEB:	Central European Bank
CEECs:	Central and Eastern European countries
CFI:	Court of First Instance
CFSP:	Common Foreign and Security Policy
CIA:	Central Intelligence Agency
CMEA:	Council for Mutual Economic Assistance
COCOBU:	Committee on Budgetary Control
CoR:	Committee of the Regions
COREPER:	Committee of Permanent Representatives
DG:	Directorate-General
EC:	European Community
ECJ:	European Court of Justice
ECSC:	European Coal and Steel Community
EDC:	European Economic Community
EEA:	European Economic Area
EEC:	European Economic Community
EESC:	European Economic and Social Committee
EFA:	European Free Alliance
EIB:	European Investment Bank
ELDR:	European Liberal, Democrat And Reformist Party
EMPA:	Euro-Mediterranean Parliamentary Assembly
EMU:	Economic and Monetary Union
EP:	European Parliament
EPC:	European Political Community
ESCB:	European System of Central Banks
ESDP:	European Security and Defence Policy
EU:	European Union
EURATOM:	European Atomic Energy Community
Europol:	European Police Office
Eurojust:	European Judicial Co-operation Unit
GUE-NGL:	Confederal Group of the European United Left-Nordic Green Left
ibid.:	from same source (Shortening of Latin <i>ibidem</i>)
IGC:	Inter-Governmental Conference
IND/DEM:	Independence/Democracy Group
ISPA:	Pre-Accession Instrument For Structural Policies
JHA:	Justice and Home Affairs
JPC:	Joint Parliamentary Committees
loc. cit.:	in the place cited (Shortening of Latin <i>loco citato</i>)
MEP:	Members of the European Parliament
NATO:	North Atlantic Treaty Organisation
NCBs:	National central banks
NGO:	Non-Governmental Organisation

NPAA:	National Programme for the Adoption of the Acquis
No:	Number
NTA:	Transatlantic Agenda
OECD:	Organization for Economic Co-operation and Development
OEEC:	Organisation for European Economic Co-operation
OLAF:	European Anti-Fraud Office
op. cit.:	in the text or texts quoted (Shortening of Latin <i>opus citatum</i> , or <i>opere citato</i>)
p.:	page
PCC:	Parliamentary Co-operation Committees
PES:	The Party of European Socialists
PHARE:	Programme of Community aid to the countries of Central and Eastern Europe
pp.:	pages
PPE-DE:	Group of the European People's Party (Christian Democrats) and European Democrats
PSE:	Socialist Group in the European Parliament
QMV:	Qualified Majority Voting
SAARC:	South Asia Association for Regional Co-operation
SAPARD:	Special Accession Programme for Agriculture and Rural Development
SEA:	Single European Act
SEM:	Single European Market
TCAs:	Trade and Co-operation Agreements
TEC:	Treaty Establishing the European Community
TEU:	The Treaty on European Union
TRNC:	Turkish Republic of Northern Cyprus
UEN:	Union for Europe of the Nations Group
UN:	United Nations
USSR:	Union of Soviet Socialist Republics
Verts/ALE:	Group of the Greens/European Free Alliance
Vol:	Volume
WEU:	Western European Union
WTO:	World Trade Organisation

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PREFACE

The aim of the study is to look closely the structure and the functions of the European Parliament after 2004 enlargement of the European Union. Evolving from a simply consultative organ into a co-legislator through the history of the European Union, the European Parliament has gained an incredible amount of powers. It is important to study the European Parliament as an institution within the European Union, whose number of member states has risen from 15 to 25 with the fifth enlargement in 2004. One of the most powerful effects of the 2004 enlargement has been on the European Parliament, since the number of members of the European Parliament has risen from 626 to 732.

The first chapter deals with the historical background and the institutional framework of the European Union, which is important for a better understanding of the evolution of the European Union and the European Parliament. It starts with the historical reasons and motives for the six founding states to found the European Union and continues with the founding treaties of the European Communities, namely, the Treaty Establishing the European Coal and Steel Community, the Treaty Establishing the European Economic Community, and the Treaty Establishing the European Atomic Energy Community. The first chapter then looks at the first amendments of the founding treaties of the European Communities, which are deemed important for the European Communities to develop and for the European Parliament to gain more power gradually throughout the history. While the 1965 Merger Treaty and the Council Decision of 21 April 1970 has strengthened the Community in financial aspects, the 1970 Luxembourg Treaty and the 1975 Luxembourg Treaty empowered the European Parliament in the budgetary procedure within the Communities. The Act of 20 September 1976 has been a newly-found source of legitimacy and the authority for the European Parliament by introducing the European Parliament's election by direct suffrage and laying down certain rules for these elections. The Single European Act was the first major amendment to the Treaty establishing the European Economic Community and it enhanced the European Parliament's powers by introducing the requirement of its assent when concluding an association agreement and also by instituting the co-operation procedure.

The establishment of the European Union is realised by the Treaties of Maastricht, Amsterdam and Nice, each of which have provided important institutional and political changes in the European Union. The Maastricht Treaty (the Treaty on European Union), which established the three-pillar structure, expanded the role of the European Parliament by creating the co-decision procedure and giving it the power of appointing an Ombudsman. The Amsterdam Treaty made a major revision about the application of the legislative procedures and enhanced the European Parliament's powers, through its abolition of the co-operation procedure and its extension of the co-decision procedure. It also limited the size of the European Parliament to 700 members. The Nice Treaty made amendments in the treaties in order to increase the maximum number of the member of the European Parliament to 732.

The Treaty Establishing a Constitution for Europe, or simply the Constitutional Treaty, which has not been ratified in all the member states of the European Union and thus has not entered into force, is an international treaty intended to create a constitution for the European Union in the form of a single document. It will provide that, if it is ratified and enters into force, the seats in the European Parliament are distributed on a degressively proportional basis. It will also empower the European Parliament in the decision-making of the European Union.

In the last part of the first chapter, the institutional structure of the European Union is considered. The main organs of the European Union (the European Commission, the Council of Ministers, the European Council, the European Parliament, and the Court of Justice) and the secondary/other institutions (the Economic and Social Committee, the Committee of Regions, the European Investment Bank, the European System of Central Banks and the Court of Auditors) are dealt with in this part, with a general overview.

The second chapter looks at the structure, powers and responsibilities of the European Parliament. It is important to study the institutional structure and powers of the European Parliament in order to fully understand its place and its powers within the European Union. This chapter starts with the President, the Bureau and the Political Bodies, which has the governing role over the internal work of the European Parliament and the Secretariat, which provides assistance to the European Parliament by co-ordinating the legislative works and meetings within the constraints of the

multilingualism and three different places of work. The second chapter continues with the detailed explanations about the committees and delegations within the European Parliament. While the committees are the key elements within the policy-making of the European Union on the part of the European Parliament, the delegations establishes links between the European Parliament and parliamentary bodies outside the European Union. Another important factor in the work of the European Parliament is the political groups. Although there are a number of non-attached members in the European Parliament, most of the Members of the European Parliament are members of one of the seven political groups in the European Parliament. The political groups have an important role and influence in the organisation and the legislative work within the parliament. The bigger the political groups is, the bigger the share it gets from the memberships, the rapporteurships and the chairmanships of the committees and delegations is; and thus the bigger the influence it exercise over the legislation and policy-making within the European Parliament and the European Union is.

The second chapter also takes a closer look to the Members of the European Parliament, who are the “key actors” within the European Parliament. There are 732 Members of the European Parliament elected in the 25 member states in 10–13 June 2004 elections. Their role within the Parliament, their capacity, their rights and obligations as the Member of the European Parliament are dealt with in detail.

The second part of the second chapter examines the powers and the responsibilities of the European Parliament. Initially the founding treaties only gave the European Parliament a consultative role in the adoption of legislation, but the European Parliament have fought to get an institutional balance with the Commission and the Council and it won a considerable success not only with the amendments made to the treaties; but also through the undertakings from the Commission and the Council and through the interpretations of the treaties. This part of the second chapter looks closely to the historical developments and the characteristics of the powers and the responsibilities of the European Parliament under three main subtitles: Under the subtitle “the European Parliament and the Legislation”, the legislative procedures (the consultation procedure, co-operation procedure, assent procedure, and co-decision procedure) by which the European Parliament tries and manages to effect the decision-making in the European Union are dealt with in detail. The subtitle stating “the

European Parliament and the Budget” examines the budgetary procedure and the ways in which the European Parliament exercise its power over the budget of the European Union. The third subtitle is “the European Parliament and Its Powers of Appointment and Dismissal”, under which the appointment of the Commission President and the College of Commissioners and the Dismissal of Commission, the appointment of the Executive Board of the European Central Bank, the Appointment of the Court of Auditors and the appointment of the European Ombudsman is discussed in detail. The fourth and the last subtitle “the European Parliament and its Supervisory Powers” examines the debates on statements, parliamentary questions, reports submitted to the European Parliament, budgetary control, scrutiny of executive decisions and implementing measures, committees of inquiry and judicial review as the ways of the European Parliament’s supervisory and control powers.

The third chapter intends to study the major events in 2004, which have a great influence over the European Parliament. The year 2004 was an important year both for the European Union and for the European Parliament. Ten countries became new member states of the European Union on 1 May 2004, increasing the number of member states from 15 to 25, in the biggest enlargement of the European Union. The European elections for the sixth term of European Parliament were held between 10–13 June 2004. This was the first European Parliament elections for the new member states and also the biggest election in the history of the European Union. A Constitution for Europe, which was adopted on 18 June 2004, was signed on 29 October 2004 by the Heads of State or Government of the 25 Member States and the 3 candidate countries. Another important event in the 2004 was the appointment of the new Commission. However, the third chapter tries to focus on the 2004 enlargement and 2004 elections, which had bigger effects on the European Parliament. The first part of the third chapter provides general information about the fifth and the biggest enlargement of the European Union, while the second part examines the results of the 2004 European Parliament elections.

The final part presents a conclusion for this study. It focuses on the effects of the 2004 enlargement on the European Parliament from the different perspectives. The conclusion provides that the 2004 enlargement poses new challenges for the European Parliament (such as increasing complexity of the Parliament’s work, the increasing

number of seats and of the members of the committees, the multiplicity of languages, increasing logistic and financial costs). It argues that the enlargement may cause a certain level of slow-down in the decision-making process within the European Parliament.

Following the conclusion, the tables and graphs, which are deemed useful for a better understanding of this study, are presented.

The appendix covers the Treaty of Accession which includes Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded. This Treaty is added in order to give a better in sight for the 2004 enlargement of the European Union.

I. CHAPTER

HISTORICAL BACKGROUND AND INSTITUTIONAL FRAMEWORK

No political system or organisation or a structure can be understood without setting it in its fully historical background or contexts. The structure of an organisation itself or of its organs, the nature and dynamics of the driving forces behind it; and the conducts and powers of it come into being through a highly complicated historical background. Therefore, in order to understand the current structure of the EU, we have to look back into history and understand the historical background and driving forces behind the EU (then the EC).

Deeply-Rooted Divisions

Throughout the history, Europe saw many divisions, conflicts, tensions, wars, and crises. The peoples and the states of Europe long differed and been divided from one another in many ways, such as language, religion, contrasting cultural traditions and historical experiences.¹ These divisions were backed up political and economic divisions. Throughout the Europe in 19. and 20. centuries, varying systems of governments occurred. These conflicting ways of governments made the nations or the leaders consider one another as uncompromising and hostile counterparts. Economic divisions also played an important role. Britain's dominance in the industrial and commercial areas was challenged by the newly developing countries such as Germany, France, and other European states and economic competition between the European countries became fierce.

The Two World Wars

The two devastating world wars were fought in the 20. century. Proposals for a greater co-operation in the Europe in the inter-war period were fruitless. The most

¹ "Language has been perhaps the obvious divisive force. Linguists may identify structural similarities between European languages, but the fact is that most people have not been able to, and still cannot, directly converse with one another. (Today, 24 per cent of the citizens of the European Union speak German as their first language, 17 per cent English, 17 per cent France, and 16 per cent Italian. In total, 53 per cent of EU citizens claim to be able to speak at least one European language in addition to their mother tongue, with 41 per cent claiming to know English [*Eurobarometer, 2001 Survey*]) Religion has been another source of division, with the northern countries (except Ireland) being mainly Protestant, and the southern countries (including France but excluding Orthodox Greece) being predominantly Catholic. Contrasting cultural traditions and historical experiences have further develop distinct identifications –and feeling of 'us' and 'them'– across the map of Europe". Neil Nugent, *The Government and Politics of the European Union*, Durham: Duke University Press, 2003, p. 3.

striking failure was *the League of Nations*. The League of Nations was established at the Paris Peace Conference in 1919 when its Charter was signed by 44 states, mostly by the European states. The League's goals included disarmament; preventing war through collective security; and settling disputes between countries through negotiation and diplomacy. The onset of the World War II made it clear that the League had failed in its primary purpose—to avoid any future world war.

After the World War II

The World War II was a turning point for the whole world, and especially for the Western Europe. Shortly after the end of the World War II, different initiatives were established to handle certain issues to pave the way for greater co-operation.

The USA announced its Marshall Plan due to the Europe's post-war economic problems and the threat of the Cold War. An organisation was needed to administer the Marshall Plan, which provided a scheme of financial aid for the re-construction of Europe after the World War II, and *the Organisation for European Economic Co-operation (OEEC)* was established in 1948 as an international organisation of those developed countries accepting the principles of representative democracy and a free market economy.²

In his speech at Zurich University in Switzerland on 19 September 1946, the British politician, Sir Winston Churchill, called for the *creation of a 'United States of Europe'*. According to Churchill's vision, a United States of Europe would be established as one of four United Nations (UN) pillars. Churchill's ideas were welcomed across Europe and provided the basis for the Congress of Europe in 1948. These ideas also earned Churchill a reputation as one of the pioneers of post-war European integration. The facts that many national and international foundations defending this idea and that these foundations were organised under a meta-organisation named 'Federation on European Movement Foundations', certainly, helped the idea of the 'European Union' become widespread in the intellectual base and rise high in the public esteem.³

² The name of the organisation was changed to "the Organisation for Economic Co-operation and Development (OECD)" in 1960.

³ Barış Özdal, Mehmet Genç, *Avrupa Güvenlik ve Savunma Politikası'nın Türkiye-AB İlişkilerine Etkileri*, İstanbul: Aktüel Yayınları, 2005, pp. 61-62.

The Western European Union was created in 1954 based on the earlier Brussels Treaty, which was signed in 1948. The Statute on *the Council of Europe* was signed in 1949 by Belgium, Denmark, France, Ireland, Italy, Luxembourg, The Netherlands, Norway, Sweden and the United Kingdom. At a special Conference convened in London in September 1954 and attended by the Brussels Treaty countries, the United States, Canada, the Federal Republic of Germany and Italy, it was decided to invite the latter two countries to join the Brussels Treaty. As a conclusion, Paris Agreements was signed in October 1954, which amended the Brussels Treaty and created Western European Union (WEU) as a new international organisation and provided for the Federal Republic of Germany and Italy to join. The main aims of the Council of Europe are to promote democracy and protect human rights. One of its first major achievements was the European Convention on Human Rights, signed in Rome on 4 November 1950 and came into force in 1953.

Another example for the co-operation is *the North Atlantic Treaty Organisation (NATO)*. NATO, sometimes called North Atlantic Alliance, Atlantic Alliance or Western Alliance, was set up as an international organisation for defence collaboration in 1949, in support of the North Atlantic Treaty signed by the United States, Canada, United Kingdom, France, Belgium, the Netherlands, Luxembourg, Denmark, Iceland, Italy, Norway and Portugal in Washington on 4 April 1949. The fundamental principle underpinning NATO is a common commitment to mutual co-operation among the Member States based on the indivisibility of their security. Article 5 of the NATO Treaty states that “the Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all. Consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.”

While the accession of some European states to the OECD and NATO which was established at the first phase and to the European Council which was established at the second phase created a field of application for developing the idea of co-operation

among these states; the establishment of the Council of Europe which was a whole way away from the functionalism for its aim of integration due to its founding treaty speeded up the activities of the *'federalist'* and *'functionalist'* groups and introduced the effective efforts of manufacturing the public opinion; this led to the acceptance of the will of 'federal Europe' in some of the national parliaments.⁴ On the grounds of these developments, the final and the most important move towards the greater co-operation among the European states occurred.

Jean Monnet, who was regarded as the architect of European Unity, and French Foreign Minister Robert Schuman, who was regarded as one of the founders of the European Union, provided great impetus for the co-operation in Western Europe. Both were ardent supporters of European unity, both believed that the OEEC and the Council of Europe –where anyone could be exempted from a decision– could not provide the necessary impetus.⁵ On 9 May 1950, with the agreement of Chancellor Konrad Adenauer of West Germany, Robert Schuman made a declaration in the name of the French government, which was prepared by Monnet. *The Schuman Declaration*, as it was called, proposed integration of the French and German coal and steel industries under joint control, a so-called High Authority, and open to the other countries of

⁴ Özdal, *ibid.*, pp. 68–69.

Federalism: The idea that the ever-lasting peace would guarantee only through a federation became popular in the countries, which was devastated most in the Second World War, and led to the birth of a European federalist movement in the mid-1940s. One of the wings of the movement, which was based in France emphasised the creation of a federalist composition having enough autonomy in the political area as well as economic and social areas. The other wing worked for a structuring which delivered the powers of national governments to a federal Europe and its Member States and had democratic institutions and federal powers in the common interest areas such as security and economy. (summarised from the Article "Federalism", In Desmond Dinan (ed.), *Avrupa Birliği Ansiklopedisi*, Vol: 2, Istanbul: Kitap Yayınevi, 2005, pp. 429–430.)

Functionalism: Functionalism is a classic regional integration theory, which assumed that the common need for the technocratic governing of economic and social policies gave raise to the formation of international organisations. By promoting economic welfare and thus gaining constitutional power gradually, these kind of organisations overcomes the strong oppositions against the international organisations. And, in the long-run, they turn into international governments, even though not into a real state. This concept of functionalism was popular in the 1950s. (summarised from the Article "Functionalism", In Dinan, *ibid.*, vol: 1, p. 53)

Also in their article "Functionalism and Federalism in the European Union", Alice-Catherine Carls and Megan Naughton defines functionalism and federalism, by stating that the 'two ideas in particular emerged as possible solutions to the wars that had so long plagued Europe' were "(1) building co-operation among countries through the integration of one or more highly important economic function shared by all of them (functionalism); and (2) directly establishing a European political federation (federalism)". ("Functionalism and Federalism in the European Union" *Public Justice Report*, Second Quarter, 2002, [http://www.cpjustice.org/stories/storyReader\\$724](http://www.cpjustice.org/stories/storyReader$724), date of access: 11 December 2005.)

⁵ Nugent, *op. cit.*, p. 34.

Europe. According to Schuman ‘Europe will not be made all at once, or according to a single plan... The coming together of the nations of Europe requires the elimination of the age-old opposition of France and Germany. Any action taken must in the first place concern these two countries... The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims’. The proposal laid down in the Schuman Declaration was based on two understanding interconnected with one another: on one hand, imposing unilateral sanctions on Germany was perceived as useless; but on the other hand, Germany was still considered as a potential threat to peace. Schuman had realised that the only way to get out of this dilemma was to bond Germany into the formation of a political and economic group of European states with sound bases.⁶ The Schuman Declaration paved the way for the creation of the European Coal and Steel Community.

1.1. FOUNDING TREATIES OF THE EUROPEAN COMMUNITIES

The treaties that founded the European Communities were the Treaty Establishing the European Coal and Steel Community, the Treaty Establishing the European Economic Community, and the Treaty Establishing the European Atomic Energy Community.

1.1.1. THE TREATY ESTABLISHING THE EUROPEAN COAL AND STEEL COMMUNITY (THE TREATY OF PARIS)

France, Germany, Italy, Belgium, Luxembourg and the Netherlands began negotiating a treaty based on the Schuman Declaration. The Treaty establishing the European Coal and Steel Community was signed in Paris on 18 April 1951 and entered into force on 24 July 1952, with a validity period limited to 50 years. The Treaty

⁶ Enver Bozkurt, Mehmet Özcan, Arif Köktaş, *Avrupa Birliği Hukuku*, Second Edition, Ankara: Asil Yayın Dağıtım, 2004, p.8–9.

expired on 23 July 2002 and its responsibilities and assets were considered to be carried out within the framework of the Founding Treaty of EC. This assumption was supported by a protocol annexed to the Nice Treaty.⁷

The mission of the European Coal and Steel Community, was ‘to contribute to economic expansion, the development of employment and the improvement of the standard of living in the participating countries through the institution, in harmony with the general economy of the member States, of a common market’⁸. *In order to achieve these aims*, ‘the Community must progressively establish conditions which will in themselves assure the most rational distribution of production at the highest possible level of productivity, while safeguarding the continuity of employment and avoiding the creation of fundamental and persistent disturbances in the economies of the member States’.⁹

The ECSC Treaty is established a High Authority, an Assembly, a Council of Ministers and a Court of Justice. *The High Authority* was the independent collegiate executive with the task of achieving the objectives laid down by the Treaty and acting in the general interest of the Community. It was made up of nine members (of whom not more than two of any one nationality) appointed for six years. It supervised the modernisation and improvement of production, the supply of products under identical conditions, the development of a common export policy and the improvement of working conditions in the coal and steel industries. The High Authority took decisions, made recommendations and delivered opinions. *The Assembly* was made up of 78 deputies, who were also representatives of the national Parliaments. The Treaty assigned supervisory power to this Assembly. *The Council* consisted of six representatives of the national governments. The Presidency of the Council was held by each Member State in turn for a period of three months. The role of the Council was to harmonise the activities of the High Authority and the general economic policy of the governments. The Council was set up mainly as a result of the Benelux Countries’ concern that if the High Authority had too much power and there was no forum through which the states could exercise some control, the ECSC might be too Franco–German

⁷ Bozkurt, *ibid.*, p. 15.

⁸ The Treaty Establishing the European Coal and Steel Community, Article 2.

⁹ The Treaty Establishing the European Coal and Steel Community, Article 2.

dominated.¹⁰ *The Court of Justice* consisted of seven judges nominated for six years by common agreement between the Member States. The Court, set up to settle the conflicts between the states, between the organs of the Community and between the states and the organs ensured that the law was observed in the interpretation and implementation of the Treaty.

The ECSC Treaty proved to be economically successful in its first years but later on everything turned the other way around due to the over-capacity in coal production crisis when the Member States refused to act together. But arguably the major problem with the ECSC was that as coal and steel declined in importance in relation to other energy sources, what increasingly was required was not so much policies for coal and steel in isolation, but a co-ordinated and effective Community energy policy.¹¹

However, the ECSC Treaty broke new ground in two principal ways. First, its policy aims were extremely ambitious, entailing not just the creation of a free trade area, but also laying the foundations for a common market in some of the basic materials of any industrialised society: coal, coke, iron ore, steel and scrap. This, it was hoped, would ensure orderly supplies to all member states, produce a rational expansion and modernisation of production, and improve the conditions and lifestyles of those working in the industries in question. Second, it was the first of the European inter-state organisations to possess significant supranational characteristics. These could be found in the new central institutions, prohibition of internal tariff barriers, state subsidies and special charges, and restrictive practices; fix prices under certain conditions; harmonise external commercial policy, for example by setting minimum and maximum customs duties on coal and steel imports from third countries; and impose levies on coal and steel production to finance the ECSC's activities.¹²

1.1.2. THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY (THE TREATY OF ROME)

The establishment of the ECSC was the first step towards a supranational Europe. For the first time the six Member States of this organisation relinquished part of their sovereignty, albeit in a limited domain, in favour of the Community. But as a

¹⁰ Nugent, op. cit., p. 36.

¹¹ Nugent, op. cit., p. 38.

result of the failure of European Defence Community¹³ in 1952 and of European Political Community¹⁴ in 1953, it was understood that it was impossible to reach a political integration without completing an economic integration and, therefore, the efforts towards the economic integration became intense.¹⁵

The Messina Conference of June 1955 added a new impetus to European construction. A preparatory committee responsible for drafting a report on the creation of a European common market was created at the beginning of 1956. In April 1956 the

¹² Nugent, op. cit., p. 35.

¹³ *The European Defence Community (EDC)*: In 1950, the Korean War and the Communist threat proved how pressing the need was for a European defence organisation that would necessarily include German armed forces. Moreover, the need for German rearmament was constantly repeated by American Government anxious to thwart the ambitions of Communism in Europe. The outbreak of the Korean War in June, which had made the Communist threat a reality, Jean Monnet sought to organise European defence on a supranational level comparable to that laid down in the Schuman proposal. Monnet was also trying to ensure that Germany, aware that its role was becoming increasingly indispensable, did not lose sight of the plan for a coal and steel pool or harden its position in the negotiations concerning it. He put his proposal to René Pleven, French Premier and former Minister of Defence. Pleven proposed that following the signature of the ECSC Treaty a European army be created, with the eventual involvement of German units, and that the whole come under a single military and political European authority. A treaty was signed in May 1952, but because of the failure to obtain a majority in the French Parliament, due to Gaullist fears that it threatened France's national sovereignty, the EDC was never ratified and the initiative collapsed. The EDC would have established a pan-European military, divided into national components. In this military, the French, Italian, German, Belgium, Dutch and Luxembourg components would report to their national governments, whereas the German component would report to the EDC. This was due to the fear of a return of German militarism, so it was desired that the German government would not have control over the German military. However, in the event of its rejection, it was agreed to let the German government control its own military in any case (something which this treaty would not have provided.) The EDC also provided for centralised military procurement. The EDC would have had a common budget, arms and institutions. (summarised from the web site of The European Navigator (ENA) site which is designed and developed by *the Centre Virtuel de la Connaissance sur l'Europe (CVCE)*, date of access: 10 December 2005, URL: <http://www.ena.lu/mce.cfm>.)

¹⁴ *The European Political Community (EPC)*: In parallel with negotiations on the shape of the EDC, the idea of a European Political Community (EPC) was developed. For, having abandoned all hope of ever seeing the Council of Europe become a real European political authority, the pro-Europeans looked for a new way of ensuring the development of a European political statute affording leadership and democratic control over the future European army. After the signing of the draft Treaty establishing the EDC on 30 May 1952, the Consultative Assembly of the Council of Europe asked the six governments to give the Common Assembly of the ECSC—destined to become the Assembly of the future EDC—the responsibility for drawing up a plan for an EPC. Adopted by the Assembly in March 1953, the draft treaty for the EPC was immediately put before the six Foreign Ministers of the ECSC. But reactions were rather guarded. Some thought that it was necessary first of all to set up the EDC before being able to tackle the establishment of a political community. Others deplored the dominance of parliamentary power and proposed the drafting of a new plan that would divide legislative power between the Executive Council and the Council of National Ministers. The plan then became the subject of lengthy diplomatic negotiations, which gradually tailed off. In the end, the refusal of the French National Assembly to ratify the Treaty establishing the EDC automatically led to the abandonment of the plan for an EPC. (summarised from the web site of The European Navigator (ENA) site which is designed and developed by *the Centre Virtuel de la Connaissance sur l'Europe (CVCE)*, date of access: 10 December 2005, URL: <http://www.ena.lu/mce.cfm>.)

¹⁵ Bozkurt, op. cit., p. 17.

committee submitted two drafts, which corresponded to the two options selected by the Member States: the creation of a general common market and the creation of an atomic energy community.

The Treaties of Rome were signed in March 1957. The first Treaty established the European Economic Community (EEC) and the second established the European Atomic Energy Community (EURATOM). These treaties entered into force on 1 January 1958.

In the preamble, the signatories declared that they are ‘determined to lay the foundations of an ever closer union among the peoples of Europe, resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe, affirming as the essential objective of their efforts the constant improvements of the living and working conditions of their peoples, recognising that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition; anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less-favoured regions; desiring to contribute, by means of a common commercial policy, to the progressive abolition of restrictions on international trade; intending to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations; resolved by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join in their efforts...’.

The aim of the Community was ‘by establishing a Common Market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increased stability, an accelerated raising of the standard of living and closer relations between its Member States’.¹⁶

For the purposes set out in the EEC Treaty, *the activities of the Community* included, under the conditions and with the timing provided for in the Treaty,

¹⁶ The Treaty establishing the European Economic Community, Article 2.

(a) the elimination, as between Member States, of customs duties and of quantitative restrictions in regard to the importation and exportation of goods, as well as of all other measures with equivalent effect;

(b) the establishment of a common customs tariff and a common commercial policy towards third countries;

(c) the abolition, as between Member States, of the obstacles to the free movement of persons, services and capital;

(d) the inauguration of a common agricultural policy;

(e) the inauguration of a common transport policy;

(f) the establishment of a system ensuring that competition shall not be distorted in the Common Market;

(g) the application of procedures which shall make it possible to co-ordinate the economic policies of Member States and to remedy disequilibria in their balances of payments;

(h) the approximation of their respective municipal law to the extent necessary for the functioning of the Common Market;

(i) the creation of a European Social Fund in order to improve the possibilities of employment for workers and to contribute to the raising of their standard of living;

(j) the establishment of a European Investment Bank intended to facilitate the economic expansion of the Community through the creation of new resources; and

(k) the association of overseas countries and territories with the Community with a view to increasing trade and to pursuing jointly their effort towards economic and social development'.¹⁷

The EEC Treaty established institutions and decision-making mechanisms, which made it possible to express both national interests and a Community vision. The institutional balance was based on a triangle consisting of the Council, the Commission and the European Parliament, all three of which were called upon to work together. Another body was also involved in the decision-making procedure in an advisory capacity, namely the Economic and Social Committee. *The Commission*, an independent college of the governments of the Member States; appointed by common agreement, represented the common interest. It had a monopoly on initiating legislation

and proposed Community acts to the Council of Ministers. As guardian of the treaties, it monitored the implementation of the treaties and secondary law. In this connection it had a wide assortment of measures to police the Member States and the business community. In the framework of its mission the Commission had the executive power to implement Community policies. *The Council of Ministers* was made up of representatives of the governments of the Member States and was vested with decision-making powers. The decisions were taken by using different voting procedures in the Council, according to the nature of the issue.¹⁸ *The Parliamentary Assembly* originally had only an advisory role and its members were not yet elected by direct universal suffrage. The Treaty provided for the creation of *the Court of Justice*.

There was no temporal limit established on the existence of the EEC Treaty, unlike the ECSC Treaty, which had a limited life span of 50 years.

In compliance with the Convention on Certain Common Institutions, signed and entered into force at the same time as the Treaty of Rome, the Parliamentary Assembly and the Court of Justice are common to the EEC Treaties and the EURATOM Treaty. With the entry into force of the Merger Treaty in 1967, the Council and the Commission become institutions shared by the three Communities (ECSC, EEC and EURATOM) and the principle of budgetary unity was imposed.¹⁹

¹⁷ The Treaty establishing the European Economic Community, Article 3.

¹⁸ “Voting in the Council was weighted, but its voting procedure would vary according to the nature of the issue... The issue of voting in Council is crucial to the nature and development of the Community, since, crudely speaking, it influences strongly whether intergovernmentalism –i.e. the interests of each of the Member States– or supranationalism –i.e. the overall interest of the Community– has greater sway. We will also see that legislative process and the different voting procedures for different matters under the Treaty are frequently arbitrary, representing the result of political bargaining and compromise in the course of negotiating the terms of an amending Treaty, rather than anything intrinsic to the issue being decided.” Paul Craig, Grainne de Burca, *The EU Law, Texts, Cases, and Materials*, Third Edition, Oxford: Oxford University Press, 2003, p. 12.

¹⁹ “It is worth to emphasise that the European Communities, (*despite their organic resemblance*) are different with regard to their spheres of duties, as well as with regard to their addresses. The reason is that, although the organs of the Communities were made common to all Communities through the Convention on Common Institutions of the European Communities, signed on 25 March 1957 in Rome and entered into force on 1 January 1958, and the Merger Treaty, signed on 8 April 1965 in Brussels and entered into force on 1 July 1967, the functions of the European Communities which they assumed within the framework of the founding treaties and which they assumed towards the integration are different from each other. However, despite all the differences we have mentioned, it is highly important to emphasise the facts that the founding treaties of the European Communities make each other complete with regard to their subjects, that the signatory states of all three founding treaties are the same six states and the institutional structures of all three founding treaties contain great resemblance.” Özdal, *op. cit.*, p. 68.

1.1.3. THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY (THE TREATY OF ROME)

The second one of the ‘Treaties of Rome’, signed in Rome in March 1957, established a European Atomic Energy Community (EURATOM).

In order to overcome the shortage of conventional energy in the 1950s, the six founding States looked to nuclear energy as a means of achieving energy independence and they joined together to form EURATOM.

The aim of the European Atomic Energy Community Treaty was ‘to contribute to the raising of the standard of living in Member States and to the development of commercial exchanges with other countries by the creation of conditions necessary for the speedy establishment and growth of nuclear industries’²⁰. The general aim of the EURATOM Treaty was to contribute to the formation and development of Europe’s nuclear industries, so that all the Member States can benefit from the development of atomic energy, and to ensure security of supply. The Treaty also guaranteed high safety standards for the public and prevents nuclear materials intended principally for civilian use from being diverted to military use. The EURATOM’s powers are limited to peaceful civil uses of nuclear energy.

For the attainment of its aims the Community shall, in accordance with the provisions set out in this Treaty:

- ‘(a) develop research and ensure the dissemination of technical knowledge,
- (b) establish, and ensure the application of, uniform safety standards to protect the health of workers and of the general public,
- (c) facilitate investment and ensure, particularly by encouraging business enterprise, the construction of the basic facilities required for the development of nuclear energy within the Community,
- (d) ensure a regular and equitable supply of ores and nuclear fuels to all users in the Community,
- (e) guarantee, by appropriate measures of control, that nuclear materials are not diverted for purposes other than those for which they are intended,
- (f) exercise the property rights conferred upon it in respect of special fissionable materials,

(g) ensure extensive markets and access to the best technical means by the creation of a common market for specialised materials and equipment, by the free movement of capital for nuclear investment, and by freedom of employment for specialists within the Community,

(h) establish with other countries and with international organisations any contacts likely to promote progress in the peaceful uses of nuclear energy’²¹.

In the preamble, the contracting parties stated that they realised the need for a common effort in the field of nuclear energy and that they wanted to create the environment necessary for the peaceful development of a nuclear industry providing energy supplies and well-being of the people.²²

The institutional structure of the EURATOM Treaty was similar to that of the EEC Treaty and was built around the same ‘institutional triangle’ (the Council, the Commission and the European Parliament). The Community institutions were responsible for implementing the Treaty and for the two specific EURATOM bodies: the Supply Agency and the Safeguards Office (which carried out physical and accounting checks in all nuclear installations in the Community).

However, and even more than with the EEC Treaty, differences between the states on key points resulted in the force of many of the provisions of these chapters [*of the EURATOM Treaty*] being watered down by exceptions and loopholes. The Treaty provisions aimed at a pooling and sharing of technical information and knowledge were greatly weakened –largely at French insistence– by provisions allowing for secrecy where national security was involved.²³

²⁰ Treaty establishing the European Atomic Community, Article 2.

²¹ Treaty establishing the European Atomic Community, Article 3.

²² The preamble of the EURATOM Treaty states that “His Majesty the King of the Belgians, the President of the Federal Republic of Germany, the President of the French Republic, the President of the Italian Republic, her Royal Highness the Grand Duchess of Luxembourg, her Majesty the Queen of the Netherlands, realising that nuclear energy constitutes the essential resource for ensuring the expansion and invigoration of production and for effecting progress in peaceful achievement, convinced that only a common effort undertaken without delay can lead to achievements commensurate with the creative capacities of their countries, resolved to create the conditions required for the development of a powerful nuclear industry which will provide extensive supplies of energy, lead to the modernisation of technical processes and in addition have many other applications contributing to the well-being of their peoples, anxious to establish conditions of safety which will eliminate danger to the life and health of the people, desirous of associating other countries with them in their work and of co-operating with international organisations concerned with the peaceful development of atomic energy, have decided to establish a European Atomic Energy Community (EURATOM)”.

²³ Nugent, *op. cit.*, p. 43.

1.2. THE FIRST AMENDMENTS OF THE FOUNDING TREATIES OF THE EUROPEAN COMMUNITIES

The first amendments done in the founding treaties of the European Communities were the 1965 Fusion Treaty (Merger Treaty), Council Decision 21 April 1970, 1970 Luxembourg Treaty, 1975 Brussels Treaty, the Act of 20 September 1976, the Single European Act.

1.2.1. 1965 FUSION TREATY (MERCER TREATY)

Signed on 8 April 1965 and entered into force on 1 July 1967, the Merger Treaty established a single European Commission and a single Council of Ministers for the three existing Communities—the European Coal and Steel Community, EURATOM and the European Economic Community. It also provided for a common budget of the Communities to replace the three separate budgets that existed before. The powers exercised by these merged bodies were still to be based on the Founding Treaties: in other words, the Treaties and the Communities themselves were not merged.²⁴ The Merger Treaty was an important step towards the complete integration of the three Communities.

1.2.2. COUNCIL DECISION OF 21 APRIL 1970

The 1970 decision on own resources put the Communities apart from other international organisations, which all rely for funding on contributions from their members. This Decision had key importance in the history of the Community budget. The Community was to be gradually given financial autonomy through the provision of own resources. Under the Treaty of Rome, the European Economic Community was to be financed by national contributions for a transitional period before changing over to a system of own resources. “Own resources” means a source of finance separate and independent of the Member States, some kind of tax revenue assigned once and for all to the Community to fund its budget and due to it by right without the need for any subsequent decision by the national authorities. The 1970 Decision marked the end of national contributions, through which the Member States had enjoyed some scope for

controlling the policies undertaken by the Communities, and the beginning of an independent system of financing by ‘traditional’ own resources (agricultural levies and customs duties) and a resource based on value added tax (VAT). Traditional own resources were considered as the ‘natural’ own resources, since they were revenue collected by virtue of Community policies rather than revenue obtained from the Member States as national contributions.²⁵

1.2.3. 1970 LUXEMBOURG TREATY

The Treaty of 22 April 1970 provided for a gradual increase in Parliament’s powers. Initially, up to 1974, Parliament was able to alter the breakdown of expenditure without changing the total; the Council could reject this by a qualified majority. After 1975 the provisions of the Treaty were substantially amended: Parliament’s powers of amendment were increased and depended on whether the expenditure was compulsory or non-compulsory. Parliament was given the ‘final word’ on non-compulsory expenditure, provided that it did not exceed the maximum rate of increase. Furthermore, it was the President of Parliament and no longer the President of the Council who was to declare the budget finally adopted. It was granted fiscal revenue in the form of agricultural levies, customs duties and a percentage of the VAT receipts collected in the Member States.

1.2.4. 1975 BRUSSELS TREATY

The Treaty of 22 July 1975 further developed and confirmed the approach adopted in 1970. In particular, Parliament’s power to reject the budget, which had been implicitly assumed by the Parliament and the Commission since the Treaty of Luxembourg, was now expressly laid down in the Treaty. The Parliament also gained power to act alone in granting discharge. Another main innovation of this treaty was the creation of the Court of Auditors whose job was to exercise budget control.

²⁴ Nugent, *op. cit.*, p. 57.

²⁵ In 1988, the Council decided to introduce a fourth own resource based on GNP, which was meant to replace VAT as the resource for balancing the budget. It was the ‘key’ resource, because it determined the cap on the VAT base, how the cost of the UK rebate was shared, and the ceiling on total resources under the financial perspective. Some other measures taken by the Community also gave rise to ‘specific resources’, such as taxes and contributions paid by staff, income from interest and guarantees, and other miscellaneous charges levied.

1.2.5. THE ACT OF 20 SEPTEMBER 1976 ²⁶

The Act of 20 September 1976 gave the European Parliament a new legitimacy and authority by introducing its election by direct universal suffrage by Community citizens. This act was a legal base for direct elections of the European Parliament and laid down certain rules for the parliamentary elections but did not increase the powers of the European Parliament in any direct way. The act left a number of other important issues to the discretion of individual Member States, pending the future adoption of a more comprehensive uniform electoral system.²⁷ According to the Act, the representatives (members) of the European Parliament were to be elected for a term of five years. The Act also stipulated that the elections should be held on the date fixed by each Member State; that for all Member States this date should fall within the same period and that if a Member State adopts a double ballot system for elections, the first ballot should take place during the period referred above. The first elections to the European Parliament by universal suffrage were held in June 1979. The elections were designed to change the basis of Community legitimacy directly by allowing citizens to take part in the decision-making process of the EEC.²⁸

1.2.6. THE SINGLE EUROPEAN ACT (THE SEA)

The Single European Act, signed in Luxembourg on 17 February 1986, was the first major amendment of the Treaty establishing the EEC. It entered into force on 1 July 1987.

Taken together, the Milan summit of June 1985 and the SEA are often described as heralding the ‘re-launch’ of European integration in that they provided the foundations for a considerable increase in the pace of integration after some years of, if not sclerosis as is sometimes claimed, slow integrationist advance.²⁹ *The underlying*

²⁶ The subject of direct universal suffrage of the European Parliament by the European citizens will be handled more boardly in the second chapter, while discussing the European Parliament in detail.

²⁷ Eren Kıcık, *How the European Parliament is Elected*, M.A. Thesis, Istanbul: Marmara University, European Community Institute, 2001, p. 3.

²⁸ While not a new power, direct elections granted the EP a new level of legitimacy, particularly vis-a-vis the other EU institutions as it became the only one directly linked to European citizens through elections. (Amie Kreppel, “Necessary but not Sufficient: Understanding the Impact of Treaty Reform on the Internal Development of the European Parliament”, *Journal of European Public Policy*, Vol: 10, No: 6, (December 2003), p. 887)

²⁹ Nugent, op. cit., p. 47. “The recent history of the EU is a history of treaty reforms. The Single European Act can be perceived as the starting point of this process for many reasons. It expanded the competencies

keystone SEA was to abolish all the obstacles on the way of establishing the Common Market in which the free movement of goods, persons, capital and services is in force and which hadn't been established although the EEC had reached to the success in Common Customs Union and Common Trade Policies.³⁰ But it was difficult to achieve this goal on the basis of existing treaties, due to the necessity of taking decisions unanimously at the Council for the harmonisation of legislation. This was the reason for the fact that the Inter-Governmental Conference (IGC) drawing up the SEA had a dual mandate. While it was seemed necessary to conclude an act relating to Common Foreign and Security Policy (CFSP) after the failure of the EDC, it was also necessary to amend the EEC Treaty, at the level of the decision-making procedure within the Council; the Commission's powers; the European Parliament's powers; and the extension of the Communities' responsibilities.

The preamble focused on the two objectives of revising the treaties, that is 'to improve the economic and social situation by extending common policies and pursuing new objectives, and to ensure a smoother functioning of the Communities by enabling the Institutions to exercise their powers under conditions most in keeping with Community interests'.

To facilitate the establishment of the internal market, the SEA provided for increasing the number of cases in which the Council can take decisions by *qualified majority voting (QMV)* instead of unanimity. This facilitated decision-making and avoided the frequent delays inherent to the search for a unanimous agreement among the twelve Member States. Unanimity was no longer required for measures designed to establish the Single Market, with the exception of measures concerning taxation, the free movement of persons, and the rights and interests of employed persons.³¹

of the former European Communities and it introduced the co-operation procedure, which offered the EP the possibility to influence EU legislative decision-making effectively. From a scientific point of view, the introduction of the co-operation procedure initiated a debate on the powers of the EP that centres around the relative importance of conditional agenda-setting and veto power." (Thomas König and Mirja Pöter, "Examining the EU Legislative Process-The Relative Importance of Agenda and Veto Power", *European Union Politics*, Vol: 2 No: 3, (February 2001), pp. 332-333)

³⁰ Bozkurt, op. cit., p. 24.

³¹ "Under its provisions, QMV was henceforth to apply to the single market, the free movement and health and safety of workers, capital movements with third countries, the remainder of transport policy (air and sea), and implementing decisions in regional policy, research and development policy, and environmental policy". (Anthony L. Teasdale, "The Politics of Majority Voting in Europe", *Political Quarterly*, April-June 1996, Vol: 62, No: 2, (April-June 1996), p. 104)

The SEA established *the European Council*, which formalised the conferences or summits of the Heads of State and Government. But the competences of this body were not specified. The European Council had no decision-making powers or powers of constraint vis-à-vis the other institutions.

Parliament's powers were enhanced by the inclusion of the requirement of the Parliament assent when concluding an association agreement. Besides, the SEA instituted *the co-operation procedure*, which reinforced the position of the European Parliament in interinstitutional dialogue and gave it the possibility of two readings of the proposed legislation. However the scope of application of this procedure remained limited to cases in which the Council acted by qualified majority, with the exception of environmental matters.

*The SEA clarified existing provisions concerning implementing powers.*³² The SEA also provided that Member States had to endeavour jointly to formulate and implement *a European foreign policy*. The presidency of the Council was responsible for initiating action and co-ordinating and representing the positions of the Member States in relations with third countries in this area.

The SEA created the *Court of First Instance*. All cases might be transferred to this court with the exception of preliminary rulings requested by the Member States or the institutions.

The SEA provided for *the transformation of the Common Market into a single market* on 1 January 1993³³. By creating new Community competencies and reforming the institutions, the SEA *opened the way to political integration* and Economic and Monetary Union (EMU) to be enshrined in the Treaty of Maastricht.

The SEA thus provided *a major boost to the European integration process*. It did so, on the one hand, by strengthening the treaty base for policy activity, most

³² Article 10 of the Single European Act stipulates that “Article 145 of the EEC Treaty shall be supplemented by the following provision: ‘—confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the Opinion of the European Parliament.’”

³³ Article 13 of the SEA stipulated that “The EEC Treaty shall be supplemented by the following provisions: ‘Article 8a ‘The Community shall adopt measures with the aim of progressively establishing the internal market over a period expiring on 31 December 1992’ ”.

particularly in respect of the completion of the internal market where a deadline was set. It did so, on the other hand, by strengthening the Community's institutional systems, especially in respect of the increased capacity of the Council of Ministers to take decisions by qualified majority voting and the increased legislative powers given to the European Parliament.³⁴ The SEA was tremendously significant for the EP and the EU as a whole. It set the stage for the rapid series of additional treaty reforms that followed including the upcoming 2004 IGC that may lead to the creation of a true constitution for Europe.³⁵ Thus, the SEA can be accepted as the starting point of the process of treaty reforms.

1.3. THE ESTABLISHMENT OF THE EUROPEAN UNION

The Maastricht Treaty, The Amsterdam Treaty and the Nice Treaty provide the turn from European Communities into European Union and the necessary reforms for this turn. These treaties have created important institutional and political changes in the European Union.

1.3.1. THE MAASTRICHT TREATY (THE TREATY ON EUROPEAN UNION)

The Treaty on European Union (TEU) or the Maastricht Treaty, as it is known, was signed in Maastricht on 7 February 1992 and entered into force on 1 November 1993.

Many of the Community's decision-making elites –both in Community institutions and in Member States– were disappointed with the SEA. It did not, they believed, sufficiently advance the process of the integration, so even before the SEA was ratified the view was being expressed in many influential quarters that further integration would soon be necessary.³⁶ These concerns and a number of external and internal factors during the second half of the 1980's led to the Maastricht Treaty. The external factors were the break-up of the Soviet Union increasing the fear about the uncertainty on the future of Europe, the collapse of communism in Eastern Europe

³⁴ Nugent, op. cit., p. 59.

³⁵ Kreppel, op. cit., pp. 887–888.

letting to the disappearance of the framework of foreign and defence policies of the West European states, and the German reunification raising the concerns about the German domination in the Community led to an effort to reinforce the Community's international position³⁷. The internal factors were the Member States' wish to supplement the progress achieved by the SEA with more reforms, the belief that the full benefits of the Single European Market (SEM) would be realised only with the EMU, and the increasing acceptance of the need for a 'social dimension' against the negative effects of the SEM and the problem of a 'democratic deficit'.

These concerns led to the convening of two IGCs, one on EMU and the other on political union. The Hanover European Council of 27–28 June 1988 gave the task of preparing a report proposing concrete steps towards economic union to a group of experts. The Rome European Council of 14–15 December 1990 launched the IGCs. A year later in the Maastricht Summit of 9–10 December 1991, TEU was signed.

TEU carried the European Community beyond its original economic objective (common market) and put its political ambitions to the foreground. In this context, the TEU responded to *five key goals*: strengthen the democratic legitimacy of the institutions; improve the effectiveness of the institutions; establish EMU; develop the Community social dimension; establish a CFSP.

The structure of the Maastricht Treaty was very complicated. The TEU was not a treaty re-writing of the existing treaties; but it consisted of the amendments and widening done in the revised structures.³⁸ *Its preamble* was followed by seven titles. *Title I* contained common provisions shared by the Communities, common foreign policy, and judicial co-operation. *Title II*, *Title III* and *Title IV* included the provisions amending the treaties establishing the EEC, the ECSC and the EURATOM, respectively. *Title V* included provisions concerning CFSP and *Title VI* introduced

³⁶ Nugent, op. cit., p. 60.

³⁷ "The Maastricht Treaty was essentially a political response by the EC and its member countries to German unification and the end of the cold war. In particular, it represents a bargain between the Community's two most important countries, Germany and France, each of whom viewed the agreement as a means of securing vital interests. For Germany, the treaty was necessary to assuage the fears of its EC partners about a more independent united Germany and to convince them of its unflinching commitment to the Community and European integration. For France, an agreement on monetary union was a means of integrating Germany even more firmly into European institutions and structures and of retaining some degree of leverage and control over its powerful neighbour". (Michael J. Baun, "The Maastricht Treaty as high politics: Germany, France, and European integration", *Political Science Quarterly*, Vol: 110, No: 4, (Winter 1995/96), p. 623.)

provisions on co-operation in the fields of Justice and Home Affairs (JHA). The final provisions were set out in *Title VII*. There were also various *protocols* to the Treaty and declarations adopted by Member States.

Apart from the detailed commitment to full economic and monetary union, the most striking feature of the TEU was the institutional change it brought about, *establishing the 'three-pillar' structure* for what was henceforth to be the European Union.³⁹ These three-pillars were the European Communities, CFSP and police and Co-operation in the Fields of JHA. While the provisions in the first pillar amended the Treaties of the three European Communities; the provisions in the second and the third pillars set the guiding principles and operating rules. *The first pillar* consisted of the EC, the ECSC and EURATOM and involved the domains in which the Member States share their sovereignty via the Community institutions. This was by far the most important pillar since it incorporated most of the EU's policy responsibilities.⁴⁰ The Community method applied here, meaning that the European Commission makes proposal, the Council and the European Parliament adopts the law and the Court of Justice monitors the compliance with the Community law. *The second pillar* established the CFSP. This replaced the provisions of the SEA and allowed Member States to take joint action in the field of foreign policy. CFSP has no geographical limitations. It does, however, have some political limitations.⁴¹ The reason for this was that some areas of foreign policy created special interests, which were important for some of the states and not so important for other states. Like EPC, CFSP remains outside the Treaty of Rome procedures, which govern the "Community" pillar.⁴² The CFSP pillar involved an intergovernmental decision-making process largely relying on unanimity. This was significant because, with certain limited exceptions, the Member States were committed to joint actions in the conduct of their activities.⁴³ The Council ensures that these principles are complied with; the Commission and Parliament have

³⁸ Dinan, op. cit., p. 161.

³⁹ Craig, op. cit., p. 22.

⁴⁰ Nugent, op. cit., p. 64.

⁴¹ Douglas Hurd, "Developing the CFSP", *International Affairs*, Vol: 70, No: 3, (July 1994) p. 423.

⁴² Hurd, loc. cit.

⁴³ Craig, op. cit., p. 25. Also, Nugent states that "this pillar was also extremely significant in that it introduced two important new elements into the West European integration process. First, although foreign policy remained essentially intergovernmental in character, nonetheless became potentially

limited roles and the Court of Justice has no effect in this area. *The third pillar* concerned co-operation in the field of JHA. It covered the rules and the exercise of controls on crossing the Community's external borders; combating terrorism, serious, drug trafficking and international fraud; judicial co-operation in criminal matters; creation of a European Police Office (Europol) with a system for exchanging information between national police forces; combating unauthorised immigration; common asylum policy. The Union was expected to undertake joint action so as to offer European citizens a high level of protection in the area of freedom, security and justice. The decision-making process in this pillar was intergovernmental, just as in the second pillar.

As with the CFSP pillar of the TEU, the significance of the JHA pillar lay not only in the substantive content of its provisions but also in the broader contribution it would make to the integration process in Europe. There were, as there were with the CFSP pillar, policy and institutional aspects to this. Regarding the policy aspects, a legal base was given to co-operation in areas of activity that in the past had either been dealt with purely on a national basis or had been the subject of only loose and informal co-operation between the Member States. Regarding the institutional aspects, whilst intergovernmentalism continued to prevail, a small element of supranationalism appeared with the possibility of qualified majority decisions on certain aspects of policy implementation.⁴⁴

The TEU provided institutional changes in the European Parliament and the qualified majority voting within the Council.

The TEU *expanded the role of the European Parliament*. The scope of the co-operation procedure and the assent procedure was extended to new areas. Besides, the Treaty created a new *co-decision procedure* allowing the European Parliament to adopt acts in conjunction with the Council.⁴⁵ This procedure entailed stronger contacts between the Parliament and the Council in order to reach agreement. This was considered as the most significant change made by the TEU to the Community. Besides,

subject to some QMV, if only for 'second order' decisions. Second, defence made its first formal appearance on the policy agenda, albeit somewhat tentatively." (Nugent, op. cit., p. 68.)

⁴⁴ Nugent, op. cit., p. 69.

⁴⁵ Unlike the co-operation procedure, however, which enabled a determined Council to ignore the European Parliament's expressed views, the co-decision procedure would allow the European Parliament, for the first time, to veto legislative proposals it did not wish to accept. (Nugent, op. cit., p. 65.)

the TEU involved the Parliament in the procedure for confirming the Commission. The Parliament also gained the right to request the Commission to initiate legislation and the power to block the appointment of the new Commission. The European Parliament was *to appoint an Ombudsman* to receive complaints from the citizens ‘covering instances of mal-administration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role’.⁴⁶

The duration of term of office of *the Commission* was extended from four to five years with a view to aligning it to with that of the European Parliament.⁴⁷ This Treaty [TEU] extended QMV to a number of new policy areas, including consumer protection, trans-European networks, education and vocational training, public health, a wider range of environmental matters, aspects of EMU and development policy, and (from 1996) visa policy.⁴⁸ In other words, like the SEA, the TEU extends *QMV within the Council* to cover most decisions under the co-decision procedure and all decisions under the co-operation procedure.

To recognise the importance of the regional dimension, the TEU created *the Committee of the Regions*, which was given an advisory role. It might issue an opinion on its own initiative in cases in which it considered such action appropriate.

⁴⁶ Article 195 of the Treaty establishing the EC and Article 107(d) of the Treaty establishing the EURATOM; also Article 20(d) of the Treaty establishing the ECSC, which expired on 23 July 2002. “The European Parliament shall appoint an Ombudsman empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role. In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he shall refer the matter to the institution concerned, which shall have a period of three months in which to inform him of its views. The Ombudsman shall then forward a report to the European Parliament and the institution concerned. The person lodging the complaint shall be informed of the outcome of such inquiries. The Ombudsman shall submit an annual report to the European Parliament on the outcome of his inquiries.”

⁴⁷ “An explicit change introduced by the Maastricht Treaty with highly significant implications was the extension of the Commission’s term of office from four to five years, and its synchronization with the European Parliament’s electoral cycle, with a six-month lag. Though the Treaty itself is silent, the clear implication is that it is within those six months that Parliament should give its opinion on the President-designate and confirm the proposed college in office”. (Martin Westlake, “The European Parliament’s Emerging Powers of Appointment”, *Journal of Common Market Studies*, Vol: 36, No: 3, (September 1998), p. 442)

⁴⁸ Teasdale, loc. cit., p. 104.

The Economic and Monetary Union drew the last lines over the single market. The objective of monetary policy was to create a single currency and to ensure this currency's stability thanks to price stability and respect for the market economy. The Treaty provided for the establishment of a single currency in *three successive stages*: the first stage, which liberalised the movement of capital, began on 1 January 1990; the second stage began on 1 January 1994 and provided for convergence of the Member States' economic policies; the third stage should begin by the latest on 1 January 1999 with the creation of a single currency and the establishment of a Central European Bank (CEB). Monetary policy was based on the European System of Central Banks (ESCB), consisting of the CEB and the national central banks.

Thanks to *the Social Protocol annexed to the Treaty*, Community powers were broadened in the social domain. This innovative treaty basis expanded 'Community' competence in a wide range of social policy issues. These include working conditions, the information and consultation of workers, equality between men and women with regard to labour market opportunities and treatment at work (as opposed to the previous focus on equal pay only), and the integration of persons excluded from the labour market.⁴⁹

One of the major innovations established by the TEU was *the creation of European citizenship over and above national citizenship*. Though symbolically significant, the practical effect of this was limited since the citizens of the Union would only 'enjoy the rights conferred by this Treaty'.⁵⁰ According to TEU, in short, every citizen who was a national of a Member State was also a citizen of the Union. This citizenship vested new rights in Europeans, such as the right to circulate and reside freely in the Community; the right to vote and to stand as a candidate for European and municipal elections in the State in which he or she resides; the right to protection by the diplomatic or consular authorities of a Member State other than the citizen's Member State of origin on the territory of a third country in which the state of origin is not represented; the right to petition the European Parliament and to submit a complaint to the Ombudsman.

⁴⁹ Gerda Falkner, "How Intergovernmental are Intergovernmental Conferences? An Example from the Maastricht Treaty Reform" *Journal of European Public Policy*, Vol: 9, No: 1, (February 2002), p.100.

⁵⁰ Nugent, op. cit., p. 64.

The TEU has established *the principle of subsidiarity* as a general rule.⁵¹ This principle specified that in areas that were not within its exclusive powers the Community should only take action where objectives could best be attained by action at Community rather than at national level.⁵²

The TEU was a key stage in the construction of the European unity.⁵³ The EC acquired a political dimension, by establishing the EU, by creating an economic and monetary union and by extending European integration to new areas. However, due of the future enlargement and the increasing need for institutional changes, the Member States inserted a revision clause in the Treaty. To this end, Article N provided for an IGC to be convened in 1996.

1.3.2. THE AMSTERDAM TREATY

The Amsterdam Treaty, known as a ‘vanishing Treaty’ since its provisions existed only to make amendments to the other existing Treaties and disappeared in effect once these changes were made, was signed in 1997 and came into effect on 1 May 1999.⁵⁴ It was the culmination of two years of discussion and negotiation in a conference of member state government representatives.

Former Article N of the TEU specifically required an IGC to be convened to review certain provisions. In the first half of 1995, each of the institutions prepared a report on the functioning of the EU Treaty. A Reflection Group worked on the possible

⁵¹ Article 5 of the Treaty establishing the EC (consolidated version following the Treaty of Nice) stipulates that “The Community shall act within the limits of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore, by reason of the scale or effects of the proposed action, be better achieved by the Community. Any action by the Community shall not go beyond what is necessary to achieve the objectives of this Treaty”.

⁵² But Anthony L. Teasdale argues that “The Maastricht Treaty as such does nothing explicitly to oblige either the European Commission or the Council of Ministers to take subsidiarity into account when proposing or enacting legislation. The whole burden of enforcing subsidiarity rests *ex post facto* with the European Court of Justice. The seemingly sensible suggestion that an intermediate, external body—perhaps a ‘Committee of Wise Men’ (senior ex-politicians and lawyers) reporting to the Council of Ministers—might subject each major draft proposal to a pre-legislative subsidiarity test, was rejected by the Political Union IGC”. (Anthony L. Teasdale, “Subsidiarity in Post-Maastricht Europe” *Political Quarterly*, Vol: 64, No: 2, (April–June 1993), p. 191).

⁵³ “The Maastricht Treaty was the most extensive treaty reform since the creation of the original European Economic Community. In many ways it represented a new era in European integration and not surprisingly resulted in a vast number of rules reforms within the EP. The technical nature of many of these revisions suggests the daunting nature of the treaty and the complexity of the new EU it created.” (Kreppel, *op. cit.*, p. 889)

options during the second half of 1995. Its report was presented to the Madrid European Council in December 1995. After consulting the Commission and the European Parliament, the Turin European Council formally opened the negotiations on 29 March 1996. A series of European Councils in Florence (21–22 June 1996) and Dublin (twice –5 October and 13–14 December 1996), and an informal Council in Noordwijk (23 May 1997) discussed the various proposals. After long negotiations, the Amsterdam Treaty was signed.

The Amsterdam Treaty had no great *projet* to guide and drive it, in the manner that the SEA had the SEM and the TEU had EMU. There was a major new EU *projet* in hand at the time of the negotiations on the Treaty –preparing for the anticipated accession of Central and Eastern European countries (CEECs)– but although this issue featured prominently in the ICG’s deliberations it was not placed centre stage in the Treaty itself.⁵⁵

The Amsterdam Treaty consisted of *three parts, an annex and thirteen protocols*. The IGC also adopted *fifty-one declarations* annexed to the Final Act. A further *eight declarations* by various Member States were also annexed to the Final Act. *The first part* covered the substantive amendments and comprises five articles. These included the amendments made to the TEU and to the founding treaties. *The second part* was about the simplification of the treaties establishing the European Communities and their annexes and protocols. *The third part* contained the general and final provisions of the Treaty. *The annex* to the Treaty contained the tables of equivalence for the renumbering of provisions of the Treaty on European Union and the Treaty establishing the European Community. There were *thirteen protocols* annexed to the Treaty.⁵⁶

Important subjects dealt with in the Amsterdam Treaty are freedom, security and justice; citizenship of the European Union; common foreign and security policy; the

⁵⁴ Craig, *op. cit.*, p. 29.

⁵⁵ Nugent, *op. cit.*, p. 73.

⁵⁶ Among them there were Protocol integrating the Schengen acquis into the framework of the European Union; Protocol on the application of the principles of subsidiarity and proportionality; Protocol on external relations of the Member States with regard to the crossing of external borders; Protocol on the institutions with the prospect of enlargement; Protocol on the location of the seats of the institutions and of certain bodies and departments of the European Communities and of Europol; Protocol on the role of national Parliaments in the European Union.

institutional changes; closer co-operation (flexibility); and simplification and the consolidation of the treaties.

In the areas of *freedom, security and justice*, the Amsterdam Treaty included the reaffirmation of the principle of respect for human rights and fundamental freedoms; a procedure for dealing with cases where a Member State committed a breach of the principles on which the Union is based; a more effective action to combat not only discrimination based on nationality but also discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation; new provisions on equal treatment for men and women. *To create an area for freedom, security and justice*, the Amsterdam Treaty introduced a new title headed “Visas, asylum, immigration and other policies related to free movement of persons”. Thus controls on the external borders, asylum, immigration and judicial co-operation on civil matters all now came under the first pillar and were begun to govern by the Community method. This left only the police and judicial co-operation in criminal matters under the third pillar. But the really important amendment produced by Amsterdam is the provision for a jurisdictional control in relation to police and judicial cooperation in criminal matters. In this respect, two articles are modified to allow the attribution of competence to the Court of Justice.⁵⁷ These two articles provided a greater ECJ jurisdiction over the third pillar matters.

The aim of *European citizenship* was to strengthen and consolidate European identity by greater involvement of the citizens in the Community integration process. The New Treaty did not extend the personal scope of the Union citizenship to long-term resident third country national. Nor did it introduce any significant changes to the material scope of the institution.⁵⁸ The Treaty completed the list of civic rights of Union citizens and clarified the link between national citizenship and European citizenship, stating that “Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship”⁵⁹. The citizens of the Union also gained “the right to petition to the

⁵⁷ Jimeno–Bulnes Mar, “European Judicial Co-operation in Criminal Matters”, *European Law Journal*, Vol: 9, No: 5, (December 2003), p. 619.

⁵⁸ Theodora Kostakopoulou, “European Citizenship and Immigration After Amsterdam: Openings, Silences, Paradoxes”, *Journal of Ethnic & Migration Studies*, Vol: 24, No: 4, (October 1998), p. 648.

⁵⁹ Article 17 of the EC Treaty, consolidated by the Treaty of Amsterdam.

European Parliament or to apply to the Ombudsman” and also the right to “write to any of the institutions or bodies” in one of the languages of the Treaties and to receive an answer in the same language.⁶⁰

The Amsterdam Treaty made a number of changes to the second pillar (*CFSP*), but did not greatly alter its structure. First and foremost, the CFSP’s capacity for action has been reinforced by the Amsterdam Treaty through the introduction of more coherent instruments and more efficient decision-making.⁶¹ The main CFSP policy instruments were defined more clearly⁶². It was now possible to adopt measures by a qualified majority vote, with the dual safeguards of “constructive abstention” and the possibility of referring a decision to the European Council if a member state resorts to a veto. The Secretary-General of the Council was assigned *the role of High Representative for the CFSP* in order to give CFSP a higher profile and to make it more coherent. He or she was given responsibility for assisting the Council in CFSP-related matters by contributing to the formulation, preparation, and implementation of decisions. By a declaration attached to the Treaty, *a Policy Planning and Early Warning unit* was established in the Council Secretariat under the responsibility of the High Representative for the CFSP. As another change in the field of CFSP, the “Petersberg tasks”⁶³ were incorporated into the EU Treaty. The Amsterdam Treaty also addressed the problem of financing the CFSP, providing for expenditure on CFSP operations to be financed from the Community budget. The budgetary process thus became an arena in which the European Parliament –whose formal powers in relation to the CFSP remained weak– could exert a significant policy influence.⁶⁴

Major revisions about the institutional matters done by the Amsterdam Treaty were about the application of the legislative procedures. The Treaty provided for the virtual abolition of the co-operation procedure (which was restricted to the decisions

⁶⁰ Article 21 of the EC Treaty, consolidated by the Treaty of Amsterdam.

⁶¹ However, “The Amsterdam Treaty lacks the *mutual assistance clauses* included in the NATO and–now defunct–Western European Union (WEU) Treaties. In addition, there is still not a comprehensive recognition that human rights should be considered to be of major importance in the CFSP.” (Neil Winn, “CFSP, ESDP, and the Future of European Security: Whither NATO?” *Brown Journal of World Affairs*, Vol: 9, No: 2, (Winter/Spring 2003), p.152.)

⁶² The main CFSP policy instruments defined in the Amsterdam Treaty were joint actions, common positions, common strategies and strengthened systematic co-operation between member states.

⁶³ Petersberg task can be classified as humanitarian and rescue tasks, peacekeeping tasks, and tasks of combat forces in crisis management, including peacekeeping

⁶⁴ Nugent, op. cit., p. 76.

relating to EMU) and a substantial extension of the co–decision procedure, thus giving the Parliament equal legislative powers with the Council. The scope of the co–decision procedure involving both Parliament and the Council, was widened substantially.⁶⁵ The only exceptions were agriculture and justice and home affairs. The reform and the expansion of the co–decision procedure was the most important aspect of the Amsterdam Treaty from the perspective of the EP. In addition, the endgame of the codecision procedure was simplified to the benefit of the EP. Whereas previously if no joint decision could be reached the Council was free to revert to its previous common position and to submit that to the EP as a whole for approval, after Amsterdam the absence of a joint decision in the Conciliation Committee meant the failure of the proposal.⁶⁶ This helped the European Parliament to gain greater bargaining leverage in the legislative process and in the Conciliation Committee.

The Treaty of Amsterdam limits *the size of the European Parliament* to 700 members. This figure was not to be exceeded even when the EU was enlarged to include the countries of Central and Eastern Europe. The European Parliament’s role in respect of the approval of the President and other members of the Commission was also strengthened.

The Treaty of Amsterdam also made some changes in *the size of the Council*. The underlying idea behind this change was to revise the Community system so that the relative influence of the small and medium–sized countries should not become disproportionate to the size of their population. The use of QMV in the Council was extended in many ways.⁶⁷

⁶⁵ The co–decision procedure has been extended to cover the following areas: prohibition of any discrimination on grounds of nationality; right to move and reside freely within the territory of the European Union; social security for migrant workers; right of establishment for foreign nationals; arrangements for the professions; implementation of the common transport policy; incentives for employment; certain provisions from the “Social Agreement” incorporated into the EC Treaty by the Treaty of Amsterdam; customs co–operation; measures to combat social exclusion; equal opportunities and equal treatment; implementing decisions relating to the European Social Fund; vocational training; public health; certain provisions relating to trans–European networks; implementing decisions relating to the European Regional Development Fund; research; environment; development co–operation; transparency; measures to combat fraud; statistics; establishment of an advisory body on data protection.

⁶⁶ Kreppel, *op. cit.*, p 890.

⁶⁷ Use of qualified majority voting has been extended to cover the following provisions: the co–ordination of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals (right of establishment); the adoption or amendment of the framework programme for research; the setting–up of joint undertakings for research and technological development; guidelines on employment; adoption of incentive measures for employment; adoption of measures to strengthen

The size of the Commission is determined by the Protocol on the Institutions with the Prospect of Enlargement of the European Union, which was annexed to the Treaty of Amsterdam.⁶⁸ The Treaty strengthened President's position in exercising his function through submitting his/her nomination for approval of the Parliament. The Treaty would also strengthen the President's role by providing that he/she would enjoy broad discretion in the allocation of tasks within the Commission, as well as in any reshuffling of those tasks during a Commission's term of office.

The powers of the Court of Justice were widened by the Treaty of Amsterdam. It now had jurisdiction in areas that previously laid outside its competence, but where there was a need to protect individual rights, i.e. fundamental rights; asylum, immigration, free movement of persons and judicial co-operation in civil matters; police and judicial co-operation in criminal matters.

About the issue of *closer co-operation (flexibility)*, Amsterdam Treaty incorporated new provisions into the first and third pillars to allow some of the Member States –but constituting ‘at least a majority’– to establish closer co-operation between them, and for this purpose to be able to make use of the EU's institutions, procedures and mechanisms. Flexibility of this kind was to be used only as a result and was made subject to various restrictions: it should not affect the *acquis communautaire* and it should be open to all member states.⁶⁹ Despite being one of the most noteworthy changes introduced into EC law by the Amsterdam Treaty, the most striking feature of

customs co-operation between Member States and between them and the Commission; measures to combat social exclusion; adoption of measures to ensure the application of the principle of equal opportunities and equal treatment of men and women; promotion of public health; the determining of general principles governing the right of access to European Parliament, Council and Commission documents; measures to combat fraud affecting the financial interests of the Community; adoption of measures on the establishment of statistics; establishment of an independent supervisory body responsible for monitoring processing of personal data; laying down the conditions governing the application of the EC Treaty to the outermost regions.

⁶⁸ Article 1 “At the date of entry into force of the first enlargement of the Union, notwithstanding Article 213(1) of the Treaty establishing the European Community, Article 23(1) of the Treaty establishing the European Coal and Steel Community and Article 149(1) of the Treaty establishing the European Atomic Energy Community, the Commission shall comprise one national of each of the Member States, provided that, by that date, the weighting of the votes in the Council has been modified, whether by re-weighting of the votes or by dual majority, in a manner acceptable to all Member States, taking into account all relevant elements, notably compensating those Member States which give up the possibility of nominating a second member of the Commission”.

Article 2: “At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions”.

the closer co-operation provision was the fact that it was never actually used before being amended by the Nice Treaty.⁷⁰

For the *simplification and consolidation of the Treaties* in order to make Europe more accessible to the European citizens, a number of redundant articles were repealed from the founding Treaties. Consolidation was deemed necessary because the setting and the numbering of the existing treaties was already, and after the Amsterdam Treaty would be even more so, extremely confusing to all but the most informed practitioners and experts.⁷¹

The 1997 Amsterdam Treaty was neither as far-reaching nor as ambitious as either the SEA or Maastricht Treaty. Indeed for Euro-enthusiasts it was something of a disappointment in that it did not complete what it had been intended to be its main job, namely adjusting the composition of the EU's institutions in preparation for enlargement.⁷² Nonetheless, it was significant for the integration process in that, like the SEA and the Maastricht Treaty, it too carried policy and institutional deepening forward, albeit more modestly.⁷³ Unlike the TEU, for which there were high hopes and bold plans after the dynamism of the 1980s, and which almost foundered on its own ambitions, the mood leading up to the Amsterdam IGC was considerably more cautious, certain lessons having been learned from the popular opposition to Maastricht and from the difficult ratification process. The aims of the 1996 IGC were more modestly stated and the Amsterdam Treaty was declared to be about consolidation rather than extension of Community powers, about enhancing effectiveness rather than expanding competence.⁷⁴

⁶⁹ Nugent, op. cit., p. 78.

⁷⁰ Craig, op. cit., p. 33.

⁷¹ Nugent, op. cit., p. 78.

⁷² "The reforms of the Amsterdam Treaty were much less far-reaching than Maastricht had been and were intended, in some ways, to complete some of the institutional reforms begun in Maastricht. In the end, however, Amsterdam ended up leaving almost as many loose ends as it resolved". (Kreppel, op. cit., p. 892)

⁷³ Nugent, op. cit., p. 47.

⁷⁴ Craig, op. cit., p. 29.

1.3.3. THE NICE TREATY

The Treaty of Amsterdam made specific provisions for the IGC 2000 in its Protocol on the Institutions with the Prospect of Enlargement of the European Union.⁷⁵ Preparation for the IGC began in October 1999 when, at the request of the Commission, the group of high-level experts presented its report on the institutional implications of enlargement. Following the report, on 26 January 2000, the Commission presented its opinion. After consultation of the Commission and Parliament, the conference of Member States' government representatives opened on 14 February 2000.⁷⁶ The Treaty of Nice, agreed by the Heads of State or Government at the Nice European Council on 11 December 2000 and signed on 26 February 2001, is the culmination of all these efforts. It was essentially devoted to the 'Amsterdam leftovers', the institutional problems about enlargement which were not be able to resolve in 1997: these problems were the size and the composition of the Commission, the weighting of votes in the Council, the extension of the areas of QMV, and the use of the enhanced co-operation procedure. The Treaty of Nice entered into force on 1 February 2003.

The structure of Nice Treaty consists of *two parts* and *four Protocols*. In addition, the IGC adopted 24 *declarations* and took note of three more from different Member States also annexed to the Final Act. *The first part* included the most substantive amendments done to the existing treaties. *The second part* included the transitional and final amendments. *Four Protocols* were annexed to the Treaties.⁷⁷

⁷⁵ Article 2 of the Protocol stipulates that "At least one year before the membership of the European Union exceeds twenty, a conference of representatives of the governments of the Member States shall be convened in order to carry out a comprehensive review of the provisions of the Treaties on the composition and functioning of the institutions."

⁷⁶ At the Intergovernmental Conference held at Nice during December 2000, EU Member States displayed a new effort to introduce institutional changes which would prepare the Union for the upcoming admission of 12 candidate states. The most important results of the intense debate about institutional change is how the future votes of the candidate countries in the European Parliament and Council of Ministers of the European Union will be determined and how the vote and seat shares of current Member States will be adjusted accordingly. Furthermore, the summit also introduced changes to the decision-making rules in the Council. It is clear that these decisions will have significant consequences for power distribution within the decision-making organs of the Union. (Fuad Aleskerov, Gamze Avci, and Viatcheslav Iakouba, "European Union enlargement: Power distribution implications of the new institutional arrangements", *European Journal of Political Research*, Vol: 41, No: 3, (May 2002), pp. 379–380)

⁷⁷ The important ones among these were the Protocol on the enlargement of the European Union dealing with the composition of the European Parliament and the Commission and the weighting of votes in the Council and the Protocol on the Statute of the Court of Justice and the Court of First Instance.

Institutional Questions addressed in the Nice Treaty included amendments done in the areas of the weighting of the votes in the Council of European Union, the size and the composition of the Commission, the number of seats in the European Parliament, and changes in the Economic and Social Committee, Committee of Regions, The Court of Auditor and the European Central Bank.

The weighting of votes in the Council of the European Union was one of the “leftovers from Amsterdam”. The aim of the Treaty of Nice was to prepare the European institutions for the forthcoming enlargement of the EU. The Treaty therefore contained provisions adaptable to the various possible scenarios because, during the time it was drafted and concluded, it was not yet possible to predict exactly which candidate countries would complete their negotiations and when. The Treaty of Nice stipulated a new weighting of votes within the Council for the 15 current Member States.⁷⁸

⁷⁸ According to the Article 3 of the Protocol on the Enlargement of the European Union, 1. On 1 January 2005; (a) in Article 205 of the Treaty establishing the European Community and in Article 118 of the Treaty establishing the European Atomic Energy Community, paragraph 2 shall be replaced by the following: “Acts of the Council shall require for their adoption at least 169 votes in favour cast by a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission. In other cases, for their adoption acts of the Council shall require at least 169 votes in favour, cast by at least two-thirds of the members.” And the following paragraph 4 shall be added: “When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.” (b) In Article 23(2) of the Treaty on European Union, the third subparagraph shall be replaced by the following text: “The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 169 votes in favour cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.” (c) In Article 34 of the Treaty on European Union, paragraph 3 shall be replaced by the following: “Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 205(2) of the Treaty establishing the European Community, and for their adoption acts of the Council shall require at least 169 votes in favour, cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62 % of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.” 2. At the time of each accession, the threshold referred to in the second subparagraph of Article 205(2) of the Treaty establishing the European Community and in the second subparagraph of Article 118(2) of the Treaty establishing the European Atomic Energy Community shall be calculated in such a way that the qualified majority threshold expressed in votes does not exceed the threshold resulting from the table in the Declaration on the enlargement of the European Union, included in the Final Act of the Conference which adopted the Treaty of Nice.”

The new definition of qualified majority comprised another innovation. Where The Council is required to act by a qualified majority, “acts of the Council shall require at least: a) 62 votes in favour where this Treaty requires them to be adopted on a proposal from the Commission, or b) 62 votes in favour, cast by at least 10 members, in other cases.”⁷⁹ This provision is additional to the other conditions needed for the adoption of an act (qualified majority of votes and majority of Member States). The Accession Treaty, signed on 16 April 2004 in Athens, with the ten new Member States amended some of the provisions of the Treaty of Nice: the date of entry into force of the new weighting of votes is brought forward to 1 November 2004 to coincide with the taking of office of the new Commission.

The size of the European Commission was another “leftover from Amsterdam”. The Protocol on the enlargement of European Union clarified this.⁸⁰

The Treaty of Nice strengthened the role of *the President of the Commission* by giving him or her the power to decide on the internal organisation of the Commission for ensuring consistent and efficient work on the basis of collegiality.

⁷⁹ Article 205 of the Treaty establishing the EC, consolidated version. This Article was amended, on 1 January 2005, in accordance with the Protocol on the enlargement of the European Union

⁸⁰ Article 4 of the Protocol on the enlargement of the European Union:

1. On 1 January 2005 and with effect from when the first Commission following that date takes up its duties, Article 213(1) of the Treaty establishing the European Community and Article 126(1) of the Treaty establishing the European Atomic Energy Community shall be replaced by the following:

“1. [...] The Commission shall include one national of each of the Member States. The number of Members of the Commission may be altered by the Council, acting unanimously.”

2. When the Union consists of 27 Member States, Article 213(1) of the Treaty establishing the European Community and Article 126(1) of the Treaty establishing the European Atomic Energy Community shall be replaced by the following:

“1. [...] The number of Members of the Commission shall be less than the number of Member States. The Members of the Commission shall be chosen according to a rotation system based on the principle of equality, the implementing arrangements for which shall be adopted by the Council, acting unanimously. The number of Members of the Commission shall be set by the Council, acting unanimously.” This amendment shall apply as from the date on which the first Commission following the date of accession of the twenty-seventh Member State of the Union takes up its duties.

3. The Council, acting unanimously after signing the treaty of accession of the twenty-seventh Member State of the Union, shall adopt: the number of Members of the Commission and the implementing arrangements for a rotation system based on the principle of equality containing all the criteria and rules necessary for determining the composition of successive colleges automatically on the basis of the following principles: (a) Member States shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as Members of the Commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one; and (b) subject to point (a), each successive college shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States of the Union.

4. Any State, which accedes to the Union, shall be entitled, at the time of its accession, to have one of its nationals as a Member of the Commission until paragraph 2 applies.

As for *the European Parliament*, The Nice Treaty made amendments in the existing treaties to increase the maximum number of Parliament members to 732. At the time the Nice Treaty was concluded, it was not yet possible to establish exactly which of the candidate countries would be capable of concluding their negotiations or on what date enlargement would take effect (in one wave or several). Protocol on the enlargement of the European Union annexed to the Treaty created provisions in order to clarify the uncertainties in this area.⁸¹

The other significant institutional reform that affects the European Parliament pertains to the Commission. The Nice Treaty modified *the selection process of the Commission and Commission President*. From February 2003 forward the President of the Commission is now selected by the Council and then *approved by the European Parliament*. Afterwards the Council in conjunction with the newly elected Commission President will select the rest of the Commissioners, once again to be approved by the European Parliament.⁸² This increases the role of the Parliament in the selection and approval process of both the Commission President and the other Commission members, since the word ‘approve’ has a strong meaning.

⁸¹ Article 2 of the Protocol on the Enlargement of the European Union: “1. On 1 January 2004 and with effect from the start of the 2004–2009 term, in Article 190(2) of the Treaty establishing the European Community and in Article 108(2) of the Treaty establishing the European Atomic Energy Community, the first subparagraph shall be replaced by the following: “The number of representatives elected in each Member State shall be as follows: Belgium 22, Denmark 13, Germany 99, Greece 22, Spain 50, France 72, Ireland 12, Italy 72, Luxembourg 6, Netherlands 25, Austria 17, Portugal 22, Finland 13, Sweden 18, United Kingdom 72.

2. Subject to paragraph 3, the total number of representatives in the European Parliament for the 2004–2009 term shall be equal to the number of representatives specified in Article 190(2) of the Treaty establishing the European Community and in Article 108(2) of the Treaty establishing the European Atomic Energy Community plus the number of representatives of the new Member States resulting from the accession treaties signed by 1 January 2004 at the latest.

3. If the total number of members referred to in paragraph 2 is less than 732, a pro rata correction shall be applied to the number of representatives to be elected in each Member State, so that the total number is as close as possible to 732, without such a correction leading to the number of representatives to be elected in each Member State being higher than that provided for in Article 190(2) of the Treaty establishing the European Community and in Article 108(2) of the Treaty establishing the European Atomic Energy Community for the 1999–2004 term.

The Council shall adopt a decision to that effect.

4. By way of derogation from the second paragraph of Article 189 of the Treaty establishing the European Community and from the second paragraph of Article 107 of the Treaty establishing the European Atomic Energy Community, in the event of the entry into force of accession treaties after the adoption of the Council decision provided for in the second subparagraph of paragraph 3 of this Article, the number of members of the European Parliament may temporarily exceed 732 for the period for which that decision applies. The same correction as that referred to in the first subparagraph of paragraph 3 of this Article shall be applied to the number of representatives to be elected in the Member States in question.”

⁸² Kreppel, loc. cit.

The Nice Treaty altered the provisions concerning *the European Economic and Social Committee*, determining the socio-professional origin of the organised civil society representatives to include a new category representing consumers. The Treaty laid down the new composition of the Committee, setting the maximum number of members at 350.

The composition of the *Committee of the Regions* and the distribution of seats between Member States was decided to be the same as for the European Economic and Social Committee. The Treaty of Nice set the same maximum number of members (350 members). Under the amendments done by the Treaty of Nice, sitting on the Committee of the Regions now depended on holding a regional or local authority electoral mandate or being politically accountable to an elected assembly and that term of office of members of the Committee should terminate automatically when the mandate on the basis of which they were appointed came to an end.

The Treaty set the number of Members of *the Court of Auditors* at one per Member State.

The Nice Treaty amended the Protocol on the Statutes of *the European System of Central Banks and the European Central Bank* and stipulated that the provisions on the voting rights of the Governors of the national central banks on the Governing Council might be amended by the Council meeting in the composition of the Heads of State or Government, acting unanimously.

The reforms aiming to improve the operation of the judicial system of the EU concerned mainly the composition of the Court of Justice and the Court of First Instance, the division of jurisdiction between them, the arrangements for adopting their Statute and their rules of procedure and the handling of disputes regarding Community industrial property rights. The Statute of the *Court of Justice* was amended by the Nice Treaty to reorganise its internal structure as a response to the increase in the number of judges (one judge from each Member States) as a result of the forthcoming enlargement. In addition, provisions were made for a statute of European parties and the EP was given the right, in the same manner as the Council, Commission and member states, to institute proceedings to have acts of the institutions declared null and void and was granted the ability to ask the Court of Justice for a prior opinion on the compatibility of

an international agreement with the Treaties.⁸³ The Nice Treaty stipulated that *the Court of First Instance* should comprise at least one judge per Member State. The main novelty [of the Treaty of Nice] is the elevation of the Court of First Instance to a court enjoying widespread powers. Its jurisdiction has been extended not only as regard actions brought directly—it now covers virtually all such actions—but across all areas of Community litigation, including part of procedure for references for preliminary rulings, which is seen as the core of the European system of constitutional case law.⁸⁴ The rulings of the Court of First Instance might be re-examined by the Court of Justice if there was a serious risk to the unity or consistency of EU law. The new Treaty also provides the possibility for the Council to create *specialist judicial chambers* to hear various categories of appeal concerning certain subjects in the first instance.

The changes about *the decision-making system* addressed in the Nice Treaty included the enhanced co-operation, common and security policy, police and judicial co-operation in criminal matters, the qualified majority voting.

The Treaty of Amsterdam created the formal possibility of a certain number of Member States establishing *enhanced co-operation* between themselves on matters covered by the Treaties, using the institutions and procedures of the EU. The Treaty of Nice facilitated the establishment of enhanced co-operation; the right of veto which the Member States enjoyed over the establishment of enhanced co-operation disappeared (except in the field of foreign policy), the number of Member States required for launching the procedure changed from the majority to the fixed number of eight Member States, and its scope was extended to the CFSP. The Treaty of Nice significantly amended the EU Treaty concerning enhanced co-operation, but did not fundamentally alter the system. The Treaty of Nice added a new condition to the fundamental principles underpinning enhanced co-operation. Enhanced co-operation should contribute to enhancing the process of integration within the Union and should not undermine the single market or the Union's economic and social cohesion. Furthermore, it should not create a barrier to or discrimination in trade between the Member States and should not distort competition between them. The Treaty of Nice

⁸³ Kreppel, op. cit., p. 891.

⁸⁴ Xenophon A. Yataganas, "The Treaty of Nice: the Sharing of Power and the Institutional Balance in the European Union—A Continental Perspective" *European Law Journal*, Vol: 7, No: 3, (September 2001), p. 277.

also provided that enhanced co-operation might be undertaken only as a last resort, when it was established within the Council that the objectives of such co-operation could not be attained within a reasonable period by applying the relevant provisions of the Treaties. The amendments done by the Treaty stipulated that acts adopted within the framework of enhanced co-operation should not form part of the Union *acquis*. Acts adopted within the framework of enhanced co-operation were to be applied by the participating Member States and their implementation were not be impeded by the other Member States. The Treaty of Nice has introduced the possibility of establishing enhanced co-operation within the “second pillar” (*CFSP*). This represented one of the major developments of the Treaty of Nice in this area. Most of the provisions referring to the WEU are repealed, leaving its remaining status somewhat unclear, but emphasising the operational capability of the EU itself.⁸⁵ New provisions laying down the specific rules of application in the area of the CFSP were added. The enhanced co-operation in this area should relate only to the implementation of a joint action or a common position. However, it should not relate to matters having military or defence implications. The provisions concerning enhanced co-operation within the EU’s “third pillar”, (*police and judicial co-operation in criminal matters*) were amended. The Treaty of Nice stipulates that such co-operation should have the aim of enabling the Union to develop more rapidly into an area of freedom, security and justice. The Treaty of Nice also widened the scope of the powers of the Court of Justice in this area. The main effects of the amendments to the third pillar was to strengthen the role of the Commission, to which Member States had to first direct their request to establish enhanced co-operation, and only if it refused to direct a proposal to the Council for authorisation might the States submit their initiative directly to the Council.

The scope of *QMV in the Council* was amended by the Amsterdam Treaty but the unanimity rule still applied in some of the articles. After enlargement, unanimity would be difficult to achieve. Therefore, moving to qualified majority voting became more important. The Nice Treaty introduced qualified majority voting into some provisions left.⁸⁶

⁸⁵ Craig, *op. cit.*, p. 45.

⁸⁶ Some of the provisions in which the Nice Treaty introduced the QMV were enhanced co-operation; combating discrimination; citizenship; asylum, refugees, immigration policy; judicial co-operation in civil matters; co-operation between Member States; economic distortions; external issues of relevance to

The Treaty of Nice also addressed the *thematic issues* left outstanding at Amsterdam, but also introduced other non-institutional changes. The principal changes were as follows: creating a mechanism for preventing a Member State from infringing the founding principles of the Union; strengthening the defence capability of the Union; defining the tasks of Eurojust (European Judicial Co-operation Unit); creating a legal basis enabling the legislator to lay down the regulations governing political parties at European level; formalising the Social Protection Committee.

Under the EU, the European Council might determine the existence of a serious and persistent violation of fundamental rights by a Member State. On that basis, it might suspend some of the rights of that Member State (for example, its voting rights within the Council). The Treaty of Nice supplemented this procedure with *a prevention mechanism*. On a proposal by one third of the Member States, by the Parliament or by the Commission, the Council, acting by a majority of four-fifths of its members after obtaining the assent of the European Parliament, might determine that there is a clear risk of a serious violation of fundamental rights by a Member State, and address appropriate recommendations to that State. Within the framework of this provision, the European Court of Justice would be competent only for disputes concerning procedural provisions, and not for judging the justification for or appropriateness of the decisions taken pursuant to this provision.

Following on the Treaty of Amsterdam providing for both the progressive framing of a common defence policy and the possible integration of the WEU into the EU, the Treaty of Nice repealed the provisions on relationship between the EU and the WEU (*incorporating the WEU's crisis management tasks into the Union*).

The Treaty of Nice supplemented the EU Treaty with a reference to and description of the tasks of “*Eurojust*”, whose task would be to facilitate proper co-ordination between national prosecuting authorities within the framework of judicial co-operation in criminal matters.

economic and monetary union; introduction of the euro; common commercial policy; social policy; industry; economic and social cohesion; structural funds; economic, financial and technical co-operation with third countries; financial provisions and also in various articles dealing with institutional matters (European Parliament; regulations governing political parties at European level; Secretary-General of the Council and High Representative for the CFSP; remuneration; appointment of the Members of the Commission; replacement of a Member of the Commission; Court of Justice; Court of

There are no technical leftovers from Nice, but neither were any historic decision taken. The amendments made to the Treaty are more like a patchwork that is just large enough to cover the new Member States than an orderly and rational arrangement designed to ensure the consistency and effectiveness of the European institutions.⁸⁷

1.3.4. THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

The Treaty establishing a Constitution for Europe, commonly referred to as the European Constitution or Constitutional Treaty or simply as Constitution, is an international treaty intended to create a constitution for the European Union.

The Constitution is based on the EU's two primary existing treaties, the 1957 Treaty of Rome and the 1992 Maastricht Treaty, as modified by 1997 Amsterdam Treaty and 2001 Treaty of Nice 2001. At its meeting in Laeken in December 2001, the European Council established a European Convention to prepare the reform and make proposals. This new type of body was charged with preparing the subsequent IGC in as transparent and open a manner as possible by involving the main stakeholders in the debate: representatives of the governments of the Member States and the candidate countries, representatives of national parliaments, representatives of the European Parliament and the European Commission, and observers from the Committee of the Regions, the European Economic and Social Committee and the European social partners.⁸⁸ It proposed an in-depth reform of the Union to make it more effective, more transparent, more comprehensible and closer to European citizens. The outcome of this Convention, *the draft Treaty establishing a Constitution for Europe*, served as a basis for the 2003/2004 IGC. The IGC officially started its work on 4 October 2003 and confined itself to the most important questions, with the result that it did not have to renegotiate the entire text produced by the Convention. As it was impossible to achieve an overall agreement on the Constitution at the European Council in December 2003,

First Instance; Court of Auditors; Rules of Procedure of Court of Auditors; European Economic and Social Committee; Committee of the Regions)

⁸⁷ Yataganas, loc. cit.

⁸⁸ "The Outcome of the Convention", Fact Sheet from SCADPlus (web site of summaries of legislation), , date of access: 13 December 2005, URL: http://europa.eu.int/scadplus/european_convention/introduction_en.htm.

the negotiations were continued under the Irish Presidency. The political agreement, which was finally reached on 18 June 2004, has made it possible for the first Constitution for Europe to come into being. The work of the IGC was finally completed when the Constitution was signed in Rome on 29 October 2004.⁸⁹ This Constitutional Treaty replaces all the treaties signed over the last 50 years, except the EURATOM Treaty. It is now in the process of ratification by all of the member states. If this were successful, the treaty would have been scheduled to enter into force on 1 November 2006. However, French (29 May 2005) and Dutch (1 June 2005) voters rejected the treaty in referenda, prompting other countries to postpone their ratification procedures and leaving the Constitution with an uncertain future.

The Constitutional Treaty is divided into *four main parts*. Following *Preamble* recalling the history and heritage of Europe and its determination to transcend its divisions, *Part I* is devoted to the definition and objectives of the Union, fundamental rights and citizenship of the Union, Union competences, the Union's institutions, the exercise of Union competence, the democratic life of the Union, the Union's finances, the Union and its neighbours, and Union membership. *Part II* comprises the freedoms, equality, solidarity, citizens' rights, justice, and general provisions. *Part III* comprises the provisions governing the policies and functioning of the Union including provisions on the internal market, economic and monetary union, the area of freedom, security and justice, the CFSP, and the functioning of the institutions. *Part IV* contains the general and final provisions of the Constitution. A number of *protocols* have been annexed to the Treaty establishing the Constitution.⁹⁰ A large number of *declarations* also have been annexed to the Final Act of the IGC.

The *main innovations* achieved in the Constitutional Treaty can be grouped together in four groups: the founding principles of the Union, the institutions, the

⁸⁹ "Work of IGC 2003–2004", Fact Sheet from SCADPlus (web site of summaries of legislation), date of access: 13 December 2005, URL: http://europa.eu.int/scadplus/cig2004/index_en.htm.

⁹⁰ Among these, there were the Protocol on the role of national parliaments in the European Union; Protocol on the application of the principles of subsidiarity and proportionality; Protocol on the Euro Group; Protocol amending the EURATOM Treaty; Protocol on the transitional provisions relating to the institutions and bodies of the Union.

decision-making, and the union policies.⁹¹ These innovations will be dealt here shortly, since the Constitutional Treaty has not ratified officially.

The changes in the founding principles of the Union include the values and objectives of the Union, the gaining of the legal personality, the distribution of the competences, voluntary withdrawal clause, the simplification of the instruments of action, and the democratic underpinnings of the Union.

*The values and objectives of the Union*⁹² are enshrined, as are the rights of European citizens, thanks to the incorporation into the Constitution of the European Charter of Fundamental Rights.

The Union is accorded *a single legal personality*⁹³ (After the merger of the European Community with the European Union, the new Union will have the right to conclude international agreements, in the same way as the European Community can today, but without compromising the division of competences between the Union and the Member States).

*The competences*⁹⁴ (exclusive, shared and supporting) and their distribution between the Member States and the Union are defined clearly and permanently. Apart from this new classification, a limited number of Member States will always be able to exercise competences using the enhanced co-operation mechanism.

With the introduction of *a voluntary withdrawal clause*⁹⁵, Member States may withdraw from the Union. (The Constitution makes minor changes to the rules governing membership of the Union and the procedure for accession. There has been no change to the rules concerning the possibility of depriving a Member State of some of its rights if it infringes the Union's fundamental values. But the Constitution introduces a voluntary withdrawal clause, which, for the first time, gives Member States the option of withdrawing from the Union. Withdrawal may take place at any time and is not bound up with revisions of the Constitution or other conditions.)

⁹¹ The following explanations about the main innovations were, in a great part, taken "A Constitution for Europe" from the Fact Sheet from SCADPlus (web site of summaries of legislation), date of access: 13 December 2005, URL: http://europa.eu.int/scadplus/constitution/index_en.htm.

⁹² Article I-1 to I-6 of the Treaty establishing a Constitution for Europe.

⁹³ Article I-7 of the Treaty establishing a Constitution for Europe.

⁹⁴ Article I-11 to I-18 of the Treaty establishing a Constitution for Europe.

⁹⁵ Article I-60 of the Treaty establishing a Constitution for Europe.

*The instruments of action*⁹⁶ available to the Union are simplified, reducing their number from 15 to six. (these instruments will be law, framework law –legislative acts–, regulation, decision, recommendation and opinion –non–legislative acts. Each legal basis in the Constitution specifies the type of instrument, which must be used to implement it. This new approach will avoid hesitation when choosing the type of act to be used.)

*The democratic underpinnings of the Union*⁹⁷, including participatory democracy, are defined for the first time and a genuine right of popular legislative initiative is introduced.

The Constitutional Treaty states that “the institutional framework comprises: the European Parliament, the European Council, the Council of Ministers referred to as the Council, the European Commission and the Court of Justice of the European Union”. Alongside the five main institutions, there are two secondary institutions –Court of Auditors and European Central Bank– completely independent of the other institutions in the performance of their duties. The Constitutional Treaty makes institutional changes in the European Parliament, the European Council and its Presidency, the Commission and its Presidency, the Ministry of Foreign Affairs, the Court of Justice.

The seats in the European Parliament are distributed on a degressively proportional basis.⁹⁸ (The Treaty lies down that the maximum number of seats is 750. The minimum number of seats per Member State is to be six, in order to make sure that, even in the least populous Member States, all the major shades of political opinion will have a chance of being represented in the European Parliament. The maximum number of seats, which is 96, is also laid down in the Constitutional Treaty for the first time. In order to prevent long negotiations on the distribution of seats at the Parliament, the Treaty makes an innovation in this subject and establishes an allocation rule, stating that representation of citizens is degressively proportional.)

*The European Council*⁹⁹ is formally institutionalised (Article I–19 of the Constitution lists the institutions and includes the European Council, the meeting of the

⁹⁶ Article I–33 to I–39 of the Treaty establishing a Constitution for Europe.

⁹⁷ Article I–45 to I–52 of the Treaty establishing a Constitution for Europe.

⁹⁸ Declaration concerning the Protocol on the transitional provisions relating to the institutions and bodies of the Union.

⁹⁹ Article III–341 of the Treaty establishing a Constitution for Europe.

Heads of State or Government of the Member States, among them, together with Parliament, the Council of Ministers, the Commission and the Court of Justice), and the rotating *Presidency of the European Council*¹⁰⁰ is discarded. (A permanent President of the European Council, who will take on the work currently assigned to rotating Presidencies and will be elected for a term of two and a half years, renewable once. He or she will chair the European Council and drive forward its work, and ensure its proper preparation and continuity in co-operation with the President of the Commission, on the basis of the General Affairs Council's work.)

The size of the Commission will be reduced from 2014, to make the number of Commissioners equal to two-thirds of the number of Member States. (The European Council, acting unanimously, may nevertheless decide to alter this number. In the reduced-size Commission, the Commissioners will be selected according to a system of equal rotation between Member States.) *The President of the Commission*¹⁰¹ is to be elected by the European Parliament based on a proposal from the European Council. (The term 'election' is now preferred to that of 'approval' with the purpose of enhancing the importance of the European elections and of the Parliament and clearly highlights the responsibility of the President of the Commission vis-à-vis the Parliament.)

*A Minister for Foreign Affairs*¹⁰² is to be appointed, taking over the tasks of the External Relations Commissioner and the High Representative for the CFSP attached to the Council. The purpose of introducing such a role was to make the European Union's external action more effective and coherent. He or she will be appointed by the European Council, with the agreement of the President of the Commission and be also one of the Vice-Presidents of the Commission. The Minister will represent the EU in matters concerning the CFSP, conduct political dialogue on the Union's behalf and express the Union's position in international organisations and at international conferences. He or she is also responsible for co-ordinating Member States' action in international forum.)

¹⁰⁰ Draft European Decision of The European Council On the Exercise of the Presidency of the Council, under the Declarations Concerning Provisions of the Constitution.

¹⁰¹ Article I-27 of the Treaty establishing a Constitution for Europe.

¹⁰² Article I-28 of the Treaty establishing a Constitution for Europe.

The name of *the Court of Justice*¹⁰³ will be changed. (The term “*Court of Justice of the European Union*” will officially designate the two levels of jurisdiction taken together. The supreme body will be called the “*Court of Justice*” while the Court of First Instance will be renamed “*General Court*”. The Treaty stipulates that the Court of Justice of the European Union includes “the European Court of Justice, the General Court and specialised courts” and that specialised courts may be attached to the General Court by means of European laws, adopted under the ordinary legislative procedure.)

The Constitution provides for a *European External Action Service*¹⁰⁴ to be set up in other countries to assist the Foreign Affairs Minister in his or her functions. (It will be composed of officials from relevant departments of the General Secretariat of the Council of Ministers and of the Commission and staff seconded from national diplomatic services.)

As for the decision-making in the EU, the Constitutional Treaty makes changes in the QMV system, QMV in the Council of Ministers the joint adoption becoming the norm and bridging clauses.

A *new QMV system* is established, under which 55% of the Member States representing 65% of the population will constitute a qualified majority. *Qualified majority voting in the Council of Ministers*¹⁰⁵ is being extended to cover around 20 existing and 20 new legal bases.

The joint adoption of European laws and framework laws by the European Parliament and the Council is to become the norm (ordinary legislative procedure).

Several bridging clauses are created for facilitating subsequent extensions of qualified majority voting and switchover to the ordinary legislative procedure.

Lastly, the Constitutional Treaty introduces certain changes in the union policies, such as economic policy and the CFSP policy.

Economic co-ordination between the countries that have adopted the euro is to be improved, and the informal role of the Euro Group is to be recognised.

The pillar structure is abolished. The second (CFSP) and third (JHA) pillars, which were hitherto subject to the intergovernmental method, are brought within the Community framework.

¹⁰³ Article I-29 of the Treaty establishing a Constitution for Europe.

¹⁰⁴ Article I-296(3) of the Treaty establishing a Constitution for Europe.

The CFSP is strengthened with the creation of a European Minister for Foreign Affairs and the progressive definition of a common defence policy through, for example, the creation of a European Defence Agency and the authorisation of enhanced cooperation in this field.

A genuine area of freedom, security and justice is to be created through the implementation of common policies on asylum, immigration and external border control, in the field of judicial and police cooperation, and through the development of Europol and Eurojust actions and the creation of a European Public Prosecutor's Office.

What will the new constitution will bring to the EU, if it is ratified? 1) *First, greater clarity about the Union's nature and objectives.* It will replace the complex set of European treaties by a single document spelling out the objectives of the Union, its competences and their limits, its policy instruments and its institutions. It will simplify and clarify legal acts: "European laws" and "European framework laws" will replace the previous multiple types of act (regulations, directives, framework decisions, etc), using more understandable vocabulary. It will guarantee that the Union will never be a centralised all-powerful "super-state" by requiring the Union to respect the national identities of Member States and by underlying the principles of conferred powers (whereby the Union's only competences are those conferred on it by the Member States), subsidiarity and proportionality. It will spell out that the Union is based on a set of values shared by all EU countries, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, along with pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men. 2) *Second, greater effectiveness of the Union's institutions, notably through:* a significant increase in the areas in which Council will decide by qualified majority voting rather than by unanimity; a two-and-half-year chair instead of a six-month rotating one for the European Council; an eventual reduction in the number of members of the Commission (to two-thirds the number of Member States, so countries will miss having a commissioner of their nationality one time out of three); a merger of the posts of foreign policy High Representative and Commissioner for External Relations into a single European "Foreign Minister", who will be a Vice President of the Commission and will

¹⁰⁵ Article I-25 of the Treaty establishing a Constitution for Europe.

chair the Foreign Affairs Council; more flexible arrangements when not all Member States are willing or able to go ahead with certain policies at the same time. 3) *Third, there will be more democratic accountability*: The adoption of all EU legislation will be subject to the prior scrutiny of national parliaments and, with a few exceptions, the dual approval of both the Council and the European Parliament, by making the co–decision procedure the standard legislative procedure –an objective long sought by the Parliament. The President of the Commission will be elected by the European Parliament –still on a proposal of the European Council, but with the latter obliged to take account of the results of the European elections and to consult to see who is capable of securing a parliamentary majority. The Council will meet in public when debating and adopting Union legislation. A modified budgetary procedure will require the approval of all EU expenditure by both the Council and the European Parliament without any exceptions, thus bringing all expenditure under full democratic control. The exercise of delegated legislative powers by the Commission (the old “comitology” system) will be brought under a new system of supervision by the European Parliament and the Council, enabling each of them to call back Commission decisions to which they object; and the Council, enabling each of them to call back Commission decisions to which they object. 4) *Fourth, there will be enhanced rights for citizens*: The incorporation of the EU Chapter of Fundamental Rights in the constitution means that all provisions of European Union law and all action taken by the EU institutions will have to comply with the standards it lays down; The EU will also accede to the European Convention on Human Rights, thereby making the Union subject to the same external review as its Member States. New provisions will facilitate participation by citizens, the social partners, representative associations and civil society in the deliberations of the Union and individuals will have easier access to justice in connection with European Union Law.¹⁰⁶

The European Parliament approved the Constitution by 514 votes to 135 in 12 January 2005.

¹⁰⁶ Richard Corbett, Francis Jacobs, and Micheal Shackleton, *The European Parliament*, sixth edition, London: John Harper Publishing, 2005, pp. 345–346.

1.4. THE INSTITUTIONAL STRUCTURE OF THE EUROPEAN UNION

The main institutional structure of the EU is comprised of the European Commission, The Council of Ministers, the European Council, the European Parliament, the Court of Justice, the Economic and Social Committee, The Committee of Regions, the European Investment Bank, the European System of Central Banks, and the Court of Auditors. While the first five institutions are regarded as the main organs of the EU, the last five institutions (or bodies) can be called as the other/secondary institutions.

1.4.1. THE EUROPEAN COMMISSION

The European Commission, which is one of the main institutions governing the European Union, originated in the form of High Authority of the ECSC, established in 1952 under the ECSC Treaty. In 1958 the Commission of the EEC and the Commission of the EURATOM were established under the Treaties of Rome. Finally, with the Merger Treaty in 1967, these three bodies merged to form the Commission of the European Communities.

The European Commission represents and upholds the interests of the EU as a whole. It drafts proposals for new European laws and presents to the European Parliament and the Council. The European Commission is also the EU's executive arm—in other words, is responsible for implementing EU's policies, running its programmes and spending its funds.

The term 'Commission' is used in two senses. First, it refers to the team of men and women or the college of the Commissioners appointed to run the institution and take its decisions. Secondly, the term 'Commission' refers to the institution itself and to its staff.

The President of the Commission is nominated by the European Council to the European Parliament, who then approves the President by a majority of its members. If the proposed candidate does not receive a majority of votes, the European Council must, within one month, nominate another candidate. The holder of this post is clearly *inter*

pres as compared with the other Commissioners.¹⁰⁷ ***The Commissioners***¹⁰⁸ are chosen by the member states in agreement with the Commission President. The European Parliament interviews with each of the Commissioner candidates and then approves the Commission as a whole. The President may assign to Members of the Commission special fields of activity with regard to which they are specifically responsible for the preparation of Commission work and the implementation of its decisions. He may also change these assignments at any time.¹⁰⁹

The Commission is politically accountable to the Parliament, which has the power to dismiss the whole Commission by adopting a motion of censure. The Commission also replies regularly to written and oral questions posed by the Members of the European Parliament.

The enlargement of the Union on 1 May 2004 increased the number of Member States from 15 to 25, and had an effect on ***the make-up of the Commission***. Prior to this date, there were 20 Commissioners. In the months after May 2004 the size of the Commission was temporarily increased to 30 members –consisting of the 20 Commissioners already in post, plus one from each of the 10 new member states. The number was reduced to 25, with one Commissioner from each member state, when the new Commission took office in November 2004. If the Constitution is adopted, the size of the Commission will be further reduced. Member states will take it in turns to nominate Commissioners, with any given state making a nomination on two out of every three occasions that a new Commission is to be appointed.

The Commission's staff is organised in 26 '***Directorates-Generals***' (DGs) and nine '***services***', which are in turn divided into directorates and directorates into units. Each DG is responsible for a particular policy area and is headed by a Director-General who is answerable to one of the Commissioners. In order to ensure the effectiveness and collegiality of Commission action, the DGs are required to work together closely and to

¹⁰⁷ Craig, *op. cit.*, p. 57.

¹⁰⁸ Article III-347 to III-352. Also, Nugent states that "there are no rules or understandings as to what sort of people, with what sort of experience and the background, member state governments should nominate to be Commissioners. It used to be the case that most Commissioners tended to be former national politicians just short of the top rank. However as the EU, and the Commission with it, has become increasingly important, so has the political weight of the College's membership is increased, and now most Commissioners are former ministers and some of them very senior ministers." (Nugent, *op. cit.*, pp. 115-116.)

¹⁰⁹ The Rules of Procedure of the European Commission, Article 3.

co-ordinate in the preparation and the implementation of the decisions. Overall co-ordination is provided by the *Secretariat-General*, which also manages the weekly Commission meetings. It is headed by the *Secretary-General*, who is answerable directly to the President of the Commission. Extra structures can be set up when needed. It is the DGs that actually devise and draft legislative proposals, but these proposals become official only when ‘adopted’ by the Commission at its weekly meeting. The department responsible, in sufficient time before submitting a document to the Commission, consults other departments, which are associated or concerned by virtue of their powers or responsibilities or the nature of the subject, and informs the Secretariat-General where it is not consulted. The Legal Service must be consulted on all drafts or proposals for legal instruments and on all documents, which may have legal implications.¹¹⁰

The Rules of Procedure provide for at least *one meeting per week*. In practice, these meetings are held on Wednesdays in *Brussels*, except for the weeks when the European Parliament holds its plenary sessions, when they are usually held in *Strasbourg*. In addition to its regular weekly meeting the Commission may, when necessary, decide to hold special sittings. Such special sittings may, on urgent matters, also be convened by the President of the Commission, on his own initiative or at the request of one or more Members.

The European Commission has *four main roles*: 1) to propose legislation to Parliament and the Council; 2) to manage and implement EU policies and the budget; 3) to enforce European law (jointly with the Court of Justice); 4) to represent the European Union on the international stage.

Proposing new legislation: The Commission differs from other institutions in the EU system through its “power of initiative”. It has this right because the common format is for the Treaties to stipulate that the Council and European Parliament will act on a proposal from the Commission when making legislation.¹¹¹ The Commission alone is responsible for drawing up proposals for new European legislation, which it presents to Parliament and the Council. Only the Commission has the authority to initiate legislation in the areas known as the “first pillar” (a category which includes most areas

¹¹⁰ The Rules of Procedure of the European Commission, Article 21.

¹¹¹ Craig, op. cit., pp. 59–60.

of policy). However, the Council and the Parliament are both able to formally request that the Commission legislate on a particular topic. In the areas that fall within the “second pillar” (CFSP) and “third pillar” (JHA), the Commission shares the power of initiating legislation with member states. A Commission proposal must have the European interest at heart and it must respect the principles of subsidiarity and proportionality. It consults extensively so that the parties concerned by the legislation have a say in its preparation.

Implementing EU policies and the budget: As the EU’s executive body, the Commission is responsible for managing and implementing the EU budget. The Commission also has to manage the policies adopted by Parliament and the Council. The Commission maintains a general supervisory overview, in order to ensure that the rules are uniformly and properly applied within the Member States.¹¹²

Enforcing European law: The Commission acts as ‘guardian of the Treaties’, which means that the Commission, together with the Court of Justice, is responsible for making sure EU law is properly applied in all the member states. If the Commission finds that an EU country is not applying an EU law, and therefore not meeting its legal obligations, the Commission intervenes.

Representing the EU on the international stage: The Commission is an important organ for the EU on the international stage, enabling the member states to speak ‘with one voice’ in international forums such as the World Trade Organisation (WTO). The Commission also has the responsibility of negotiating international agreements on behalf of the EU.

1.4.2. THE COUNCIL OF MINISTERS

The Council of Ministers, which is the EU’s main decision-making body, was set up by the founding treaties in the 1950s. It represents the Member States, and its meetings gathers together one minister from each of the EU’s national governments. By a decision made in 1993 the Council decided that it should henceforth be known as the Council of the European Union.¹¹³ ***The Council of Ministers*** should be distinguished from ***the European Council***, in what is informally known as the ‘***European Summit***’

¹¹² Craig, op. cit., p.61.

¹¹³ Craig, op. cit., p.65.

(EU summit) and which is a closely related but separate body, made up with the Heads of State and Government, whose mission is to provide guidance and high level policy to the Council. The Council is also to be distinguished from *the Council of Europe*, which is a completely separate international organisation, not a European institution.

The seat of the Council of Ministers is in *Brussels*, where it meets several times a month. The meetings in April, June and October are held in *Luxembourg*.

Legally there is only one Council of Ministers, but in practice there are more in the sense that the Council meets in different formations or configurations to deal with different policy areas.¹¹⁴ The meetings are attended by the Ministers of Member States and the European Commissioners responsible for the areas on the agenda.

General Affairs and External Relations Council (GAERC): Meetings bring together the Foreign Ministers of Member States once a month. Ministers responsible for European Affairs, Defence, Development or Trade also participate, depending on the items on agenda. Since June 2002, it holds separate meetings on General Affairs and on External Relations respectively. At its sessions on *General Affairs*, the Council deals with dossiers that affect more than one of the Union's policies, such as negotiations on EU enlargement, preparation of the Union's multi-annual budgetary perspective or institutional and administrative issues. It co-ordinates preparation for and follow-up to meetings of the European Council. At its sessions on *External Relations*, the Council deals with the whole of the Union's external action, including CFSP, ESDP, foreign trade and development cooperation. *The Secretary-General of the Council/High Representative for the CFSP* participates in General Affairs and External Relations Council meetings and plays a key role in the formulation, preparation and implementation of the CFSP.

Economic and Financial Affairs Council (ECOFIN): It is composed of the Economics and Finance Ministers of the Member States, as well as Budget Ministers when budgetary issues are discussed meeting once a month. The Ecofin Council covers EU policy in a number of areas including economic policy co-ordination, economic

¹¹⁴ Nugent, op. cit., pp. 153. Nugent continues, stating that "The Council used to meet in over twenty formations but a concern that this was too many led to the European Council deciding at its December 1999 Helsinki meeting to reduce the number in an attempt to improve the consistency and coherence of the Council's work. The number of formations was capped at sixteen. However, it was decided at the June 2002 Seville summit that sixteen was still too high and the number was reduced to nine."

surveillance, monitoring of Member States' budgetary policy and public finances, the euro (legal, practical and international aspects), financial markets and capital movements. The Ecofin Council also prepares and adopts every year, together with the European Parliament, the budget of the EU.

Justice and Home Affairs Council (JHA): It brings together Justice Ministers and Interior Ministers about once every two months in order to discuss the development and implementation of co-operation and common policies.

Employment, Social Policy, Health and Consumer Affairs Council (EPSCO): It is composed of employment, social protection, consumer protection, health and equal opportunities ministers, who meet around four times a year. Member States exchange information or share the results of their own experiences.

Competitiveness Council: The creation of the Competitiveness Council in June 2002, through the merging of three previous configurations (Internal Market, Industry and Research) is a response to the perceived need for a more coherent and better-coordinated handling of these matters related to the EU's competitiveness. Depending on the agenda, it is composed of European Affairs Ministers, Industry Ministers, Research Ministers, etc. It meets about five or six times a year.

Transport, Telecommunications and Energy Council: Since June 2002, these three policies have been placed under the sole responsibility of a single Council configuration which meets approximately every two months. Minister for Transport, Telecommunications or Energy attend the meetings depending on the agenda.

Agriculture and Fisheries Council: It brings together once a month the Ministers for Agriculture and Fisheries and the European Commissioners responsible for agriculture and rural development, fisheries and maritime affairs, as well as consumer health and protection. The content of these policies involves regulation of the markets, organising production and establishing the resources available, improving horizontal agricultural structures and rural development.

Environment Council: The Environment Council is composed of environment ministers meeting about four times a year.

Education, Youth and Culture Council (EYC): It brings together Education, Culture, Youth and Communication Ministers around three or four times a year.

Each minister in the Council is empowered to commit his or her government. In other words, the minister's signature is the signature of the whole government. Moreover, each minister in the Council is answerable to his or her national parliament and to the citizens that parliament represents. This ensures the democratic legitimacy of the Council's decisions. *The President of the Council* is a Minister of the state currently holding the Presidency of the Council of the European Union; while *the Secretary-General* is the head of the Council Secretariat, chosen by the Member States and ensures the smooth functioning of the Council's work at all levels. The Secretary-General also serves as the High Representative for the CFSP. The Council of Ministers is presided over by *the Council Presidency* for a period of six months by each member state of the European Union in turn, in accordance with a pre-established route unless the Council makes a new decision. The post as President of the Council of the Ministers is for each separate meeting held by the responsible government minister of the member state holding the Presidency. The President is primarily responsible for preparing and chairing Council meetings, and has no executive powers. The President will have an important liaison role to play with the Presidents of the Commission and the Parliament, and will represent the Council in discussions with institutions outside the Community.¹¹⁵

The Council is assisted by Committee of Permanent Representatives (*COREPER*). *COREPER* from French "Comité des représentants permanents" made up of the head or deputy head of mission from the Member States in Brussels. Its defined role is to prepare the agenda for the ministerial Council of the European Union meetings with the exception of agricultural issues handled by the Special Committee on Agriculture; it may also take some procedural decisions. It is chaired by the Presidency of the Council. There are in fact two committees: *COREPER I* is made up of deputy heads of mission and deals largely with social and economic issues (preparing the ground for the following Council configurations: Employment, Social Policy, Health and Consumer Affairs; Competitiveness –internal market, industry, research and tourism–; Transport, Telecommunications and Energy; Agriculture and Fisheries; Environment; Education, Youth and Culture –including audiovisual–); and *COREPER II* is made up of heads of mission and deals largely with political, financial and foreign

¹¹⁵ Craig, op. cit., p. 67.

policy issues (preparing for the other configurations: General Affairs and External Relations –including European security and defence policy and development cooperation–; Economic and Financial Affairs –including the budget–; Justice and Home Affairs –including civil protection–).

The Council of Ministers has *six key responsibilities*:

- 1) to pass European laws –jointly with the Parliament in many policy areas;
- 2) to co–ordinate the broad economic policies of the Member States;
- 3) to conclude international agreements between the EU and other countries or international organisations;
- 4) to approve the EU’s budget, jointly with the European Parliament;
- 5) to develop EU’s CFSP, based on guidelines set by the European Council;
- 6) to co–ordinate co–operation between the national courts and police forces in criminal matters. ¹¹⁶

Much of *EU legislation* is adopted jointly by the Council of Ministers and the Parliament. As a rule, the Council only acts on a proposal from the Commission and adopts the laws and rules jointly with the Parliament in the proper procedure required for the law adopted and the Commission normally has responsibility for ensuring that EU legislation, once adopted, is correctly applied. Each year the Council *concludes international agreements* between the EU and non–EU countries, as well as with international organisations. These agreements may cover broad areas such as trade; co–operation and development or they may deal with specific subjects such as textiles, fisheries, science and technology, transport etc. In addition, the Council may *conclude conventions* between the EU member states in fields such as taxation, company law or consular protection. Conventions can also deal with co–operation on issues of freedom, security and justice.

The EU’s annual budget is decided and approved jointly by the Council of Ministers and the European Parliament.

The Council also has significant power under Pillar 2 and Pillar 3. Thus it will be the Council, which takes the necessary decisions for defining and implementing the CFSP in the light of the guidelines laid down by the European Council, and it is for the

¹¹⁶ Summarised from *How the European Union Works (Your guide to the EU institutions)*, Brussels: European Commission Directorate–General for Press and Communication, 2005, p 16.

Council to adopt joint actions. The Council also has important powers under the re-modelled Pillar 3, concerned with police and judicial co-operation in criminal matters.¹¹⁷

1.4.3. THE EUROPEAN COUNCIL

The European Council, sometimes informally called the *European Summit*, is a meeting of the Heads of State or Government of the European Union, and the President of the European Commission. Therefore it should not to be confused with *the Council of Ministers* (which brings together the ministers of the EU's national governments responsible for the subject on the agenda) or *the Council of Europe* (which is a completely different international organisation, not a European institution). It has evolved during the last twenty-five years. Meetings of Heads of Government took place during the 1960s, but the decision to institutionalise these meetings came in 1974 at the Paris Summit. Meetings of the European Council continued to be held during the 1970s and 1980s, even though there was no formal remit in the Treaty for an institution of this nature. The first mention of the European Council within a Treaty came in the SEA.¹¹⁸ The main reason for the creation of the European Council was a growing feeling that the Community was failing to respond adequately or quickly enough to new and increasingly difficult challenges.¹¹⁹

Traditionally the summits have been held in the country currently holding the Presidency of the Council. *The role of President of the European Council* is performed by the Head of State or Government of the Member State currently holding the Presidency of Council of Ministers. He or she is primarily responsible for preparing and chairing Council meetings, and has no executive powers.

¹¹⁷ Craig, op. cit., p. 70.

¹¹⁸ Craig, op. cit., p.71.

¹¹⁹ Nugent, op. cit., p. 178. Nugent continues by stating that "Neither the Commission, whose position has been weakened by the intergovernmental emphasis on decision-making that was signalled by the Luxembourg Compromise, nor the Council of Ministers, which was handicapped both by sectorialism and by its practice of proceeding only on the basis of unanimous agreement, were providing the necessary leadership. A new focus of authority was seen as necessary in order to make the Community more effective, both domestically and internationally. What was needed, argued France's President Giscard d'Estaing, who with West Germany's Chancellor Schmidt was instrumental in establishing the European Council, was a body that would bring the Heads of Government together on a relatively informal basis to exchange ideas, further mutual understanding at the highest political level, give direction to the policy development, and perhaps sometimes break deadlocks and clear logjams."

The European Council provides the member states and the union's institutions a major impetus in defining the general political guidelines of the EU. One of the most significant issues to be discussed at the European Council is the very development of the Community and Union itself.¹²⁰ The European Council initiates the IGCs and then approves the Treaty changes proposed in the IGC, subject to the ratification of the Member States. The European Council also plays an important role in the institutional changes within the structure of the Union.

1.4.4. THE EUROPEAN PARLIAMENT ¹²¹

The European Parliament (EP) is the parliamentary body of the EU, directly elected by EU citizens once every five years to represent their interests. Together with the Council of Ministers, it comprises the legislative branch of the EU.

The ECSC established a 'Common Assembly' in 1952 and its 78 members drawn from the six national Parliaments of the ECSC's constituent nations. The Assembly was expanded in March 1958 to also cover the EEC and EURATOM, and the name "European Parliamentary Assembly" was adopted. The body was renamed to the "European Parliament" in 1962. In 1979 the Parliament's membership was expanded again and its members began to be directly elected for the first time. The EP thus expresses the democratic will of the Union's citizens and it represents their interests in discussions with the other EU institutions.

The EP has *three seats (places of work)*: *Luxembourg* is home to the administrative offices. The 'plenary sessions' take place in *Strasbourg* and sometimes in *Brussels*. Committee meetings are also held in Brussels.

The President of the EP oversees all the work of the EP and its constituent bodies, as well as the debates in plenary, ensuring that all the activities of the EP and its constituent bodies run smoothly. The President is the representative of the EP in legal affairs and in all external relations.¹²² Finally, The President has a power on the budgetary procedure. After the EU's budget has been adopted by Parliament, the

¹²⁰ Craig, *op. cit.*, p. 73.

¹²¹ Since more detailed information about the European Parliament and its constituents will be given the second chapter, the EP will be discussed very briefly here.

¹²² Rules of Procedure of the Parliament, Rule 19.

President signs it, rendering it operational. The EP President and the President of the Council both sign all legislative acts adopted under co–decision.

The European Parliament is made up of 732 *Members of the European Parliament (MEP)*¹²³ elected in the 25 Member States. Prior to the first elections, MEPs had been delegates of their national parliaments. After the first elections, the practice of ‘double–jobbing’, i.e. the holding of a dual mandate by MEPs, became the exception. Following the TEU provisions on citizenship, citizens of the Union who were resident in any Member State gained the right to vote and to stand as candidates in European Parliament elections.¹²⁴

MEPs do not sit in national blocks, but in *Europe–wide political groups*. These political groups represent all views on European integration. They exercise mandate in an independent fashion. Some Members do not belong to any political group and are known as non–attached Members.

In order to do the preparatory work for Parliament’s plenary sittings, the Members are divided up among 20 *specialised standing committees* whose task is to draw up reports on legislative proposals that have been referred to Parliament or on which Parliament has been consulted and on own–initiative reports. Parliament can also set up *sub–committees* and *temporary committees* to deal with specific issues and *committees of inquiry* under its supervisory remit.¹²⁵

Other constituents of the European Parliament are *the Conference of Committee Chairmen* (consisting of the chairmen of all the standing or temporary committees), *delegations*¹²⁶ (interacting with the parliaments of countries that are not members of the European Union), *the Conference of Delegation Chairmen* (consisting of the chairmen of all the standing interparliamentary delegations), *the Conference of Presidents* (made up of the chairs of the political groups and the President of the EP), *the Bureau*¹²⁷ (made up of the President of the EP, the 14 Vice–Presidents and the five Quaestors,

¹²³ According to The Rules of Procedure of the Parliament, Rule 2, “Members of the European Parliament shall exercise their mandate independently. They shall not be bound by any instructions and shall not receive a binding mandate.”

¹²⁴ Craig, op. cit., p.78.

¹²⁵ The Rules of Procedure of the Parliament, Title VII, Rules 174 to 187.

¹²⁶ The Rules of Procedure of the Parliament, Title VII, Rules 188 to 190.

¹²⁷ The Rules of Procedure of the Parliament, Rules 21–22.

with observer status), *the College of Quaestors*¹²⁸ (the EP body responsible for administrative and financial matters directly concerning MEPs and their working conditions), *the Secretariat*¹²⁹ (co-ordinating legislative work and organise plenary sittings and meetings), and *the Secretary-General* (the head of the Secretariat assisting the President, the Bureau, the political bodies and the MEPs and ensuring the smooth running of parliamentary business under the leadership of the President and the Bureau).

From the original weakly consultative part it played in the EU legislative process, the Parliament has incrementally acquired a substantial decision-making role. Its position alongside the Council as one of the two arms of the budgetary authority, with the symbolic task of adopting the Budget, was for some years the Parliament's most significant power. Its wider legislative functions have since been greatly enhanced through successive Treaty amendments, most recently in the ToA [Treaty of Amsterdam] (and to a lesser extent the TN [Treaty of Nice]), which reformed and extended the application of the co-decision procedure.¹³⁰

Parliament now has *three main roles*:

- 1) passing European laws—jointly with the Council in many policy areas.
- 2) The Parliament exercises democratic supervision over the other EU institutions, and in particular the Commission.
- 3) The power of the purse.

The EP shares *legislative power* equally with the Council of the European Union. This means it is empowered to adopt European laws. It can accept, amend or reject the content of European legislation. The fact that the EP is directly elected by the citizens helps guarantee the democratic legitimacy of European law. Parliament also has a power of political initiative. It can ask the Commission to present legislative proposals for laws to the Council.

Parliament exercises *democratic supervision* over the other European institutions in several ways¹³¹: Every European citizen has *the right to petition Parliament* to ask for problems to be remedied in areas within the sphere of activity of

¹²⁸ The Rules of Procedure of the Parliament, Rules 15–16.

¹²⁹ The Rules of Procedure of the Parliament, Title X, Rule 97.

¹³⁰ Craig, *op. cit.*, pp. 79–80.

¹³¹ The Rules of the Procedure of the Parliament, Title IV.

the European Union. Parliament has also appointed *an Ombudsman*¹³², who deals with complaints by individuals against Community institutions or bodies with a view to reaching an amicable solution. The European Parliament also has the power to set up *a committee of inquiry* to look into violations or wrong application of Community law by Member States. The EP has *the right of recourse before the Court of Justice*. The European Parliament has powers of *control in the economic and monetary domain*. The President of the ECB presents its annual report to the European Parliament in plenary session. *The President of the Commission* is appointed by a majority vote in the Council. The EP approves or rejects the proposed appointment. Appointed by the Member States in accord with the President–appointed, *the College of Commissioners* must be endorsed as a whole by the EP. The EP has the power to *censure the Commission*; this is a fundamental instrument that can be exercised by the MEPs to ensure democratic control within the Union. Through its scrutiny of the reports, which are regularly submitted by the Commission, the EP is able to exercise oversight. *Tabling written and oral questions by MEPs* to the Council and the Commission is one of Parliament’s means of exercising supervision. Besides, *each European Council summit* begins with a declaration by the President of the European Parliament, setting out the institution’s key positions on the subjects to be addressed by the Heads of State and Government. At the end of each summit *the President of the European Council* presents a report to Parliament on its outcome and launches a debate with the Members of the European Parliament.

The EP and the Council together constitute the Union’s *budgetary authority*, which decides each year on its expenditure and revenue. Parliament shares with the Council authority over the EU budget and can therefore influence EU spending. At the end of the procedure, it adopts or rejects the budget in its entirety. Parliament’s Committee on Budgetary Control (COCOBU) monitors how the budget is spent, and each year Parliament decides whether to approve the Commission’s handling of the budget for the previous financial year.

¹³² The Rules of Procedure of the Parliament, Title IX, Rules 94 to 196.

1.4.5. THE COURT OF JUSTICE

The Court of Justice of the European Communities (often referred to simply as ‘the Court’ or ‘Court of Justice’) was set up under the ECSC Treaty in 1952. The seat of the Court is in Luxembourg. Its job is to make sure that EU legislation is interpreted and applied in the same way in all EU countries, so that the law is equal for everyone. It ensures, for example, that national courts do not give different rulings on the same issue. The Court has the power to settle legal disputes between EU member states, EU institutions, businesses and individuals.

The Court is composed of *one judge per Member State*, so that all 25 of the EU’s national legal systems are represented. The Court is assisted by eight ‘*advocates-general*’. They deliver, in open court and with complete impartiality and independence, opinions in all cases, save as otherwise decided by the Court where a case does not raise any new points of law. *The Judges and Advocates-General* are appointed by common accord of the governments of the Member States and hold office for a renewable term of six years.¹³³ Although States normally select their own nationals (something which is not required by the TN ‘one judge per Member State’ formulation), the EC Treaty requires that the judges be entirely independent of the government, which chose them, or indeed of any other interest group. Judging from the nature of the much of the ECJ’s jurisprudence, the specific wishes of individual Member States have had little influence on its decision-making.¹³⁴ They are chosen from legal experts whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are of recognised competence.

The President of the Court of Justice is chosen by their fellow-judges to serve for a renewable term of three years. The President directs the work of the Court and presides at hearings and deliberations of major formations of the Court.¹³⁵

The registry is responsible for maintaining the case-files for pending cases and the upkeep of the register in which a record is kept of all the procedural documents. The registry deals with the applications, pleadings and all the other procedural documents sent to the Court by the lawyers and agents for the parties. It is responsible for all

¹³³ The Rules of Procedure of the Court of Justice, Articles 2 to 6.

¹³⁴ Craig, *op. cit.*, p. 89.

correspondence relating to the progress of proceedings before the Court. *The Registrar of the Court* is appointed by the Court of Justice to hold office for a term of six years. He has the same court duties as the registrar or clerk of a national court, but he also acts as secretary–general of the institution.¹³⁶

The Court sits either in full Court, composed of all the Judges, or the Grand Chamber, composed of 13 Judges, or Chambers composed of five or three Judges.¹³⁷ Where the Court considers that several cases must be heard and determined together by one and the same formation of the Court, the composition of that formation shall be that fixed for the case in respect of which the preliminary report was first examined.¹³⁸

A ‘*Court of First Instance*’ (CFI), which is attached to the Court of Justice, was created in 1989. The original reason for the establishment of the CFI was to relieve the burden on the ECJ. It had been long argued that staff cases, which were numerous but usually involved issues of individual rather than of general importance could be transferred to a tribunal to decide.¹³⁹ This Court is responsible for giving rulings on certain kinds of case; particularly actions brought by private individuals, companies and some organisations, and cases relating to competition law. There are five main categories of action of the Court of First Instance: actions for annulment; actions for failure to act; actions for damages; actions based on an arbitration clause; and actions concerning the civil service. *The President of the CFI* is chosen by their fellow–judges to serve for a renewable term of three years. There are *no permanent Advocates General* attached to the CFI.¹⁴⁰ However, the task of an Advocate General may be performed in a limited number of cases by a Judge nominated to do so. In practice this has been done only very occasionally. The CFI appoints *its own Registrar*.¹⁴¹ The Registrar is appointed by the Judges of the CFI for a term of six years. The CFI sits in *chambers* composed of three or five Judges or, in certain cases, may be constituted by a single Judge. It may also sit in a *Grand Chamber* or as a full court in particularly important cases.

¹³⁵ The Rules of Procedure of the Court of Justice, Articles 7–8.

¹³⁶ The Rules of Procedure of the Court of Justice, Articles 12 to 19.

¹³⁷ The Rules of Procedure of the Court of Justice, Article 11a.

¹³⁸ The Rules of Procedure of the Court of Justice, Article 11d.

¹³⁹ Craig, *op. cit.*, p. 90.

¹⁴⁰ The Rules of Procedure of the Court of First Instance, Article 2.

¹⁴¹ The Rules of Procedure of the Court of First Instance, Articles 20 to 27.

In view of the increasing number of cases brought before the CFI, in order to relieve it of some of the caseload, the Treaty of Nice provided for the creation of ‘judicial panels’ in certain specific areas. On 2 November 2004 the Council adopted a decision establishing the ‘*European Union Civil Service Tribunal*’. This new specialised tribunal, composed of seven judges, will hear and determine at first instance disputes involving the European civil service. Its decisions will be subject to a right of appeal before the CFI on points of law only.

The four *most common types of case* brought before the Court are

- 1) references for a preliminary ruling;
- 2) actions for failure to fulfil an obligation;
- 3) actions for annulment; and
- 4) actions for failure to act.¹⁴²

The preliminary ruling procedure: The national courts in each EU country are responsible for ensuring that EU law is properly applied in that country. But there is a risk that courts in different countries might interpret EU law in different ways. To prevent this happening, there is a ‘preliminary ruling procedure’. This means that if a national court is in any doubt about the interpretation or validity of an EU law it may, and sometimes must, ask the Court of Justice for advice. This advice is given in the form of a ‘preliminary ruling’.¹⁴³

Actions for failure to fulfil an obligation: The Commission can start these proceedings if it has reason to believe that a member state is failing to fulfil its obligations under EU law. These proceedings may also be started by another EU country. In either case, the Court investigates the allegations and gives its judgment. The accused member state, if it is indeed found to be at fault, must set things right at once. If the Court finds that the Member State has not complied with its judgment, it may impose a fine on that country.¹⁴⁴

Actions for annulment: If any of the member states, the Council, the Commission or (under certain conditions) Parliament believes that a particular EU law is illegal they may ask the Court to annul it. These ‘actions for annulment’ can also be used by private individuals who want the Court to cancel a particular law because it

¹⁴² *How the European Union Works...*, op. cit., p.28–29.

¹⁴³ *Ibid.*

directly and adversely affects them as individuals. If the Court finds that the law in question was not correctly adopted or is not correctly based on the treaties, it may declare the law null and void.¹⁴⁵

Actions for failure to act: The Treaty requires the European Parliament, the Council and the Commission to make certain decisions under certain circumstances. If they fail to do so, the member states, the other Community institutions and (under certain conditions) individuals or companies can lodge a complaint with the Court so as to have this failure to act officially recorded.¹⁴⁶

Other forms of action of the Court of Justice are applications for compensation and appeals. In applications for compensation, based on non-contractual liability, the CFI rules on the liability of the Community for damage caused to citizens and to undertakings by its institutions or servants in the performance of their duties. Appeals on points of law only may be brought before the Court of Justice against judgements given by the CFI. If the appeal is admissible and well founded, the Court of Justice sets aside the judgement of the CFI. Where the state of the proceedings so permits, the Court may itself decide the case. Otherwise, the Court must refer the case back to the CFI bound by the decision given on appeal.

Cases are submitted to the registry and a specific judge and advocate-general are assigned to each case. ***The procedure that follows is in two stages:*** first a written and then an oral phase. The written part of the proceedings before the ECJ is far more thorough and more important than the oral.¹⁴⁷ At the written stage¹⁴⁸, all the parties involved submit written statements and the judge assigned to the case draws up a report summarising these statements and the legal background to the case. The oral stage¹⁴⁹ is, however, limited and much shorter than the written stage. Depending on the importance and complexity of the case, this can take place before a chamber of three, five or 13 judges, or before the full Court. The judge who has prepared a summarised report presents his or her report and the parties' legal representatives put their case before the judges. The Court asks the legal representatives questions to clarify the issue.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Craig, *op. cit.*, p. 94.

¹⁴⁸ The Rules of Procedure of the Court of Justice, Title II, Chapter 1, Articles 37 to 43.

¹⁴⁹ The Rules of Procedure of the Court of Justice, Title II, Chapter 3, Articles 55 to 62.

Judgements of the Court are decided by a majority and pronounced at a public hearing. Dissenting opinions are not expressed.

1.4.6. OTHER INSTITUTIONS AND ACTORS IN THE EUROPEAN UNION

a) The Economic and Social Committee

Founded in 1957 under the Treaty of Rome¹⁵⁰ in order to involve economic and social interest groups in the establishment of the common market and to provide institutional machinery for briefing the European Commission and the Council of Ministers on European Union issues; the European Economic and Social Committee (EESC) is an advisory body representing employers, trade unions, farmers, consumers and the other interest groups that collectively make up ‘organised civil society’. The EESC is an integral part of the EU’s decision-making process: it must be consulted before decisions are taken on economic and social policy. On its own initiative, or at the request of another EU institution, it may also give its opinion on other matters.

The EESC has 317 *members*—and their alternates (once Bulgaria and Romania join, the Committee will have 344 members). The members are nominated by the EU governments but they work in complete political independence. They are appointed for a renewable term of four years.

Working mostly in their countries of origin, the members of the Committee form three groups representing employers, workers and various economic and social interests. *The Employers’ Group* has members from private and public sectors of industry, small and medium-sized businesses, chambers of commerce, wholesale and retail trade, banking and insurance, transport and agriculture. *The Workers’ Group* represents all categories of employees, from manual to executive. Its members come from national trade union organisations. *The third group represents a wide range of interests*; such as NGOs, farmers’ organisations, small businesses, crafts and professions, and non-profit associations, consumer and environmental organisations,

¹⁵⁰ Treaty Establishing The European Community, Part Five—The Institutions of The Community, Title I—Chapter 3, Articles 257 to 262.

the scientific and academic communities and associations representing the family, women, persons with disabilities.

Every two years the EESC elects a **Bureau**¹⁵¹. The Bureau which has 37 members and includes a representative of each Member State, comprises of the president, the two vice-presidents and 25 members, directly elected by the assembly; the three Group presidents; and the six specialised section presidents.¹⁵² **The President** directs the work of the Committee, involves the vice-presidents in his activities on a permanent basis, may delegate to them specific tasks or responsibilities falling within his remit, may entrust specific tasks to the secretary-general for a limited period, has the authority to represent the Committee in its external relations.¹⁵³

The Committee is serviced by a **Secretariat-General**, headed by a secretary-general who reports to the president, representing the bureau.

The Committee has **six sections**:

- 1) Agriculture, Rural Development and the Environment (NAT);
- 2) Economic and Monetary Union and Economic and Social Cohesion (ECO);
- 3) Employment, Social Affairs and Citizenship (SOC);
- 4) External Relations (REX);
- 5) The Single Market, Production and Consumption (INT);
- 6) Transport, Energy, Infrastructure and the Information Society (TEN).

Section opinions are drafted by **study groups**. These usually have 12 members, including a rapporteur. Study group members may be assisted by experts (normally four). The EESC has the right to set up **temporary sub-committees**, for specific issues. These sub-committees operate on the same lines as the sections.

As a rule, the full Committee meets in **plenary session** ten times a year. At the plenary sessions, opinions are adopted on the basis of section opinions by a simple majority. They are forwarded to the institutions and published in the Official Journal of the European Communities.

The European Economic and Social Committee has **three main roles**:

1) to advise the Council, the Commission and the EP, either at their request or on the Committee's own initiative;

¹⁵¹ Rules of Procedure of the Economic and Social Committee, Title I, Chapter II, Rules 3(2) to 10a(2).

¹⁵² The Rules of Procedure of the Economic and Social Committee, Rule 3(2).

2) to encourage civil society to become more involved in EU policymaking; and
3) to bolster the role of civil society in non-EU countries and to help set up advisory structures.

b) The Committee of Regions

Set up in 1994 under the Treaty on European Union, the Committee of the Regions (CoR) is an advisory body composed of representatives of Europe's regional and local authorities.

The Committee has 317 *members*—and their alternates (once Bulgaria and Romania join, the CoR will have 344 members). The members (and their alternates) hold a regional or local authority electoral mandate or are politically accountable to an elected assembly. They may not be bound by any mandatory instructions and are completely independent in the performance of their duties, in the general interest of the Community.¹⁵⁴ The Council appoints them for four years, and they may be reappointed.

*The Bureau*¹⁵⁵ of the CoR consists of the President, the first Vice-President, one Vice-President per Member State, 25 other members, the chairmen of the political groups.¹⁵⁶ It is responsible for implementing the CoR's political programme. The CoR chooses a *President*¹⁵⁷ from among its members, for a term of two years. The President directs the work of the Committee and acts as the Committee's representative. He may delegate these powers.

The role of the CoR is to put forward the local and regional points of view on EU legislation. It does so by issuing opinions on Commission proposals. The Commission and the Council must consult the CoR on topics of direct relevance to local and regional authorities, but they can also consult the Committee whenever they wish. For its part, the Committee can adopt opinions on its own initiative and present them to the Commission, Council and Parliament.

Each year the Committee of the Regions holds five *plenary sessions*, during which its general policy is defined and opinions are adopted.

¹⁵³ The Rules of Procedure of the Economic and Social Committee, Rule 12.

¹⁵⁴ The Rules of Procedure of the Committee of Regions, Rule 2.

¹⁵⁵ The Rules of Procedure of the Committee of Regions, Chapter 3, Rule 28–29.

¹⁵⁶ The Rules of Procedure of the Committee of Regions, Chapter 3, Rule 28.

¹⁵⁷ The Rules of Procedure of the Committee of Regions, Chapter 3, Rule 31–32 and 37.

At the beginning of each four-year term, the Plenary Assembly sets up the *commissions* to prepare its work. It decides on their composition and powers on a proposal from the Bureau. There are *six commissions*:

- 1) Commission for Territorial Cohesion Policy (COTER);
- 2) Commission for Economic and Social Policy (ECOS);
- 3) Commission for Sustainable Development (DEVE);
- 4) Commission for Culture and Education (EDUC);
- 5) Commission for Constitutional Affairs and European Governance (CONST);
and
- 6) Commission for External Relations (RELEX).¹⁵⁸

These six specialist commissions examine the detail of proposals on which the CoR is consulted and draw up a draft opinion, which highlights where there is agreement with the Commission's proposals, and where changes are needed. The draft opinion is then discussed at the plenary session. If a majority approves it, the draft is adopted as the opinion of the Committee of the Regions and is sent on to the Commission, Parliament and Council. The CoR also adopts resolutions on topical political issues.

c) The European Investment Bank

The European Investment Bank (EIB) was set up in 1958 by the Treaty of Rome. Its job is to lend money for projects of European interest, particularly in the less well-off regions, candidate countries and the developing world. It also provides credit for investment by small businesses. The EIB is an autonomous institution. It makes its own borrowing and lending decisions purely on the merits of each project and the opportunities offered by the financial markets. Each year, it presents a report on all its activities. The Bank co-operates with the EU institutions.

The EIB is non-profit-making and gets no money from savings or current accounts. Nor does it use any funds from the EU budget. Instead, it is financed through borrowing on the financial markets and by the Bank's shareholders—the member states of the European Union. They subscribe jointly to its capital, each country's contribution

¹⁵⁸ *How the European Union Works...*, op. cit., p. 35.

reflecting its economic weight within the Union.¹⁵⁹ The EIB is also the majority shareholder in the European Investment Fund.

The Bank's decisions are taken by the following bodies:

1) *The Board of Governors* consists of ministers (normally the Finance Ministers) from all the member states. It defines the Bank's general lending policy, approves the balance sheet and annual report, authorises the Bank to fund projects outside the EU and decides on capital increases.

2) *The Board of Directors* approves lending and borrowing operations and it makes sure that the EIB is properly managed. It consists of 26 Directors—one nominated by each EU member state and one by the European Commission.

3) *The Management Committee* is the Bank's full-time executive. It handles the EIB's day-to-day business and it has nine members.¹⁶⁰

d) The European System of Central Banks

The European System of Central Banks (ESCB) is composed of the European Central Bank (ECB) and the national central banks (NCBs) of all 25 EU Member States. The Eurosystem is independent. When performing Eurosystem-related tasks, neither the ECB, nor an NCB, nor any member of their decision-making bodies may seek or take instructions from any external body. The Community institutions and bodies and the governments of the Member States may not seek to influence the members of the decision-making bodies of the ECB or of the NCBs in the performance of their tasks.

The “*Eurosystem*” is the term used to refer to the ECB and the NCBs of the Member States which have adopted the euro (also known as “eurozone”)¹⁶¹. In accordance with the EC Treaty and the Statute of the European System of Central Banks

¹⁵⁹ *How the European Union Works...*, op. cit., p 36.

¹⁶⁰ *How the European Union Works...*, op. cit., p 38.

¹⁶¹ System members: 1) Eurozone: European Central Bank; Austria: Österreichische Nationalbank; Belgium: Nationale Bank van België/Banque nationale de Belgique; Finland: Bank of Finland; France: Banque de France; Germany: Deutsche Bundesbank; Greece: Bank of Greece; Ireland: Banc Ceannais na hÉireann/Central Bank of Ireland; Italy: Banca d'Italia; Luxembourg: Banque Centrale du Luxembourg; Netherlands: De Nederlandsche Bank; Portugal: Banco de Portugal; Spain: Banco de España 2) Non-Eurozone: Cyprus: Kentrike Trapeza tis Kyprou; Czech Republic: Ceska Narodni Banka; Denmark: Danmarks Nationalbank; Estonia: Eesti Pank; Hungary: Magyar Nemzeti Bank; Latvia: Latvijas Banka; Lithuania: Lietuvos Bankas; Malta: Central Bank of Malta; Poland: Narodowy Bank Polski; Slovakia: Národná banka Slovenska; Slovenia: Bank of Slovenia Banka Slovenije; Sweden: Sveriges Riksbank; United Kingdom: Bank of England.

and of the European Central Bank, *the primary objective* of the Eurosystem is to maintain price stability (in other words control the inflation).

The basic tasks to be carried out through the ESCB are to define and implement the monetary policy of the Community; to conduct foreign–exchange operations; to hold and manage the official foreign reserves of the Member States; to promote the smooth operation of payment systems.¹⁶²

The process of decision–making in the Eurosystem is centralised through the decision–making bodies of the ECB, namely *the Governing Council* and *the Executive Board*. As long as there are Member States which have not yet adopted the euro, a third decision–making body, *the General Council*, shall also exist. The NCBs of the Member States which do not participate in the euro area are members of the ESCB with a special status–while they are allowed to conduct their respective national monetary policies, they do not take part in the decision–making with regard to the single monetary policy for the euro area and the implementation of such decisions.¹⁶³

e) The Court of Auditors

The Court of Auditors was set up in 1975¹⁶⁴ and is based in Luxembourg. *The Court's job* is to check that EU funds, which come from the taxpayers, are properly collected and that they are spent legally, economically and for the intended purpose. The Court has *one member from each EU country*, appointed by the Council for a renewable term of six years. Even after enlargement there will still be one member per EU country but, for the sake of efficiency, the Court can set up “*chambers*” (with only a few members each) to adopt certain types of report or opinion. In their countries of origin, the members of the Court have all worked for an auditing institution or are specifically qualified for that work. They are chosen for their competence and independence, and they work full–time for the Court. The members elect one of their number as *President*¹⁶⁵ for a renewable term of three years. He or she calls and chairs meetings of the Court and is responsible for the proper conduct of the sessions; ensures

¹⁶² Protocol on The Statute of The European System of Central Banks and of The European Central Bank, annexed to the Treaty establishing the European Community, Article 3.

¹⁶³ Summarised from *How the European Union Works ...*, op. cit., p 40.

¹⁶⁴ “It replaced the previously existing Auditor of the ECSC and the Audit Board of the Communities”. (Craig, op. cit., p. 102).

¹⁶⁵ The Rules of the Procedure of the Court of Auditors, Title 1, Section 2, Articles 7 to 9.

that the Court's decisions are implemented; ensures that the departments of the Court operate properly and that its various activities are soundly managed; appoints an agent to represent the Court in all litigation in which the Court is involved; represents the Court in its external relations, in particular in its relations with the discharge authority, the other Community institutions and the Member States' audit institutions. He or she may delegate part of his duties to one or more Members.¹⁶⁶ *The Secretary-General*¹⁶⁷ is responsible for the management of the Court's staff and for the administration of the Court, as well as for any other task assigned to him by the Court.

The Court's *main role* is to check that the EU budget is correctly implemented—in other words, that EU income and expenditure is legal and above board and to ensure sound financial management. So its work helps guarantee that the EU system operates efficiently and openly. To carry out its tasks, the Court investigates the paperwork of any person or organisation handling EU income or expenditure. It frequently carries out on-the-spot checks. To do its job effectively, the Court of Auditors must remain completely independent of the other institutions but at the same time stay in constant touch with them. One of its key functions is to help the European Parliament and the Council by presenting them every year with an audit report on the previous financial year.¹⁶⁸

The Court of Auditors is divided into '*audit groups*'. They prepare draft reports on which the Court takes decisions. The auditors frequently go on tours of inspection to the other EU institutions, the member states and any country that receives aid from the EU.

The Court of Auditors has no legal powers of its own. If auditors discover fraud or irregularities they inform OLAF—the European Anti-Fraud Office.

¹⁶⁶ The Rules of Procedure of the Court of Auditors, Article 9.

¹⁶⁷ The Rules of Procedure of the Court of Auditors, Title 1, Section 4, Article 12.

¹⁶⁸ Summarised from *How the European Union Works...*, op. cit., p. 30.

II. CHAPTER THE STRUCTURE, POWERS AND RESPONSIBILITIES OF THE EUROPEAN PARLIAMENT

2.1. THE INSTITUTIONAL STRUCTURE OF THE EUROPEAN PARLIAMENT

In order to understand the powers and procedures, which the European Parliament uses, one, first, has to fully examine the institutional structure of the European Parliament and the relations between the actors within the Parliament. Under the title of “the Institutional Structure of the European Parliament”, we’ll deal with the Political Bodies, Secretariat, Committees, Delegations, Political Groups and, Members of the European Parliament.

2.1.1. THE PRESIDENT, THE BUREAU AND THE POLITICAL BODIES

a) The President of the European Parliament

The President of the European Parliament directs the Parliament’s activities and represents it in the international arena. The President is the top most representative and is responsible for the administration of the Parliament and of the all activities of the Parliament’s organs. The President represents the European Parliament in the international relations, ceremonies, legal and financial transactions.¹ Josep Borrell Fontelles is elected as the President of the European Parliament after the 2004 European elections.

The nomination of the President is realised according to the Rules of Procedure of the European Parliament. According to the Rule 12(1) of the Rules of Procedure, “nominations are with consent and made only by a political group or by at least 37 Members. However, if the number of nominations does not exceed the number of seats to be filled, the candidates may be elected by acclamation.” The Rule 12(2) stipulates that “also in the election of the President, account must be taken of the need to ensure an overall fair representation of the Member States and political views”.

¹ Nesrin Demir, *Avrupa Birliği Parlamentosu*, Ankara: Nobel Yayın Dağıtım, 2005, p. 75.

In the sitting, which is held in order to elect the President, the oldest Member present takes the Chair until the President has been elected². The President is elected first. According to the Rule 13 of the Rules of Procedure, nominations are handed before each ballot to the oldest Member to announce them to Parliament. If after three ballots no candidate has obtained an absolute majority of the votes cast, the fourth ballot is confined to the two Members who have obtained the highest number of votes in the third ballot. In the event of a tie the elder candidate is declared elected.³ The President is elected for two and half years which is renewable.

Before Parliament became an elected body in 1979, its President was chosen annually. The practice developed of the President being given a second year of office, with election in the second year being by acclamation. Since 1979 Parliament's officers have been chosen every two-and-half years, first in the July session immediately following the June elections and then in mid-term elections which take place in the January session two-and-half years later.⁴

The duties of the President of the EP are described in the Rule 19 of Rules of Procedure: 1) The President directs all the activities of Parliament and its bodies under the conditions laid down in these Rules. He enjoys all the powers necessary to preside over the proceedings of Parliament and to ensure that they are properly conducted. 2) The duties of the President are to open, suspend and close sittings; to rule on the admissibility of amendments, on questions to the Council and Commission, and on the conformity of reports with these Rules; to ensure observance of these Rules, maintain order, call upon speakers, close debates, put matters to the vote and announce the results of votes; and to refer to committees any communications that concern them. 3) The President may speak in a debate only to sum up or to call speakers to order. Should he wish to take part in a debate, he vacates the Chair and does not reoccupy it until the debate is over. 4) Parliament is represented in international relations, on ceremonial occasions and in administrative, legal or financial matters by the President, who may delegate these powers. The President also chairs the Conference of Presidents and

² Rules of Procedure, Rule 11.

³ Rules of Procedure, Rule 13.

⁴ Richard Corbett, Francis Jacobs, and Michael Shackleton, *The European Parliament*, (fourth edition) London: John Parper Publishing, 2000, p. 98.

Bureau meetings, unless there are exceptional circumstances, and has a casting vote in the Bureau.⁵

However, the duties of the President are not limited to these. There are other duties stated in the various other articles of the Rules of Procedure of the European Parliament, which the President is required to perform. The President of the EP signs the texts of acts adopted by the Parliament and the Council together with the Secretary-General, once it has been verified that all procedures have been duly completed.⁶ The President may invite the President of the Commission, the Commissioner responsible for relations with the European Parliament or another Commissioner, to make a statement to Parliament after each meeting of the Commission, explaining the main decisions taken.⁷ The President forwards the request, which has been submitted by a Member in writing to him/her, to a European Agency or take any other appropriate course of action. Any request sent by the President to an Agency includes a time limit for response. If the Agency considers that it is unable to respond to the request as formulated, or seeks to have it modified, it informs the President forthwith, who takes any appropriate action, after consulting the committee responsible as necessary.⁸ The President also brings action on behalf of the Parliament before the Court of Justice.⁹ The President declares votes open and closed. The President decides whether the result announced is valid. His decision is final.¹⁰ Last but not least, the President signs the budget, declares in the Parliament the budget has been finally adopted and arranges for its publication in the Official Journal¹¹. The budget of the European Union does not come into force until the President of the European Parliament signs it.

The President may, under the EP/Council co-decision procedure, chair the EP/Council conciliation committee. When an Intergovernmental Conference is held for the reform of the Treaties, the President takes part in the meetings of the government representatives where these are organised at ministerial level.¹²

⁵ Corbett, *ibid.*, p. 95.

⁶ Rules of Procedure, Rule 68.

⁷ Rules of Procedure, Rule 104.

⁸ Rules of Procedure, Rule 119.

⁹ Rules of Procedure, Rule 121.

¹⁰ Rules of Procedure, Rule 164.

¹¹ Rules of Procedure, Annex IV, Article 4 and Article 5(8).

¹² The European Parliament web site, date of access: 21 January 2006, URL: <http://www.europarl.eu.int/president/defaulten.htm?functions>.

Due to this wide range of activities to be interested, *the President can delegate his/her powers and duties to the Vice–Presidents*, in order for the European Parliament to work efficiently. The President usually chairs the opening sessions, important debates or votes in the EP. The President generally invites the Vice–Presidents for the remainder of the Parliament’s business. Similarly, the President can invite a Vice–President to represent the institution abroad but all Presidents have a punishing schedule of visits to countries inside and outside the Union, combining a protocol side (audience with the head of state, participation in ceremonies) and a functional side (meetings with the head of government, foreign minister, trade minister, etc.) as well as opportunity to make the European Parliament better known to a wider public through media.¹³

The President (just like the members of the Commission) is assisted by a personal private office (“*cabinet*”), with a head and deputy head, and with six or seven other administrators, covering a number of nationalities and languages and carrying out a variety of specific functions, such as relations with the press and the preparation of speeches.¹⁴ The Cabinet of the Josep Borrell Fontelles includes a director of the office (and two secretaries to the director of the office), eight advisors within the office (and five secretaries and one assistant to these advisors), a head of President’s Personal Office (and a secretary to this head), two assistants and a secretary to the President, a Deputy Director of Office (and two secretaries to this Deputy Director), a President’s Spokesman, a Deputy Spokesperson, their secretaries and a press officers, four ushers, a driver and an assistant to J. Borrell, MEP.¹⁵

An effective President must be an administrator and a politician, skilled in organising and also in liaising and bargaining.¹⁶ The President must be able to handle the busy schedule of the European Parliament, Conference of the Presidents while continuing the relationships with the Commission, the Council and the Council of European Union and also with the countries both within and outside of the European Union.

¹³ Corbett, *op. cit.*, pp. 94–95.

¹⁴ Corbett, *ibid.*, p. 96.

¹⁵ For a detailed information about the members of the Josep Borrell Fontelles’ Cabinet, see the web site of the President of the Parliament: <http://www.europarl.eu.int/president/defaulten.htm?cabinet>.

¹⁶ Nugent, Neill, *The Government and Politics of the European Union*, Durham: Duke University Press, 2003, p. 227.

Once the Presidential elections have been settled, they have a bearing on the elections for the Vice–Presidents, and Quaestors (and subsequently on the committee chairmanships, and other posts within the Parliament). These posts are effectively divided between the Political Groups (and within them between their different national delegations) on the basis of their numerical strength after taking into account which Political Group has obtained the Presidency.¹⁷

b) The Vice–Presidents

There are 14 Vice–Presidents in the European Parliament who help the President and the Bureau in running up the Parliament and its bodies. The Vice–Presidents elected after the 2004 European elections are Alejo Vidal–Quadras Roca, Antonios Trakatellis, Dagmar Roth–Behrendt, Edward McMillan–Scott, Ingo Friedrich, Mario Mauro, Manuel Antonio dos Santos, Luigi Cocilovo, Jacek Emil Saryusz–Wolski, Pierre Moscovici, Miroslav Ouzky, Janusz, Gerard Onesta, Sylvia–Yvonne Kaufmann.¹⁸

TABLE 2.1. The Vice–Presidents: 2004–2006 and Their Responsibilities within the Bureau:

Alejo VIDAL QUADRAS	EPP–ED	Conciliation. Information and communication policy (chair of Bureau working party)
Antonio TRAKATELLIS	EPP–ED	Conciliation. EUROMED Parliamentary Assembly
Dagmar ROTH–BEHRENDT	PES	Conciliation. EP staff policy (in cooperation with Mr. FRIEDRICH)
Edward McMILLAN–SCOTT	EPP–ED	Relations with national parliaments. EUROMED Parliamentary Assembly
Ingo FRIEDRICH	EPP–ED	EP staff policy (in cooperation with Mr. Roth–Behrendt)
Mario MAURO	EPP–ED	STOA and research programmes Parliamentary relations with the ‘new neighbours’ (South–Eastern Europe)
Antonio COSTA	PES	Multilateral interparliamentary relations. Organisation of Question Time (in cooperation with Mrs. Kaufmann)
Luigi COCILOVO	ALDE	EP Budget
Jacek Emil SARYUSZ–WOLSKI	EPP–ED	Parliamentary relations with the ‘new relations’ (Eastern Europe)
Pierre MOSCOVICI	PES	Relations with national parliaments
Miroslav OUZKY	EPP–ED	Parliamentary relations with applicant countries. Transparency, access to documents
Janusz ONYSZKIEWICZ	ALDE	Information and telecommunications technologies. Multilateral interparliamentary relations in security and defence

¹⁷ Corbett, op. cit., p. 101.

¹⁸ The European Parliament web site, date of access: 22 January 2006, URL: <http://www.europarl.eu.int/members/expert/otherBodies/search.do?body=1511&language=EN>.

TABLE 2.1. (Continue)

Gerard ONESTA	Greens	Members' assistant (chair of working party). Buildings and infrastructure.
Sylvia-Yvonne KAUFMANN	UEL–NGL	Gender equality. Organisation of question time (in cooperation with Mr. Costa)

Source: Richard Corbett, *The European Parliament*, sixth edition, London: John Harper Publishing, 2005, p. 112.

After the President of the EP is elected, then the Vice–Presidents are elected on a single ballot paper. According to the Rule 14, the nominees who obtain an absolute majority of the votes cast in the first ballot are declared to be elected as the Vice–Presidents in the numerical order of their votes; if the number of Vice–Presidents elected is less than the number of seats to be filled (14 seats), a second ballot is held under the same conditions to fill the remaining seats and if a third ballot is required to be held, a relative majority will suffice for election to the remaining seats. If two nominees have the same number of votes, the elder candidate is declared to be elected.¹⁹ Like that of the President, the term of office of the Vice–Presidents is two and half years which is renewable.

The Vice–Presidents replace the President when he/she is absent or unable to discharge his/her duties or when he/she wishes to take part in a debate.²⁰ The President may delegate to the Vice–Presidents any duties such as representing Parliament at specific ceremonies or acts.²¹ The President may designate a Vice–President to take charge of the responsibilities conferred on him/her such as ruling on the admissibility of the questions submitted for the Question Time and on the order in which they are to be taken or forwarding these questions to the institution concerned. The Vice–Presidents also perform a wide range of duties within the Bureau, under the Rule 22 of the Rules of Procedure (which will be discussed below).

Although the Vice–Presidents enjoy an order of precedence, determined by the number of votes they receive at their election, this numerical ranking is of limited significance in determining a Vice–President's importance within the Parliament's leadership structure. Their role is more likely to depend on other factors, such as whether they have been a former President of the Parliament, whether they are members of a large Political Group, whether they are particularly representatives of their own

¹⁹ Rules of Procedure, Rule 14.

²⁰ Rules of Procedure, Rule 20(1).

nationality. But above all, personal factors play a crucial role: a Vice–President, with a strong personality and determination, who is an assiduous attender, can become very influential in shaping the wide range of decisions taken by the Bureau.²²

c) The Quaestors

There are five Quaestors in the European Parliament who are responsible for administrative and financial matters of direct concern to Members of the European Parliament (MEPs). The Quaestors are also the members of the Bureau of the European Parliament, like the President and the Vice–Presidents. The post of the Quaestors was created by the Parliament first in 1977. This post, which was created as a sub–group of the Bureau gained its present situation after the first direct suffrage in 1979.²³ The Quaestors elected after the 2004 European elections are James Nicholson, Genowefa Grabowska, Mia de Vits, Godelieve Quisthoudt Rowohl, Astrid Lulling.²⁴

The Quaestors are elected by the European Parliament after the elections of the Vice–Presidents and they are elected by the same procedure as the Vice–Presidents.²⁵ This means that the election of the Quaestors are realised by the secret ballot and nominations are with consent and that the nominations are made by a political group or by at least 37 Members. Rule 12 of the Rules of Procedure also requires that, in the election of the Quaestors (just like that of the President and the Vice–Presidents), account must be taken of the need to ensure an overall fair representation of the Member States and political views. Again like those of the President and the Vice–Presidents, the term of office of the Quaestors is two and half years which is renewable.

The Quaestors are responsible for administrative and financial matters that directly concern Members, pursuant to guidelines laid down by the Bureau²⁶; for example making general services and equipment available. They can present proposals to modify or rewrite texts on all rules adopted by the Bureau. At the beginning of their terms of office, Quaestors distribute amongst themselves areas of interest covering such

²¹ Rules of Procedure, Rule 20(3).

²² Corbett, op. cit., s. 97.

²³ Demir, op. cit., s. 77.

²⁴ The European Parliament web site, date of access: 22 January 2006, URL: <http://www.europarl.eu.int/members/expert/otherBodies/search.do?body=1303&language=EN>.

²⁵ Rules of Procedure, Rule 15.

²⁶ Rules of Procedure, Rule 25.

diverse issues as security, external information offices, members' assistants, the allocation of offices, visitors' groups, exhibitions and works of art, language courses, official cars, recreational activities and financial questions.²⁷

d) The Bureau

The Bureau is the regulatory body responsible for Parliament's budget and for administrative, organisational and staff matters. In addition to the President and fourteen Vice-Presidents, it includes, attending in a consultative capacity, the five Quaestors.²⁸ If a voting in the Bureau result in a tie, the President has a casting vote.²⁹ The Bureau is the body that lays down rules for Parliament; it also draws up Parliament's preliminary draft budget and decides all administrative, staff and organisational matters.

In the Rule 22 of the Rules of Procedure, *the duties of the Bureau* is stated in a great detail: 1) The Bureau carries out the duties assigned to it under the Rules of Procedure. 2) The Bureau takes financial, organisational and administrative decisions on matters concerning Members and the internal organisation of Parliament, its Secretariat and its bodies. 3) The Bureau takes decisions on matters relating to the conduct of sittings. 4) The Bureau adopts the provisions referred to in Rule 31 concerning Non-attached Members. 5) The Bureau decides the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants. 6) The Bureau draws up Parliament's preliminary draft estimates. 7) The Bureau adopts the guidelines for the Quaestors pursuant to Rule 25. 8) The Bureau is the authority responsible for authorising meetings of committees away from the usual places of work, hearings and study and fact-finding journeys by rapporteurs. Where such meetings are authorised, the language arrangements are determined on the basis of the official languages used and requested by the members and substitutes of the committee concerned. The same applies in the case of the delegations, except where the members and substitutes concerned agree otherwise. 9) The Bureau appoints the Secretary-General pursuant to Rule 197. 10) The Bureau lays down the implementing rules relating to European Parliament and Council Regulation (EC) No 2004/2003 on

²⁷ Corbett, op. cit., p. 98.

²⁸ *The European Parliament*, Luxembourg: Directorate-General for Information of the European Parliament (November 2004) and Rule 21 of the Rules of Procedure.

²⁹ Rules of Procedure, Rule 21(3).

the regulations governing political parties at European level and the rules regarding their funding and, in implementing that Regulation, assumes the tasks conferred upon it by these Rules of Procedure. 11) The President and/or the Bureau may entrust one or more members of the Bureau with general or specific tasks lying within the competence of the President and/or the Bureau. At the same time the ways and means of carrying them out are laid down. 12) When a new Parliament is elected, the outgoing Bureau remains in office until the first sitting of the new Parliament.

Bureau minutes are translated into the official languages, printed and distributed to all Members of the European Parliament and are accessible to the public, unless the Bureau or the Conference of Presidents decides otherwise for the reasons of confidentiality. Any Member may ask questions about the Bureau's activities, submitting his or her question to the President.³⁰ This is given to the Bureau a great deal of accountability and transparency.

The Bureau also decides on the funding for the political parties represented in the European Parliament. The Bureau takes a decision on any application for funding submitted by a political party at European level and on the distribution of appropriations amongst the beneficiary political parties. It draws up a list of the beneficiaries and of the amounts allocated. The Bureau also decides whether or not to suspend or reduce funding and to recover amounts which have been wrongly paid. After the end of the budget year, the Bureau approves the beneficiary political party's final activity report and final financial statement.³¹

e) The Conference of Presidents

The Conference of Presidents consists of the President of Parliament and the political group chairmen. Two representatives of the non-attached Members also have seats in the Conference of Presidents without having the right to vote.³² The members of the Conference of Presidents after the 2004 elections are Josep Borrell Fontelles, Hans-Gert Poettering, Martin Schulz, Graham Watson, Monica Frassoni, Daniel Marc

³⁰ Rules of Procedure, Rule 28.

³¹ Rules of Procedure, Rule 199(1), (2) and (3).

³² Rules of Procedure, Rule 23(1) and (2).

Cohn–Bendit, Francis Wurtz, Jens–Peters, Nigel Farage, Brian Crowley, Cristiana Muscardini, Irena Belohorska, and Philip Claeys.³³

The Conference of Presidents tries to reach a consensus on matters referred to itself. According to the Rule 23(3) of Rules of Procedure, where a consensus cannot be reached, the matter is put to a vote subject to a weighting based on the number of Members in each political group.

The Conference of Presidents meets at least twice, and normally three or four times, per month. Its meetings are prepared by meetings of the head of the President’s *cabinet*, the Secretary–General of Parliament and the Secretaries–General of the Political Groups.³⁴

The duties of the Conference of Presidents are laid down in the Rule 24 of the Rules of Procedure: The Conference of Presidents takes decisions on the organisation of Parliament’s work and matters relating to legislative planning. It is responsible for matters relating to relations with the other institutions and bodies of the European Union and with the national parliaments of Member States. The Bureau names two Vice–Presidents who are entrusted with the implementation of the relations with national parliaments. They report back regularly to the Conference of Presidents on their activities in this regard. The Conference of Presidents is responsible for matters relating to relations with non–member countries and with non–Union institutions and organisations. It draws up the draft agenda of Parliament’s part–sessions. It is responsible for the composition and competence of committees, committees of inquiry and joint parliamentary committees, standing delegations and ad hoc delegations. The Conference of Presidents decides how seats in the Chamber are to be allocated. It is responsible for authorising the drawing up of own–initiative reports. The Conference of Presidents submits proposals to the Bureau concerning administrative and budgetary matters relating to the political groups.

Rule 24 shows that the Conference of Presidents is responsible for a wide range of activities both inside and outside of the European Parliament. Inside of the EP, it proposes the membership and competence of parliamentary committees and delegations, adjudicates on disputes of competence between committees, while authorising the

³³ The European Parliament web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/members/expert/otherBodies/search.do?body=1510&language=EN>.

drafting of reports and drawing up the draft agenda of part-sessions. Outside the EP, the Conference of Presidents decides on inter-institutional relations and relations with Member States and national parliaments; it also sorts out relations with non-member countries and non-Union institutions and organisations and decides on the sending of delegations to the third countries.

Prior to 1993, there was an 'Enlarged Bureau' instead of the Conference of Presidents. This body brought together the Bureau and the Group chairmen (with Quaestors present as well as non-voting members). It was felt to be an unwieldy body and was replaced by the more compact Conference of Presidents.³⁵

f) The Conference of Delegation Chairmen

The Conference of Delegation Chairmen is the political body in Parliament that periodically considers all matters concerning the smooth running of interparliamentary delegations and delegations to the joint parliamentary committees. It consists of the chairmen of all the standing interparliamentary delegations and elects its chairman. It may make recommendations to the Conference of Presidents about the work of delegations. The Bureau and the Conference of Presidents may instruct the Conference of Delegation Chairmen to carry out specific tasks.³⁶

Members of the Conference of Delegation Chairmen for the sixth parliamentary term are Raimon Obiols i Germa, Guido Podesta, Catherine Guy-Quint, Pal Schmitt, Georgios Papastamkos, Joost Lagendijk, Erika Mann, Andre Brie, Diana Wallis, Doris Pack, Camiel Eurlings, Marek Maciej Siwiec, Marianne Mikko, Bogdan Klich, Ona Juknevičienė, Marie Anne Isler Beguin, Jana Hybasková, Adamos Adamou, Luisa Fernanda Rudi Ubeda, Beatrice Patrie, Lilli Gruber, Angelika Beer, Jonathan Evans, Sean O Neachtain, Alain Lipietz, Massimo D'alema, Georg Jarzembowski, Dirk Sterckx, Neena Gill, Hartmut Nassauer, Ursula Stenzel, Neil Parish, Antonio Di Pietro, Paulo Casaca, Glenys Kinnock, Antonios Trakatellis, Elmar Brok, Luisa Morgantini.³⁷

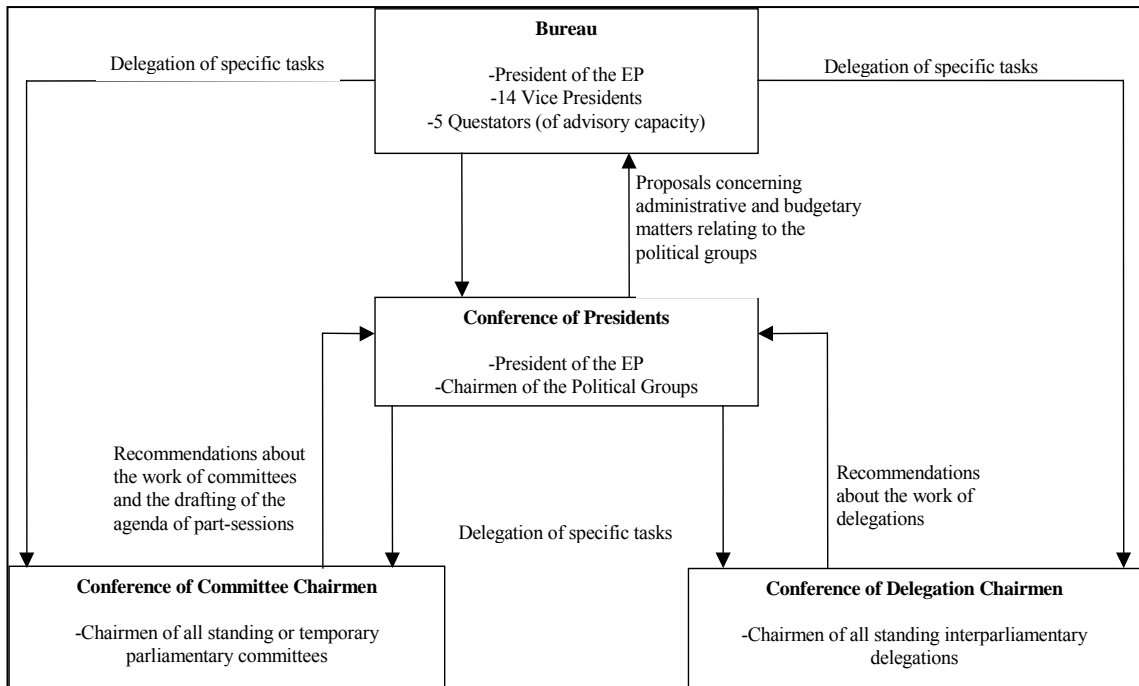
³⁴ Corbett, *op. cit.*, p. 103.

³⁵ Corbett, *ibid.*, p. 102.

³⁶ Rules of Procedure, Rule 27.

³⁷ The European Parliament web site, Date of access: 6 February 2006, URL: <http://www.europarl.eu.int/members/expert/otherBodies/search.do?body=1514&language=EN>.

FIGURE 2.1. Parliament's Governing Bodies



Source: Centre Virtuel de la Connaissance sur l'Europe (CVCE), date of access: 5 February 2006, URL: <http://www.ena.lu?lang=2&doc=4123>

2.1.2. THE SECRETARIAT

The European Parliament is assisted by a Secretariat. Under the authority of a Secretary-General some 4000 officials, recruited by competition from all the countries of the Union, work in the service of the European Parliament. The political groups have their own staff and Members their own assistants. The European Parliament has to work within the constraints of multilingualism—which accounts for about one third of its staff—and the fact of having three places of work—Strasbourg, Brussels, and Luxembourg.³⁸ The Secretariat's task is to co-ordinate legislative work and organise plenary sittings and meetings. The European Parliament works in all the official languages of the European Union.³⁹ All documents dealt with in plenary are translated

³⁸ *The European Parliament*, op. cit..

³⁹ After the accessions of Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia on 1 May 2004, the number of official languages of the EU raised to 20 and these official languages are Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovene, Spanish, Swedish. On 13 June 2005, Irish became the EU's 21. official and working language. In November 2004, the Irish government tabled a proposal in Brussels seeking official and working status in the EU for the Irish language. In June 2005, this proposal was adopted. It will come into effect on 1 January 2007, with a partial derogation in place whereby only key legislation must be translated into Irish, i.e. Irish translations will only be carried out for documents covered by co-decision between the European Parliament and the

into all of the official languages and an interpretation service is also provided in the European Parliament. These services are provided by the Secretariat of the EP.

The Rule 197 of the Rules of Procedure is spared to the Parliament's Secretariat: Parliament is assisted by a Secretary-General appointed by the Bureau. The Secretary-General gives a solemn undertaking before the Bureau to perform his duties conscientiously and with absolute impartiality. The Secretary-General heads a Secretariat the composition and organisation of which is determined by the Bureau. The Bureau decides the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants. The Bureau also decides to what categories of officials and servants Articles 12 to 14 of the Protocol on the privileges and immunities of the European Communities applies in whole or in part.⁴⁰ The President of Parliament informs the appropriate institutions of the European Union accordingly.

Council of Ministers. After a transitional period of four years, this derogation, known as the 'Maltese Derogation', will be reviewed. (European Parliament News-Press Service date of access: 20 January 2006, URL: http://www.europarl.eu.int/news/expert/infopress_page/008-828-269-09-39-901-20050928IPR00827-26-09-2005-2005-false/default_en.htm)

⁴⁰ PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES: Article 12: In the territory of each Member State and whatever their nationality, officials and other servants of the Communities shall: (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Communities and, on the other hand, to the jurisdiction of the Court in disputes between the Communities and their officials and other servants, shall be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office; (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for registration of aliens; (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations; (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the Government of the country in which this right is exercised; (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the Government of the country concerned.

Article 13: Officials and other servants of the Communities shall be liable to a tax for the benefit of the Communities on salaries, wages and emoluments paid to them by the Communities, in accordance with the conditions and procedure laid down by the Council, acting on a proposal from the Commission. They shall be exempt from national taxes on salaries, wages and emoluments paid by the Communities.

Article 14: In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Communities, officials and other servants of the Communities who, solely by reason of the performance of their duties in the services of the Communities, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Communities, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Communities.

Organisation of the Secretariat of the European Parliament is divided into three: Legal Service, Secretary-General's office and Directorate-Generals. There are eight directorate-generals under the Secretariat: Directorate-General for Presidency, Directorate-General for Internal policies, Directorate-General for External policies, Directorate-General for Information, Directorate-General for Personnel, Directorate-General for Infrastructure and Interpretation, Directorate-General for Translation and Publishing, Directorate-General for Finance.

The Secretary-General is the highest official within the Parliament.⁴¹ He/she is formally appointed by the Bureau. The Secretary-General is responsible for Parliament's administration. The Secretary-General are is responsible for assisting the President, the Bureau, the political bodies and the MEPs; ensuring the smooth running of parliamentary business under the leadership of the President and the Bureau; verifying and signing all acts adopted jointly by Parliament and the Council, with the President; and preparing the basic elements of a report that the Bureau uses to draw up Parliament's draft budget estimates. The Secretary-General of the European Parliament elected after the 2004 elections is Julian Priestley.

The Directorate-General for the Presidency is at the heart of Parliament's work. It is responsible for the organisation of plenary sittings and for follow-up activities. It is in charge of work associated with Parliament's political activity involving the plenary sittings, the Conference of Presidents, the Bureau and Members' activities. It provides assistance to Members and the President, by means of the Tabling Unit and the Verification Department, as regards legal-linguistic verification of texts, amendment of legislative texts and the admissibility of amendments. It is in charge of functional but essential aspects of the smooth running of a large institution, such as protocol, the mail department, the register, archives and security. It is also in charge of

This provision shall also apply to a spouse to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article. Movable property belonging to persons referred to in the first paragraph and situated in the territory of the country where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation. Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.”

⁴¹ Corbett, op. cit., p. 168.

technical aspects relating to better use of IT, telephone services and all new technologies, under the auspices of the Information Technology Directorate.⁴²

The Directorate-General for Internal Policies is responsible for organising the work of Parliament's committees in the field of internal policies. It provides support and professional advice for the committee chairmen and rapporteurs to help them carry out their duties. It helps the committees develop their work programmes in close co-operation with the Commission and Council. It provides help in ensuring the smooth running of committee meetings. It co-ordinates and develops close relations between the European Parliament and the national parliaments.⁴³

The Directorate-General for External Policies is responsible for organising the work of Parliament's committees in the field of external policies. It provides support and professional advice for the committee and delegation chairmen and rapporteurs to help them carry out their duties. It helps the committees responsible for external policies develop their work programmes in close co-operation with the Commission and Council. It provides help for ensuring the smooth running of meetings of delegations and committees responsible for external policies. It acts as a link between the interparliamentary delegations, non-EU countries and parliaments throughout the world. It co-ordinates and develops close relations between the European Parliament and the national parliaments.⁴⁴

The Directorate-General for Information works to ensure that information is circulated to the public, the media and opinion leaders on the wide range of Parliament's activities. The information offices, which have been set up in each EU Member States, act as intermediaries between Parliament and the public. The Directorate-General for Information makes extensive use of various means, activities and communications networks to help publicise Parliament's activities. The Directorate-General for Information assists and provides information to a wide range of people by developing various means of communication. It is responsible for ensuring that the media, the public and opinion leaders (associations, civil society bodies and

⁴² The European Parliament's official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=3&language=EN>.

⁴³ The European Parliament's official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=4&language=EN>.

⁴⁴ The European Parliament's official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=5&language=EN>.

local elected representatives) are aware of the role, operation and views of the European Parliament and for providing a library and documentation service for MEPs, committees and other European Parliament bodies for their official parliamentary duties.⁴⁵

The Directorate-General for Personnel helps ensure that Parliament's other directorates-general have the human resources necessary to carry out their work. It manages Parliament's human resources, i.e. the officials and political group and other staff, in accordance with the regulations applicable to officials and other staff of the European Communities. It develops political strategies to improve women's working conditions and promoting equal opportunities for each employee. It helps for successfully running Parliament's staff policy by keeping it under review and improving it if necessary, while meeting the challenge of the enlargement of the European Union. It provides staff access to vocational training (language training, training in management technique, IT training, etc.).⁴⁶

The Directorate-General for Infrastructure and Interpretation is responsible for managing infrastructure and logistics in Parliament's various places of work. It provides technical and administrative management of Parliament's buildings in Brussels, Strasbourg and Luxembourg and the information offices in the Member States. It is responsible for the management of the equipment and services departments involved in running the buildings and also for the management of equipment (purchases, transport, removals, message services, catering, shops, etc.) and practical arrangements for meetings. It arranges for interpretation cover of plenary sittings and Parliament meetings inside and outside the three places of work.⁴⁷

The Directorate-General for Translation and Publishing helps meet the European Parliament's political requirement of written multilingualism. The Translation Directorate translates documents into the official languages of the European Union; helps with a multilingual exchange of written information; and supervises translations done outside Parliament. The Publishing Directorate prints and distributes Parliament's working documents (committee meetings, plenary sittings, etc.); distributes these

⁴⁵ The European Parliament's official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=6&language=EN>.

⁴⁶ The European Parliament's official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=7&language=EN>.

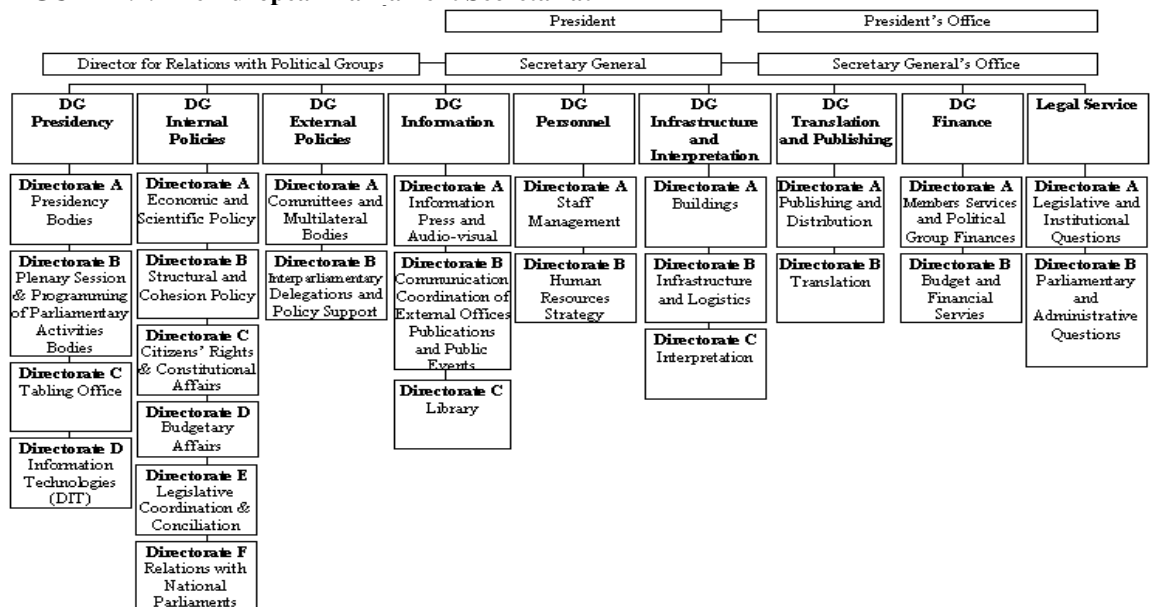
⁴⁷ The European Parliament's official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=8&language=EN>.

documents electronically (Europarl web site); publishes documents in the Official Journal; and produces other publications in co-operation with the Office for Official Publications.⁴⁸

The Directorate-General for Finance deals with Parliament’s budget and financial affairs. It prepares Parliament’s budget and monitoring its implementation and checks that Parliament’s budget and financial acts comply with the rules. It is also responsible for Parliament’s official accounting, treasury operations and administration of MEPs’ financial affairs.⁴⁹

The Legal Service advises Parliament on legal questions and represents it in legal cases. It provides legal assistance for Parliament’s political bodies (the President, the Bureau, the Conference of Presidents, the Conference of Committee Chairmen, the Conference of Delegation Chairmen, the College of Quaestors and the committees) and for its Secretariat. It helps the committees with their legislative work and represents the European Parliament in European and national courts.⁵⁰

FIGURE 2.2. The European Parliament Secretariat



Source: Richard Corbett, *The European Parliament*, sixth edition, London: John Harper Publishing, 2005, p. 189

⁴⁸ The European Parliament’s official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=9&language=EN>.

⁴⁹ The European Parliament’s official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=10&language=EN>.

⁵⁰ The European Parliament’s official web site, date of access: 29 January 2006, URL: <http://www.europarl.eu.int/parliament/expert/staticDisplay.do?id=54&pageRank=11&language=EN>.

The most significant developments in its work result from the co-decision. As a result, not only does the Legal Service have to scrutinise more carefully the quality of texts of the Parliament, it also checks the first reading of the Council (known as the “common position”) and is invited by the Council to give its comments before the text is transmitted to the Parliament.⁵¹

Since the Assembly’s beginning in 1952, there has been an enormous rise in the number of Parliament’s staff. A figure of 37 posts in 1952–53 rose to 1995 in 1979, 2966 by 1984 and now over 4000. The rate of increase can be compared with that of the Council, which had almost the same number of officials in the early 1950s but now is considerably smaller with something over 2500 staff. The rise in the number of Parliament’s staff has resulted from a number of factors: the increase in the Parliament’s membership from 78 to over 600; the increase in the number of working languages from four to eleven (between a quarter and a third of Parliament’s officials are in its linguistic services); the rise in the number of nationalities from six to 15; and last but not least, the increased range of Parliament’s tasks and responsibilities.⁵² The staff in the Secretariat are civil servants working in an absolutely politically neutral way. None the less, they are not prevented from being active members of political parties in their spare times, or from standing as candidates in local, national or European elections.⁵³

2.1.3. COMMITTEES

In order to do the preparatory work for Parliament’s plenary sittings, the Members of the European Parliament (MEPs) are divided up among a number of specialised standing committees. Consisting of between 25 and 78 MEPs, a parliamentary committee has a chair, a bureau and a secretariat of its own. The committees meet once or twice a month in Brussels and their meetings are open to the public.⁵⁴ Committees are established primarily in order to make parliaments more

⁵¹ Corbett, *op. cit.*, p. 171.

⁵² Corbett, *loc. cit.* “At 31 December the establishment plan of Parliament’s Secretariat comprised 4.696 permanent posts and 121 temporary posts.” (*General Report on the Activities of the European Union–2005*, Brussels: Office for Official Publications of the European Communities, 2006, p. 19)

⁵³ Corbett, *op. cit.*, p. 172.

⁵⁴ “In contrast to other institutions, notably the Council and the Commission, EP committee meetings are open to both representatives of other institutions and the general public. There is, however, an exception to this rule: committees may decide to divide the agenda for a particular meeting into items which are open and those which are closed to the public.” (Christine Neuhold, “the Legislative Backbone keeping

efficient. Committees provide arenas for specialization, thereby enhancing parliaments' ability to influence legislation and to hold the government accountable.⁵⁵

The parliamentary committees has been an important part of the Parliament's work from its inception. The Common Assembly of the Coal and Steel Community had already set up seven committees by 1953. In 1958, with the establishment of the EEC and EURATOM, the number of committees increased to 13 in a structure not very different from that which exists today although over the years there have been occasional changes of committee nomenclature and responsibilities. After direct elections in 1979, 16 standing committees were set up. This was gradually increased to 20 by 1999.⁵⁶ Today, there are 24 committees within the European Parliament.

The number, responsibilities and size of committees are initially decided upon during the July session of a newly elected Parliament, and are then re-examined at the half-way point of the Parliament after two-and-a-half years.⁵⁷

The members of the committees are elected according to their area of specialisation and political groups. According to the Rule 177 of the Rules of Procedure, after nominations have been submitted by the political groups and the Non-attached Members, committee members are elected on the basis of proposals made by the Conference of Presidents to Parliament. What this means in practice is that the political groups negotiate the share-out of committee memberships on a basis proportionate to their size.⁵⁸ There are no restrictions on multiple memberships, but the majority of members are full members of one committee and substitutes in another one. Members may be highly active in the committee in which they are substitutes,

the Institution upright? The Role of European Parliament Committees in the EU Policy Making Process", European Integration Online Papers, Vol: 5, No: 10, 2001, p.3, date of access: 1 February 2006, URL: <http://eiop.or.at/eiop/pdf/2001-010.pdf>)

⁵⁵ Virginie Mamadouh, and Tapio Raunio, *Allocating Reports in the European Parliament: How Parties Influence Committee Work*, EPRG-European Parliament Research Group-Working Paper, No: 7, 2001, date of access: 3 February 2006, URL: www.lse.ac.uk/collections/EPRG, p. 6. Mamadouh and Raunio explains the reason for this as follows: "The key aspect is information: investment in committee work makes MPs better informed and reduces the informational advantage of the executive."

⁵⁶ Corbett, op. cit., p. 105. "The development of Parliament's committee system was, at least in part, an attempt to maximise these possibilities and in particular provide for dialogue both with the Commissioner and with their officials at all levels. However, until direct elections and full-time MEPs as of 1979, the practical use made of these possibilities was limited, by the part-time nature of the job,, with national parliamentarians! attendance necessarily constrained and even subject to frequent last minute changes due to domestic parliamentary duties." (Richard Corbett, *European Parliament's Role in Closer EU Integration*, Gordonsville: Palgrave Macmillian, 2002, p. 115)

⁵⁷ Corbett, op. cit., p. 106.

especially when they did not get seats in their priority committees. Substitutes usually have full speaking and voting rights (when they replace a full member), and it is not uncommon for them to receive rapporteurships, especially if they are recognised as policy experts.⁵⁹ Due to the negotiations among the political parties, the political make-up of the committees reflects largely that of the plenary assembly.

According to the interpretation of the Rule 177 of Rules of Procedure, “when a Member changes political groups he retains, for the remainder of his two and a half year term of office, the seats he holds in parliamentary committees. However, if a Member’s change of political group has the effect of disturbing the fair representation of political views in a committee, new proposals for the composition of that committee is made by the Conference of Presidents, whereby the individual rights of the Member concerned shall be guaranteed.” This enables the committees to keep their political make-up in accordance with that of the Parliament.

The first committee meeting takes place during the July plenary of a new Parliament and at the halfway point of the legislature. At the first committee meeting, the committee elects a bureau consisting of a chairman and its vice-chairmen who is elected in separate ballots.⁶⁰ Just as the election of the members of the committees, the election for the positions in the bureau are divided by agreement among the Political Groups on the basis of the number of members within each Group. Once the chair has been allocated to a particular Group, the choice depends on a number of factors including the need to take into account the size of the national delegations within a Group, and the experience and expertise of their individual candidates.⁶¹ For these positions a great deal of negotiations takes place among the Political Groups or national delegations.

⁵⁸ Nugent, *op. cit.*, p. 228.

⁵⁹ Mamadouh and Raunio, *op. cit.*, p. 8–10. Mamadouh and Raunio continues: “A rapporteur is responsible for drafting a report on the issue handled in the committee. When drafting the report, the rapporteur must be prepared to compromise in order to accommodate the views of the committee members. Such compromise building is necessary in order to facilitate the smooth passage of the report in the committee and later in the plenary”.

⁶⁰ Rules of Procedure, Rule 182.

⁶¹ Corbett, *op. cit.* p. 108.

The chairmen⁶² and the vice-chairmen gets help they need from the administrators within the committees. The number of these administrators changes between two and seven, depending on the size of the committee. Committees also has a committee assistant and a number of secretaries whose responsibilities are to look after the logistics of the meetings and a number of secretaries. The committee staff have an important role in briefing members of the past activities and positions adopted within the committee, help in background research for rapporteurs, and in drafting of texts.⁶³ *The rapporteurs* is appointed by the chairmen of the committee and prepares the draft opinions and reports for the committee.⁶⁴ Rapporteurship allocation within committees is not regulated in the standing orders of the EP, whereas the composition of the committees and the selection of the officeholders are. Instead, party groups have developed an auction-like system based primarily on the rule of proportionality.⁶⁵ The Group co-ordinators and the committee chairmen decides the reports to be produced by the committee; the committee's priorities and the rapporteur who will prepare the draft report. The rapporteurship system, with parliamentary resolutions based on reports drafted by individual members, is seen as crucial. Rapporteurs accumulate policy expertise and mediate with the Commission and the Council, two factors essential for legislative influence. While representatives are formally equal, the rapporteurs are potentially highly influential in shaping European legislation. Committees and rapporteurs in particular are therefore "privileged groups" within the Parliament.⁶⁶

The co-decision procedure has enhanced the importance of the EPs committees significantly and particularly the political skills of the committee chairs and rapporteurs

⁶² "The committee chairmen can be powerful political players, both within their committees and within the EP as whole and with respect to other Community institutions. This is especially true for those committees with an important inter-institutional function –such as Foreign Affairs, Human Rights, CFSP, Budgets and Legal Affairs & the Internal Market and those carrying heavy legislative loads or possessing extensive legislative powers". (Corbett, *European Parliament's Role...*, loc. cit.)

⁶³ Corbett, op. cit., p. 111.

⁶⁴ "Although the option of shadow rapporteur is not described in the EP Rules of Procedure, he or she can play a very important role. This position is filled by MEPs from the opposed political groups, in any case from the two large groups. The main task of the shadow rapporteur is to gain insight into the work of the rapporteur and inform other members of their political group of the progress of deliberations/negotiations, giving them recommendations and drawing up amendments. The creation of this position was a reaction to the fact that dossiers are often do highly technical that MEPs not dealing with the proposal directly are unfamiliar with the details of the issue at stake. (Neuhold, op. cit., p .5.)

⁶⁵ Micheal Kaeding, "Rapporteurship Allocation in the European Parliament", *European Union Politics*, Vol: 5, No 3, (March 2004), p. 354.

⁶⁶ Mamadouh and Raunio, op. cit., pp. 3–4.

who carry out evaluations of specific proposals. The most powerful MEPs are those, who play a dominant role in their committee, are well integrated into the concerned sectoral policy networks and are consulted on a regular basis in the initiative phase, when the Commission formulates its proposals.⁶⁷

Committee work revolves around reports. The Parliament produces two main types of reports: legislative and non-legislative reports (including budget reports). The legislative reports can be divided into four categories on the basis of the EU legislative procedures: assent, consultation, co-operation, and co-decision reports. Lacking the formal right to initiate legislation or to rewrite bills, the Parliament produces own-initiative reports. They are drafted following either a motion for resolution tabled by individual members (Rule 48) or following a request by a committee. The Conference of Presidents, composed of group chairs with votes weighted according to group size, decides whether the committee is given the right to produce the report. These requests are quite often turned down, especially towards the end of the five-year legislative term, and as a part of the Parliament's attempt to manage its timetable in the face of increasing legislative workload.⁶⁸

The meeting place of the committees is usually Strasbourg. The Parliament accepted this a rule. The Parliament uses two weeks each month for the meetings of the committees.⁶⁹ These two weeks in which the committees' normal meetings are held are called "committee weeks". The "committee weeks" takes place after the plenary session and before the Group week in which the meetings of the Political Groups occurs. According to the Rule 183(2), the Commission and Council may take part in committee meetings if invited to do so on behalf of a committee by its chairman, and also, by special decision of a committee, any other person may be invited to attend and to speak at a meeting.

Rule 185 of the Rules of Procedure clarifies *the voting rules in the committees*. According to this Rule, any Member may table amendments for consideration in the committee responsible. A committee may validly vote when one-quarter of its members

⁶⁷ Christine Neuhold, "The Standing Committees in the European Parliament, (Subproject 1 Of) Governance By Committee", In *The Role Of Committees in European Policy-Making And Policy Implementation*, Maastricht: European Institute of Public Administration, May 2000, p. 13.

⁶⁸ Mamadouh and Raunio, op. cit., p. 10.

⁶⁹ Demir, op. cit., p. 105

are actually present. However, if so requested by one–sixth of its members before voting begins, the vote is valid only if the majority of the component members of the committee have taken part in it. Voting in committee is by show of hands, unless a quarter of the committee’s members request a vote by roll call. The chairman may take part in discussions and may vote, but without having a casting vote.

The Conference of Committee Chairmen is the political body in Parliament that works for better co–operation between the committees. The Conference of Committee Chairmen consists of the chairmen of all the standing and temporary committees. It may make recommendations to the Conference of Presidents about the work of committees and the drafting of the agenda of part–sessions. The Bureau and the Conference of Presidents may instruct the Conference of Committee Chairmen to carry out specific tasks.⁷⁰ The Conference of Committee Chairmen generally meets once a month in Strasbourg during plenary sittings. Members of the Conference of the Committee Chairmen for the sixth parliamentary term are Joseph Daul, Elmar Brok, Luisa Morgantini, Enrique Baron Crespo, Janusz Lewandowski, Szabolcs Fazakas, Pervenche Beres, Jan Andersson, Karl–Heinz Florenz, Giles Chichester, Paolo Costa, Gerardo Galeote Quecedo, Philippe Morillon, Nikolaos Sifunakis, Giuseppe Gargani, Jean–Marie Cavada, Jo Leinen, Anna Zaborska, Marcin Libicki, Helene Flautre, Karl von Wogau, Josep Borrell Fontelles.⁷¹

In addition to the standing committees, Parliament can set up temporary committees and committees of inquiry. There are also joint parliamentary committees which maintain relations with the applicant country parliaments and interparliamentary delegations which maintain relations with parliaments in other non–EU states.⁷²

a) Standing Committees

The increase in the EP’s powers was accompanied by a revaluation of the EP Standing Committees. They have become a key element in the EU policy making process and can be seen as a vital contribution to the shaping of legislation.⁷³

⁷⁰ Rules of Procedure, Rule 26.

⁷¹ The European Parliament web site, date of access: 4 February 2006, URL: <http://www.europarl.eu.int/members/expert/otherBodies/search.do?body=1513&language=EN>

⁷² *The European Parliament*, op. cit.

⁷³ Neuhold, “The Legislative Backbone...” p. 2.

On a proposal from the Conference of Presidents, the European Parliament sets up standing committees. According to the interpretation of the Rule 174 of the Rules of Procedure, the powers of standing committees can be determined at a time other than that at which the committee is set up. There are **20 standing committees** in the European Parliament to prepare work for plenary sittings. The standing committees are divided into different areas such as foreign affairs, development, international trade, budgets, etc., and each committee has powers appropriate to its area of expertise.

The duties of the standing committees are listed in the Rule 179 of the Rules of Procedure. They examine questions referred to them by Parliament or, during an adjournment of the session, by the President on behalf of the Conference of Presidents. If a standing committee declare itself not competent to consider a question, or if a conflict arise over the competence of two or more standing committees, the question of competence is referred to the Conference of Presidents within four working weeks of the announcement in Parliament of referral to committee. If two or more standing committees are competent to deal with a question, one committee is named as the committee responsible and the others as committees asked for opinions. A question cannot be referred simultaneously to more than three committees, unless it is decided for sound reasons. Any two or more committees or subcommittees may jointly consider matters coming within their competence, but they may not take a decision. Any committee may, with the agreement of the Bureau of Parliament, instruct one or more of its members to undertake a study or fact-finding mission.

In the process of proposing and drafting legislation, the European Commission consults the various Standing Committees during the co-decision procedure and these committees advise the Commission by producing reports, proposing amendments to the draft legislation, and providing, if necessary, a drafted legislative resolution. The Standing Committees are also able to produce non-legislative reports. The appointed rapporteur is responsible for preparing the report, and presenting it to Parliament on the Committee's behalf. These reports include a motion for a resolution, an explanatory statement, and must also outline financial implications. The Standing Committees can also produce reports relevant to their competence, without having to be consulted. These are called **Own-Initiative Reports**, and are used to submit a motion for a resolution. Before drawing up any such report, a Committee must obtain the permission of the

Conference of Presidents. The Conference of Presidents has two months to make a decision, and any reasons for withholding permission must always be stated. When drawing up a report, a Committee may ask the opinion of another Committee on the matter, particularly if it is felt that a proposed amendment would fall into the interests of another Committee. The Committee asked for an opinion is named as such in the final report. The Chairman and Draftsman of the secondary Committee may be invited to take part in any Committee discussions held by the primary Committee, where the meeting deals with the matter that the secondary Committee is advising on. Amendments that are proposed by the secondary Committee is voted on by the Committee responsible for producing the report. If the Conference of Presidents decides that a requested report falls equally to two Committees, both Committees will agree upon a joint timetable, and shall work together in producing the report.

Reports of the committees are usually compiled by a rapporteur, whom is appointed by the chairman of the Committee, selected from amongst the Members or permanent substitutes.

The European Parliament's standing committees are 1) Committee on Foreign Affairs, 2) Committee on Development, 3) Committee on International Trade, 4) Committee on Budgets, 5) Committee on Budgetary Control, 6) Committee on Economic and Monetary Affairs, 7) Committee on Employment and Social Affairs, 8) Committee on the Environment, Public Health and Food Safety, 9) Committee on Industry, Research and Energy, 10) Committee on Internal Market and Consumer Protection, 11) Committee on Transport and Tourism, 12) Committee on Regional Development, 13) Committee on Agriculture, 14) Committee on Fisheries, 15) Committee on Culture and Education, 16) Committee on Legal Affairs, 17) Committee on Civil Liberties, Justice and Home Affairs, 18) Committee on Constitutional Affairs, 19) Committee on Women's Rights and Gender Equality, and 20) Committee on Petitions.⁷⁴

The Annex VI (with the title of "Powers and Responsibilities of the Standing Committees") of the Rules of Procedure of the European Parliament, which was adopted by decision of Parliament of 29 January 2004, draws the outlines for the powers and responsibilities of the standing committees:

Committee on Foreign Affairs is responsible for 1) the common foreign and security policy (CFSP) and the European security and defence policy (ESDP) (In this context, the committee is assisted by a subcommittee on security and defence); 2) relations with other EU institutions and bodies, the UN and other international organisations and interparliamentary assemblies for matters falling under its responsibility; 3) the strengthening of political relations with third countries, particularly those in the immediate vicinity of the Union, by means of major co-operation and assistance programmes or international agreements such as association and partnership agreements; 4) the opening, monitoring and concluding of negotiations concerning the accession of European States to the Union; 5) issues concerning human rights, the protection of minorities and the promotion of democratic values in third countries (In this context the committee is assisted by a subcommittee on human rights).⁷⁵

Committee on Development is responsible for 1) the promotion, implementation and monitoring of the development and co-operation policy of the Union, notably: (a) political dialogue with developing countries, bilaterally and in the relevant international organisations and interparliamentary fora, (b) aid to, and co-operation agreements with, developing countries, (c) promotion of democratic values, good governance and human rights in developing countries; 2) matters relating to the ACP-EU Partnership Agreement and relations with the relevant bodies; 3) Parliament's involvement in election observation missions, when appropriate in co-operation with other relevant committees and delegations.⁷⁶

Committee on International Trade is responsible for matters relating to the establishment and implementation of the Union's common commercial policy and its external economic relations, in particular: 1) financial, economic and trade relations with third countries and regional organisations; 2) measures of technical harmonisation or standardisation in fields covered by instruments of international law; 3) relations with

⁷⁴ *The European Parliament*, op. cit.

⁷⁵ Rules of Procedure, Annex VI. In order to realise these responsibilities, the Committee on Foreign Affairs co-ordinates the work of joint parliamentary committees and parliamentary co-operation committees as well as that of the interparliamentary delegations and ad hoc delegations and election observation missions falling within its remit.

⁷⁶ Rules of Procedure, Annex VI. The Committee on Development co-ordinates the work of the interparliamentary delegations and ad hoc delegations falling within its remit.

the relevant international organisations and with organisations promoting regional economic and commercial integration outside the Union; 4) relations with the WTO, including its parliamentary dimension.⁷⁷

Committee on Budgets is responsible for: 1) the multiannual financial framework of the Union's revenue and expenditure and the Union's system of own resources; 2) Parliament's budgetary prerogatives, namely the budget of the Union as well as the negotiation and implementation of interinstitutional agreements in this field; 3) Parliament's estimates according to the procedure defined in the Rules; 4) the budget of the decentralised bodies; 5) the financial activities of the European Investment Bank; 6) the budgetisation of the European Development Fund, without prejudice to the powers of the committee responsible for the ACP–EU Partnership Agreement; 7) financial implications and compatibility with the multiannual Financial Framework of all Community acts, without prejudice to the powers of the relevant committees; 8) keeping track of and assessing the implementation of the current budget, transfers of appropriations, procedures relating to the establishment plans, administrative appropriations and opinions concerning buildings–related projects with significant financial implications; 9) the Financial Regulation, excluding matters relating to the implementation, management and control of the budget.⁷⁸

Committee on Budgetary Control is responsible for 1) the control of the implementation of the budget of the Union and of the European Development Fund (the decisions on discharge to be taken by Parliament, including the internal discharge procedure and all other measures accompanying or implementing such decisions); 2) the closure, presenting and auditing of the accounts and balance sheets of the Union, its institutions and any bodies financed by it, including the establishment of appropriations to be carried over and the settling of balances; 3) the control of the financial activities of the European Investment Bank; 4) monitoring the cost–effectiveness of the various forms of Community financing in the implementation of the Union's policies; 5) consideration of fraud and irregularities in the implementation of the budget of the Union, measures aiming at preventing and prosecuting such cases, and the protection of

⁷⁷ Rules of Procedure, Annex VI. The Committee on International Trade liaises with the relevant interparliamentary and ad hoc delegations for the economic and trade aspects of relations with third countries.

⁷⁸ Rules of Procedure, Annex VI.

the Union's financial interests in general; 6) relations with the Court of Auditors, the appointment of its members and consideration of its reports; 7) the Financial Regulation as far as the implementation, management and control of the budget are concerned.⁷⁹

Committee on Economic and Monetary Affairs is responsible for 1) the economic and monetary policies of the Union, the functioning of Economic and Monetary Union and the European monetary and financial system (including relations with the relevant institutions or organisations); 2) the free movement of capital and payments (cross-border payments, single payment area, balance of payments, capital movements and borrowing and lending policy, control of movements of capital originating in third countries, measures to encourage the export of the Union's capital); 3) the international monetary and financial system (including relations with financial and monetary institutions and organisations); 4) rules on competition and State or public aid; 5) tax provisions; 6) the regulation and supervision of financial services, institutions and markets including financial reporting, auditing, accounting rules, corporate governance and other company law matters specifically concerning financial services.⁸⁰

Committee on Employment and Social Affairs is responsible for 1) employment policy and all aspects of social policy such as working conditions, social security and social protection; 2) health and safety measures at the workplace; 3) the European Social Fund; 4) vocational training policy, including professional qualifications; 5) the free movement of workers and pensioners; 6) social dialogue; 7) all forms of discrimination at the workplace and in the labour market except those based on sex; 8) relations with the European Centre for the Development of Vocational Training (Cedefop), the European Foundation for the Improvement of Living and Working Conditions, the European Training Foundation, the European Agency for Safety and Health at Work; as well as relations with other relevant EU bodies and international organisations.⁸¹

Committee on the Environment, Public Health and Food Safety is responsible for 1) environmental policy and environmental protection measures, in particular concerning: (a) air, soil and water pollution, waste management and recycling, dangerous substances and preparations, noise levels, climate change, protection of

⁷⁹ Rules of Procedure, Annex VI.

⁸⁰ Rules of Procedure, Annex VI.

biodiversity, (b) sustainable development, (c) international and regional measures and agreements aimed at protecting the environment, (d) restoration of environmental damage, (e) civil protection, (f) the European Environment Agency; 2) public health, in particular: (a) programmes and specific actions in the field of public health, (b) pharmaceutical and cosmetic products, (c) health aspects of bio-terrorist, (d) the European Agency for the Evaluation of Medicinal Products and the European Centre of Disease Prevention and Control; 3) food safety issues, in particular: (a) the labelling and safety of foodstuffs, (b) veterinary legislation concerning protection against risks to human health; public health checks on foodstuffs and food production systems, (c) the European Food Safety Authority and the European Food and Veterinary Office.⁸²

Committee on Industry, Research and Energy is responsible for 1) the Union's industrial policy and the application of new technologies, including measures relating to SMEs [small and medium sized enterprises]; 2) the Union's research policy, including the dissemination and exploitation of research findings; 3) space policy; 4) the activities of the Joint Research Centre and the Central Office for Nuclear Measurements, as well as JET, ITER and other projects in the same area; 5) Community measures relating to energy policy in general, the security of energy supply and energy efficiency including the establishment and development of trans-European networks in the energy infrastructure sector; 6) the Euratom Treaty and Euratom Supply Agency; nuclear safety, decommissioning and waste disposal in the nuclear sector; 7) the information society and information technology, including the establishment and development of trans-European networks in the telecommunication infrastructure sector.⁸³

Committee on the Internal Market and Consumer Protection is responsible for 1) co-ordination at Community level of national legislation in the sphere of the internal market and of the customs union, in particular: (a) the free movement of goods including the harmonisation of technical standards, (b) the right of establishment, (c) the freedom to provide services except in the financial and postal sectors; 2) measures aiming at the identification and removal of potential obstacles to the functioning of the internal market; 3) the promotion and protection of the economic interests of

⁸¹ Rules of Procedure, Annex VI.

⁸² Rules of Procedure, Annex VI.

⁸³ Rules of Procedure, Annex VI.

consumers, except for public health and food safety issues, in the context of the establishment of the internal market.⁸⁴

Committee on Transport and Tourism is responsible for 1) matters relating to the development of a common policy for rail, road, inland waterway, maritime and air transport, in particular: (a) common rules applicable to transport within the European Union, (b) the establishment and development of trans-European networks in the area of transport infrastructure, (c) the provision of transport services and relations in the field of transport with third countries, (d) transport safety, (e) relations with international transport bodies and organisations; 2) postal services; 3) tourism.⁸⁵

Committee on Regional Development is responsible for regional and cohesion policy, in particular: (a) the European Regional Development Fund, the Cohesion Fund and the other instruments of the Union's regional policy, (b) assessing the impact of other Union policies on economic and social cohesion, (c) co-ordination of the Union's structural instruments, (d) outermost regions and islands as well as trans-frontier and interregional co-operation, (e) relations with the Committee of the Regions, interregional co-operation organisations and local and regional authorities.⁸⁶

Committee on Agriculture and Rural Development is responsible for 1) the operation and development of the common agricultural policy; 2) rural development, including the activities of the relevant financial instruments; 3) legislation on: (a) veterinary and plant-health matters, animal feeding stuffs provided such measures are not intended to protect against risks to human health, (b) animal husbandry and welfare; 4) the improvement of the quality of agricultural products; 5) supplies of agricultural raw materials; 6) the Community Plant Variety Office; 7) forestry.⁸⁷

Committee on Fisheries is responsible for 1) the operation and development of the common fisheries policy and its management; 2) the conservation of fishery resources; 3) the common organisation of the market in fishery products; 4. structural policy in the fisheries and aquaculture sectors, including the financial instruments for fisheries guidance; 5) international fisheries agreements.⁸⁸

⁸⁴ Rules of Procedure, Annex VI.

⁸⁵ Rules of Procedure, Annex VI.

⁸⁶ Rules of Procedure, Annex VI.

⁸⁷ Rules of Procedure, Annex VI.

⁸⁸ Rules of Procedure, Annex VI.

Committee on Culture and Education is responsible for 1) the cultural aspects of the European Union, and in particular: (a) improving the knowledge and dissemination of culture, (b) the protection and promotion of cultural and linguistic diversity, (c) the conservation and safeguarding of cultural heritage, cultural exchanges and artistic creation; 2) the Union's education policy, including the European higher education area, the promotion of the system of European schools and lifelong learning; 3) audio-visual policy and the cultural and educational aspects of the information society; 4) youth policy and the development of a sports and leisure policy; 5) information and media policy; 6) co-operation with third countries in the areas of culture and education and relations with the relevant international organisations and institutions.⁸⁹

Committee on Legal Affairs is responsible for 1) the interpretation and application of European law, compliance of European Union acts with primary law, notably the choice of legal bases and respect for the principles of subsidiarity and proportionality; 2) the interpretation and application of international law, in so far as the European Union is affected; 3) the simplification of Community law, in particular legislative proposals for its official codification; 4) the legal protection of Parliament's rights and prerogatives, including its involvement in actions before the Court of Justice and the Court of First Instance; 5) Community acts which affect the Member States' legal order, namely in the fields of: (a) civil and commercial law, (b) company law, (c) intellectual property law, (d) procedural law; 6) environmental liability and sanctions against environmental crime; 7) ethical questions related to new technologies, in enhanced co-operation with the relevant committees; 8) the Statute for Members and the Staff Regulations of the European Communities; 9) privileges and immunities as well as verification of Members' credentials; 10) the organisation and statute of the Court of Justice; 11) the Office for Harmonisation in the Internal Market.⁹⁰

Committee on Civil Liberties, Justice and Home Affairs is responsible for 1) the protection within the territory of the Union of citizens' rights, human rights and fundamental rights, including the protection of minorities, as laid down in the Treaties and in the Charter of Fundamental Rights of the European Union; 2) the measures

⁸⁹ Rules of Procedure, Annex VI.

⁹⁰ Rules of Procedure, Annex VI.

needed to combat all forms of discrimination other than those based on sex or those occurring at the workplace and in the labour market; 3) legislation in the areas of transparency and of the protection of natural persons with regard to the processing of personal data; 4) the establishment and development of an area of freedom, security and justice, in particular: (a) measures concerning the entry and movement of persons, asylum and migration as well as judicial and administrative co-operation in civil matters, (b) measures concerning an integrated management of the common borders, (c) measures relating to police and judicial co-operation in criminal matters; 5) the European Monitoring Centre for Drugs and Drug Addiction and the European Monitoring Centre on Racism and Xenophobia, Europol, Eurojust, Cepol and other bodies and agencies in the same area; 6) the determination of a clear risk of a serious breach by a Member State of the principles common to the Member States.⁹¹

Committee on Constitutional Affairs is responsible for 1) the institutional aspects of the European integration process, in particular in the framework of the preparation and proceedings of conventions and intergovernmental conferences; 2) the implementation of the EU Treaty and the assessment of its operation; 3) the institutional consequences of enlargement negotiations of the Union; 4) interinstitutional relations, including, in view of their approval by Parliament, examination of interinstitutional agreements pursuant to Rule 120(2) of the Rules of Procedure; 5) uniform electoral procedure; 6) political parties at European level, without prejudice to the competences of the Bureau; 7) the determination of the existence of a serious and persistent breach by a Member State of the principles common to the Member States; 8) the interpretation and application of the Rules of Procedure and proposals for amendments thereto.⁹²

Committee on Women's Rights and Gender Equality is responsible for 1) the definition, promotion and protection of women's rights in the Union and related Community measures; 2) the promotion of women's rights in third countries; 3) equal opportunities policy, including equality between men and women with regard to labour market opportunities and treatment at work; 4) the removal of all forms of discrimination based on sex; 5) the implementation and further development of gender mainstreaming in all policy sectors; 6) the follow-up and implementation of

⁹¹ Rules of Procedure, Annex VI.

⁹² Rules of Procedure, Annex VI.

international agreements and conventions involving the rights of women; 7) information policy on women.⁹³

Committee on Petitions is responsible for 1) petitions; 2) relations with the European Ombudsman.⁹⁴

b) Temporary Committees

Parliament may at any time set up temporary committees on specific issues. Temporary committees have a 12-month mandate, which may be extended.

According to Rule 175 of the Rules of Procedure, on a proposal from the Conference of Presidents, Parliament may at any time set up temporary committees, whose powers, composition and term of office shall be defined at the same time as the decision to set them up is taken; their term of office may not exceed twelve months, except where Parliament extends that term on its expiry.

The duties of temporary committees and committees of inquiry are defined when they are set up; they are not be entitled to deliver opinions to other committees.⁹⁵

The temporary committees which have been set up by the European Parliament are as follows: 1) Temporary committee on European Economic Recovery (1983); 2) Temporary committee on Budgetary Resources (1984); 3) Temporary Committee on Commission's proposals on "Making a success of the Single Act" (the "Delors package") (1987); 4) Temporary committee on the Impact on the European Community of German Unification (1990); 5) Temporary committee on the Delors II package on the future financing of the European Community (1992); 6) Temporary committee on Employment (1994/5); 7) Temporary committee instructed to monitor the action taken on the recommendations made concerning BSE (1997);⁹⁶ 8) Temporary Committee on Policy Challenges and Budgetary Means of the Enlarged Union 2007–2013, 9) Temporary Committee on Collapse of the Equitable Life Assurance Society, 10) Temporary Committee on Alleged use of European countries by the CIA for the transport and illegal detention of prisoners;⁹⁷ 11) Temporary Committee on the alleged

⁹³ Rules of Procedure, Annex VI.

⁹⁴ Rules of Procedure, Annex VI.

⁹⁵ Rules of Procedure, Rule 179.

⁹⁶ summarised from Corbett, *op. cit.*, pp. 125–126.

⁹⁷ The European Parliament web site, date of access: 4 January 2006, URL: <http://www.europarl.eu.int/activities/expert/committees.do?language=EN>.

use of European countries by the CIA for the transport and illegal detention of prisoners; 12) Temporary Committee of Inquiry into the Collapse of the Equitable Life Assurance Society.⁹⁸

c) Subcommittees

According to Rule 181 of the Rules of Procedure, subject to prior authorisation by the Conference of Presidents, a standing or temporary committee may, in the interests of its work, appoint one or more subcommittees, of which it is at the same time determine the composition and area of responsibility. Subcommittees report to the committee that set them up. The procedures for subcommittees are the same as for committees. Substitutes are allowed to sit on subcommittees under the same conditions as on committees.

The degree of autonomy, which the subcommittee has from the main committee, has varied. Before it was promoted to a full Committee in 1994, the Fisheries Subcommittee, whose area of responsibility was quite distinct from that of the Agriculture Committee as a whole, had a large measure of autonomy, naming its own rapporteurs, voting on reports. The subcommittees reporting to the Foreign Affairs Committee, on the other hand, had little autonomy and acted instead as fora for preparatory discussions before decisions were taken in the main committee. Relations between the Economic Committee and its Monetary Subcommittee were in an intermediate category.⁹⁹

The European Parliament standing committees has preferred setting up working parties rather than setting up the subcommittees. The reason for preference is that the former are easier to establish and to discontinue, since they have completely no official status and does not require an authorisation from Parliament. And also the working parties enable committees to work more efficiently and to respond in a rapid way to emergency–issues. There have been around 25 working parties within no fewer than 11 committees of the Parliament. They have differed greatly in duration and public profile.¹⁰⁰

⁹⁸ The European Parliament web site, date of access: 28 April 2006, URL: <http://www.europarl.eu.int/activities/expert/committees.do>.

⁹⁹ Corbett, op. cit., p. 124.

¹⁰⁰ Corbett, *ibid.*, p. 125.

The Subcommittee on Human Rights and the Subcommittee on Security and Defence have been established and currently works under the Committee of Foreign Affairs.

TABLE 2.2. Parliamentary Committees, With Number Of Members (September 2004 - ...)

<i>Committees</i>	<i>No. of members</i>
Committee on Foreign Affairs	75
Committee on Development	34
Committee on International Trade	32
Committee on Budgets	46
Committee on Budgetary Control	33
Committee on Economic and Monetary Affairs	45
Committee on Employment and Social Affairs	50
Committee for Environment, Public Health and Food Safety	63
Committee on Industry, Research and Energy	50
Committee on Internal Market and Consumer Protection	39
Committee on Transport and Tourism	50
Committee on Regional Development	51
Committee on Agriculture and Rural Development	42
Committee on Fisheries	34
Committee on Culture and Education	34
Committee on Legal Affairs	25
Committee on Civil Liberties, Justice and Home Affairs	52
Committee on Constitutional Affairs	28
Committee on Women's Rights and Gender Equality	35
Committee on Petitions	25
Subcommittee on Human Rights	32
Subcommittee on Security and Defence	30
Temporary Committee of Inquiry Collapse of the Equitable Life Assurance Society	23
Temporary Committee on Alleged use of European countries by the CIA for the transport and illegal detention of prisoners	46

Source: This information on the committees was gathered from delegations page of the European Parliament web site, date of access: 20 April 2006,

URL: <http://www.europarl.europa.eu/activities/expert/committees.do?language=EN>.

2.1.4. DELEGATIONS

The European Parliament has links with countries outside the European Union by establishing special bodies for the relations with its counterparts in the parliamentary bodies of those countries. It has a structure of delegations to maintain these links as well as to respond to the specific obligations that arise from international agreements between the European Union and the third countries.¹⁰¹ These delegations play an important role in helping to develop Europe Union's influence abroad.

¹⁰¹ Corbett, *ibid.*, p. 130.

The first interparliamentary delegation, that for relations with the USA, was established in 1972 but the number increased rapidly, reaching 27 by the end of the second legislature of the elected Parliament in 1989.¹⁰² Just as the increase in the number of committees has meant that nearly each Member of the European Parliament becomes a member of one or two committees (and substitute in one another), the increase in the growth in the number of delegations has resulted in the fact that increasingly more Members of the European Parliament takes their parts in at least one of these delegations.

Each delegation is led by a chairman and two vice-chairmen who, like the other members, are elected by the plenary on the basis of nominations submitted to the Conference of Presidents by the Political Groups and the non-attached members. The nominations for the delegations are designed to ensure as far as possible fair representation of political views and of Member States, just as the nominations for the committees are.

Delegations have a range of tasks. The most obvious of these is to ensure a continuous dialogue and a network of contacts with parliamentary bodies in the third countries or in regional organisations to exchange information on topical issues, to provide parliamentary backing for the Union's external policies, and generally to provide a political counterweight to the work of the Commission and Council in this area. Another valuable function of delegations is to examine the situation in a third country prior to developments of particular importance to the Union, such as possible accession to the EU, or conclusion of an association agreement, or simply prior to the discussion of the political situation in a country or a region within the Parliament. Delegations can help to create new mechanisms for resolving disputes between the EU and the third countries. An EP delegation may also use information it acquires to bring influence to bear on other EU institutions rather than on the partner country.¹⁰³

There are four types of delegation: 1) Interparliamentary delegations, whose task is to maintain relations with the parliaments of countries outside the European Union that have not applied for membership; 2) Joint parliamentary committees, which maintain contact with the parliaments of countries that are candidates for accession to

¹⁰² Corbett, *ibid.*

¹⁰³ Summarised from Corbett, *ibid.*, pp. 134–135.

the European Union and that have association agreements with the Community; 3) The European Parliament's delegation to the ACP–EU Joint Parliamentary Assembly, which links MEPs and parliamentarians from African, Caribbean and Pacific States; and 4) The European Parliament delegation to the Euro–Mediterranean Parliamentary Assembly.

The delegations of the European Parliament are as follows¹⁰⁴: 1) Delegation to the EU–Romania Joint Parliamentary Committee; 2) Delegation to the EU–Bulgaria Joint Parliamentary Committee; 3) Delegation to the EU–Croatia Joint Parliamentary Committee; 4) Delegation to the EU–Former Yugoslav Republic of Macedonia Joint Parliamentary Committee; 5) Delegation to the EU–Turkey Joint Parliamentary Committee¹⁰⁵; 6) Delegation to the EU–Mexico Joint Parliamentary Committee; 7) Delegation to the EU–Chile Joint Parliamentary Committee; 8) Delegation for relations with Switzerland, Iceland and Norway and to the European Economic Area (EEA) Joint Parliamentary Committee; 9) Delegations for Relations with the Countries of South–East Europe; 10) Delegation to the EU–Russia Parliamentary Co–operation Committee; 11) Delegation to the EU–Ukraine Parliamentary Co–operation Committee; 12) Delegation to the EU–Moldova Parliamentary Co–operation Committee; 13) Delegation for Relations with Belarus; 14) Delegation to the EU–Kazakhstan, EU–Kyrgyzstan and EU–Uzbekistan Parliamentary Co–operation Committees and Delegation for relations with Tajikistan, Turkmenistan and Mongolia; 15) Delegation to the EU–Armenia, EU–Azerbaijan and EU–Georgia Parliamentary Co–operation Committees; 16) Delegation for relations with Israel; 17) Delegation for relations with the Palestinian Legislative Council; 18) Delegation for relations with the Maghreb countries and the Arab Maghreb Union (including Libya); 19) Delegation for relations with the Mashreq countries; 20) Delegation for relations with the Gulf States, including Yemen; 21) Delegation for relations with Iran; 22) Delegation for relations with the United States; 23) Delegation for relations with Canada; 24) Delegation for relations with the countries of Central

¹⁰⁴ The European Parliament web site, date of access: 6 February 2006, URL: <http://www.europarl.eu.int/activities/expert/delegations.do?language=EN>

¹⁰⁵ The list of members of the delegation from the European Parliament can be found at the European Parliament web site, date of access: 6 February 2006, URL: www.europarl.eu.int/activities/expert/delegations/presentation.do?delegation=1258&language=EN. The web site of the Delegation to the EU–Turkey Joint Parliamentary Committee can be reached from URL: http://www.europarl.eu.int/intcoop/euro/jpc/d_tr/default_en.htm.

America; 25) Delegation for relations with the countries of the Andean Community; 26) Delegation for relations with Mercosur; 27) Delegation for relations with Japan; 28) Delegation for relations with the People's Republic of China; 29) Delegation for relations with the countries of South Asia and the South Asia Association for Regional Co-operation (SAARC); 30) Delegation for relations with the countries of Southeast Asia and the Association of Southeast Asian Nations (ASEAN); 31) Delegation for relations with the Korean Peninsula; 32) Delegation for relations with Australia and New Zealand; 33) Delegation for relations with South Africa; 34) Delegations for relations with the NATO Parliamentary Assembly.

a) Interparliamentary Delegations

Parliament sets up standing interparliamentary delegations which are responsible for maintaining relations with the parliaments of countries outside the European Union that have not applied for membership. Interparliamentary meetings are held twice a year, alternately in one of Parliament's places of work and in a place decided by the partner parliament in the non-EU country concerned.

On a proposal from the Conference of Presidents, Parliament sets up standing interparliamentary delegations and decides on their nature and the number of their members bearing in mind their duties. The members are elected during the first or second part-session following the re-election of Parliament for the duration of the parliamentary term.¹⁰⁶ The members of the delegations are elected by the Parliament upon the proposals of the Conference of Presidents designed to ensure as far as possible fair representation of Member States and of political views, just as the election of the members of the committees.

Rule 188(3) of the Rules of Procedure requires the bureaux of the delegations to be constituted in accordance with the procedure laid down for the standing committees.

The general powers of the individual delegations are determined by the European Parliament. The implementing provisions to enable the delegations to carry

¹⁰⁶ Rules of Procedure, Rule 188(1).

out their work are adopted by the Conference of Presidents on a proposal from the Conference of Delegation Chairmen.¹⁰⁷

b) The Transatlantic Legislators' Dialogue (TLD)

The Transatlantic Legislators' Dialogue (TLD) was established to strengthen links between the European Parliament and the United States Congress on matters of common interest.

Taking the existing interparliamentary relationship as its basis, the TLD aims to strengthen and enhance the level of political discourse between European and American legislators. The TLD constitutes the formal response of the European Parliament and the US Congress to the commitment in the New Transatlantic Agenda (NTA) of 1995, to enhanced parliamentary ties between the European Union and the United States.¹⁰⁸ The members of the Transatlantic Legislators' Dialogue gathers in the bi-annual meetings of the European Parliament and the US Congress delegations and also in the teleconferences which are organised on specific topics concerning both the European Union and the US.

c) Joint Parliamentary Committees

The European Parliament may set up a joint parliamentary committee, which consists of an EP delegation and a delegation from a candidate country or an associate country.

According to the Rule 190(1) of the Rules of Procedure, such committees may formulate recommendations for the parliaments involved. Joint parliamentary committees are governed by the procedures laid down in the agreement in question.

¹⁰⁷ Rules of Procedure, Rule 188(4) and (5). "These delegations are the means by which the EP may discuss foreign trade policy or trade issues with parliamentarians from third countries. They were first set up in the framework of association agreement with Greece and Turkey in the early 1960s with the aim to assure a link between the EP and the parliament of the associated country. In the framework of Europe Agreements and similar agreements establishing close relations between the EU and third countries, inter-parliamentary delegations have been upgraded to Joint Parliamentary Committees. Joint Parliamentary Committees are formed with parliamentarians from associated countries or from countries, which have applied for membership." (Neuhold, "The Standing Committees in..." pp. 9–10) (Joint Parliamentary Committees will be examined below and the European Agreements will be dealt with in the third chapter.)

¹⁰⁸ Transatlantic Legislators' Dialogue (TLD) web site, 6 February 2006, URL: http://www.europarl.eu.int/intcoop/tld/welcome_en.htm#1.

Such procedures are based on the principle of parity between the delegation of the European Parliament and the delegation of the parliament involved.¹⁰⁹

The election of the members of European Parliament delegations to joint parliamentary committees and the constitution of the bureaux of these delegations takes place in accordance with the procedure laid down for interparliamentary delegations.¹¹⁰ This enables the joint parliamentary committees to gain equal weight with the other delegations and committees.

Joint Parliamentary Committees operate in the context of association agreements between the EU and countries seeking accession to the Union once the Commission has given a favourable opinion on their accession.¹¹¹ If the committee has been set up in the context of an association agreement, the members of the two delegations can keep each other informed of priorities and the implementation of association agreements at the meetings and examine the workings of the agreement between the Union and the country concerned. If the joint parliamentary committee has been set up with a country, which aims for the accession to the European Union, the members of the committee monitor the course of the accession negotiations and the candidate country's progress towards accession to the European Union.

Delegations for relations inside Europe:¹¹² 1) Joint Parliamentary Committees (JPC): Bulgaria; Croatia; EEA/SIN; FYROM; Romania; Turkey; 2) Parliamentary Co-operation Committees (PCC): Armenia, Azerbaijan and Georgia; Moldova; Russia; Ukraine; 3) Interparliamentary Delegations: South-East Europe; Belarus.

Delegations for relations outside Europe:¹¹³ 1) Interparliamentary Delegations: Israel; the Palestinian Legislative Council; the Maghreb countries and the Arab Maghreb Union, (including Libya); the Mashreq countries; the Gulf states, including Yemen; Iran; the United States; Canada; the countries of Central America; the countries of the Andean Community; Mercosur; Japan; the People's Republic of China; the countries of South Asia and the SAARC; the countries of South-east Asia and the

¹⁰⁹ Rules of Procedure, Rule 190(3).

¹¹⁰ Rules of Procedure, Rule 190(5).

¹¹¹ Corbett, op. cit., pp. 135–136.

¹¹² The European Parliament web site, date of access: 6 February 2006, URL: http://www.europarl.eu.int/intcoop/euro/default_en.htm.

¹¹³ The European Parliament web site, date of access: 6 February 2006, URL: http://www.europarl.eu.int/delegations/noneurope/default_en.htm.

ASEAN; the Korean Peninsula; Australia and New Zealand; South Africa; 2) Joint Parliamentary Committees: Chile; Mexico; 3) Parliamentary Co-operation Committees: Delegation to the EU–Kazakhstan, EU–Kyrgyzstan and EU–Uzbekistan Parliamentary Co-operation Committees, and Delegation for relations with Tajikistan, Turkmenistan and Mongolia.

d) Euro–Mediterranean Parliamentary Assembly

The Euro–Mediterranean Parliamentary Assembly consists of 120 members representing the European countries and an equal number from the 10 Mediterranean partner countries. The assembly considers political, economic and cultural matters of common interest and discusses ways of strengthening the Euro–Mediterranean partnership. It has a consultative role on all subjects relating to the Euro–Mediterranean partnership.

The Euro–Mediterranean Parliamentary Assembly (EMPA), the most recent institution of the Barcelona Process, was established in Naples on 3 December 2003 by decision of the Ministerial Conference of the Euro–Mediterranean Partnership. The EMPA is the Barcelona Process’ parliamentary institution and plays a consultative role. It provides parliamentary impetus, input and support for the consolidation and development of the Euro–Mediterranean Partnership. It expresses its views on all issues relating to the Partnership, including the implementation of the association agreements. It adopts resolutions or recommendations, which are not legally binding, addressed to the Euro–Mediterranean Conference. The Euro–Mediterranean Parliamentary Assembly consists of parliamentarians appointed by the national parliaments of the EU Member States, the national parliaments of the ten Mediterranean partners (Algeria, Egypt, Jordan, Israel, Lebanon, Morocco, the Palestinian Authority, Syria, Tunisia and Turkey), and the European Parliament.¹¹⁴

e) The ACP–EU Joint Parliamentary Assembly

The ACP–EU (African, Caribbean, Pacific–European Union) Joint Parliamentary Assembly was set up under the Yaoundé Convention, an association

¹¹⁴ The European Parliament web site, date of access: 6 February 2006, URL: http://www.europarl.eu.int/intcoop/empa/assembly/default_en.htm.

agreement. The agreement is now called the Cotonou Agreement. It links the European Union to 77 African, Caribbean and Pacific states. It was set up to improve standards of living and economic development in the ACP countries and to establish close co-operation between these countries and the European Union.

The Joint Assembly considers itself to be an international parliamentary body in its own right and not simply a forum where delegations from the European Parliament and the ACP countries meet.¹¹⁵ The Assembly consisting of the representatives of the 77 ACP countries and their 77 counterparts among the MEPs meets in a weeklong plenary session twice a year, creating a much larger-scale event than any of the meetings of delegations by gathering 154 participants. The Assembly's current priorities include support of democratisation and human rights, conflict prevention, regional co-operation, rural development, the local processing of commodities, better co-ordination of the Union's development policies with its other policies and the need to promote training in and technology transfer to the developing countries.¹¹⁶

TABLE 2.3. Parliamentary Delegations, With Number Of Members (September 2004 - ...)

<i>Delegation</i>	<i>No. of members</i>
Delegations to Joint Parliamentary Committees (JPC)	
Romania	24
Bulgaria	23
Croatia	14
Former Yugoslav Republic of Macedonia	12
Turkey	25
Mexico	14
Chile	15
Interparliamentary Delegations (* denotes a delegation to a parliamentary co-operation committee)	
Switzerland, Iceland and Norway and European Economic Area (EEA)	17
South-East Europe	15
Russia*	30
Ukraine*	16
Moldova*	12
Belarus	15
Kazakhstan*, Kyrgyzstan*, Uzbekistan*, Tajikistan, Turkmenistan and Mongolia	16
Armenia, Azerbaijan and Georgia*	17
Israel	20
Palestinian Legislative Council	20
Maghreb	19
Mashreq	18
Gulf States, Yemen	18
Iran	17

¹¹⁵ Corbett, op. cit., p. 137.

¹¹⁶ Corbett, ibid., p. 138.

TABLE 2.3. (Continue)

United States	34
Canada	16
Central America	21
Andean Community	17
Mercosur	25
Japan	24
People's Republic of China	32
South Asia, SAARC	22
Southeast Asia, ASEAN	19
Korean Peninsula	14
Australia and New Zealand	20
South Africa	12
NATO	10

Source: This information on the delegations was gathered from delegations page of the European Parliament web site, date of access: 27 May 2006,
URL: <http://www.europarl.europa.eu/activities/expert/delegations.do?language=EN>)

2.1.5. POLITICAL GROUPS

When the Common Assembly first convened on 10 September 1952, there were no ideologically based groups. Members of the New Assembly sat in alphabetical order, as was the case in other international assemblies such as the Consultative Assembly of the Council of Europe.

A political group comprises Members elected in at least one-fifth of the Member States. The minimum number of Members required to form a political group is nineteen.¹¹⁷

The Members of the European Parliament are the members of the political groups around the Member States of the Union whose number exceeds 100. Thus, the sitting order in the European Parliament is not by nationality, but by political affiliation.¹¹⁸ The reason for this is that the European Parliament is a body representing the European peoples, not the Member States.¹¹⁹

According to the Rule 29(4) and (5) of the Rules of Procedure, the President is to be notified in a statement when a political group is set up. This statement specifies the name of the group, its members and its bureau; and gets published in the Official Journal of the European Union.

¹¹⁷ Rules of Procedure, Rule 29(2).

¹¹⁸ Ercüment Tezcan, *Avrupa Birliđi Kurumlar Hukuku*, Ankara: Uluslararası Stratejik Arařtırmalar Kurumu, 2005, pp. 15–16.

¹¹⁹ Demir, op. cit., p.114.

The political groups carry out their duties as part of the activities of the Union, including the tasks allocated to them by the Rules of Procedure. The political groups are provided with a secretariat on the basis of the establishment plan of the Secretariat, administrative facilities and the appropriations entered for that purpose in Parliament's budget. The Bureau lays down the rules relating to the provision, implementation and monitoring of those facilities and appropriations, as well as to the related delegations of budget implementation powers.¹²⁰

The Political Party Groups in the European Parliament combine the MEPs from European political parties and informal European political blocs. The political parties in the European Parliament are organised into a number of political groupings as well as a number of registered European political parties. Nevertheless, most of the MEPs continue to be members of separate national political parties and discipline within European parties. This points out the fact that groupings within the Political Groups in the European Parliament or European political parties or blocs are not rigid but fluid. In the European Parliament, both national delegations and individual MEPs are free to switch allegiances as they see more proper. The Political Groups in the European Parliament are distinct from the corresponding European political parties, but they are intimately linked.

There are a number *of reasons for the necessity of forming and developing Political Groups within the European Parliament*. The most important basis which brings the MEPs together in a Political Group is the political and ideological self-identification. Despite the many differences that exists between them, MEPs from similar political backgrounds and traditions are naturally drawn to one another.¹²¹ The gathering of MEPs within the Political Groups also helps the them to maximise their influence in many different ways. The Political Groups are of central importance in the Parliament. Political Groups has an effective role in changing the President, Vice-Presidents, Questators, presidents and the vice-presidents of the committees, the presidents of the interparliamentary delegations who all are in the leadership structure of

¹²⁰ Rules of Procedure, Rule 30(1) and (2). (The facilities and appropriations mentioned in the clause are the administrative facilities and appropriations entered in the Parliament's budget for the purpose of providing the political group with a secretariat).

¹²¹ Nugent, op. cit., p. 216.

the European Parliament.¹²² They set the parliamentary agenda, choose rapporteurs and decide on the allocation of speaking time.¹²³

Another inducement for forming Political Groups is the funds provided within the Parliament. Funds for administrative and research purposes are distributed to groups on the basis of a fixed amount per group, plus an additional sum per member (the non-attached MEPs are regarded as a group during the distribution of funds). No one, therefore, is unsupported, but clearly the larger the group the more easily it can afford good back-up service.¹²⁴ The relevant budgetary headings [for the Parliament's budget allocating certain appropriations to the Political Groups] are Item 3707, which covers the secretariat and administrative expenditure of the Groups and their political activities, and Item 3708, which finances information activities by the Groups. Besides these items which the Group manage themselves, they also obtain further support from the Parliament in terms of their staff entitlements, office space, meeting rooms and technical facilities. Altogether, the Groups can be said to account for around 15 per cent of Parliament's budget.¹²⁵

Although non-attached members are guaranteed many rights by the Rules of Procedure of the Parliament, they can be really in a disadvantaged position. It is unlikely for a non-attached member to gain an important position such as a chairmanship, to take seat as a member of a committee or a delegation, or to become a major rapporteur.

When a Member changes political groups he or she retains, for the remainder of his/her two and a half year term of office, the seats he/she holds in parliamentary committees. However, if a Member's change of political group has the effect of disturbing the fair representation of political views in a committee, new proposals for the composition of that committee is made by the Conference of Presidents, whereby the individual rights of the Member concerned shall be guaranteed.¹²⁶

Each Political Group has its *own internal structures*, that is, a Bureau composed of a Chair, Vice-Chairs, Treasurer and others posts. Bureaux vary considerably in size

¹²² Demir, loc. cit.

¹²³ Corbett, op. cit., p. 59.

¹²⁴ Nugent, loc. cit.

¹²⁵ Corbett, op. cit., pp. 81–82.

¹²⁶ Interpretation of the Rules of Procedure, Rule 177(1).

and responsibilities, and are obviously more important in the larger Groups where they tend to include one or two members from each national component of the Group, including the leader of each national party delegation.¹²⁷

Political Groups also have their *own staff* in order to continue their work within and out of the European Parliament properly. There are certain rules put forward for determining the number of staff to which the Political Groups are entitled to get. The most important criterion is the number of members in each Group, but the number of working languages within the Group also plays a role. Each Group is entitled to a fixed total of two A grade (Administrative) posts, with a further two such posts for every 30 MEPs within the Group, and another A grade post if the Group uses four or five languages, two posts for six or seven languages, three posts for eight or nine languages and four posts for ten or eleven languages. This is topped up by a proportional share according to the size of the Group, of a pool of 143 posts. The total number of A posts to which a Group is entitled then provides the key to the number of B (Assistant) and C (Secretarial) posts within each Group, with 1.4 B or C posts funded for each A grade post. The total number of posts per Political Group may not exceed the number of members within that Group.¹²⁸

While a Member of European Parliament may only belong to one political group¹²⁹, some Members do not belong to any political group and are known as *non-attached Members*. These non-attached Members are provided with a secretariat. The detailed arrangements for this is laid down by the Bureau on a proposal from the Secretary-General. The Bureau also determines the status and parliamentary rights of the non-attached Members.¹³⁰

How seats in the Chamber are to be allocated among the political groups, the Non-attached Members and the institutions of the European Union is decided by the Conference of Presidents.¹³¹

Groups generally convene during the '*Group Week*', and during the Strasbourg plenary week. The meetings during Group Week are usually held in Brussels. In these

¹²⁷ Corbett, loc. cit.

¹²⁸ Corbett, *ibid.*, pp. 82–85.

¹²⁹ Rules of Procedure, Rule 29(3).

¹³⁰ Rules of Procedure, Rule 31(1) and (2).

¹³¹ Rules of Procedure, Rule 32.

meetings which last two or three days, the Political Groups examines the next week's plenary agenda. Before votes in plenary sittings, the groups considers reports from Parliament's committees in the light of their political views and often table amendments to them. They also play an important part in deciding on the agendas for plenary session.¹³² The position adopted by the Political Group is arrived at by discussion within the group meeting. No Member of the Political Group can be forced to vote in a particular way. They [the meetings during the Group Week] are also used for discussions of the Group's own activities (campaigns, conferences, publications etc.) and for receiving visiting delegations or leaders of national parties or other personalities (Commissioners, ministers or personalities from the third countries). These meetings are both preceded and followed by a variety of Group working parties of both a political and technical nature, as well as meetings of national party delegations.¹³³

The first formal recognition of the existence of ideological divisions within the Common Assembly did not occur until January 1953. During the discussion over the Rules of Procedure, it was suggested that the nomination of members to committees attempt to balance both representation of the various Member States and 'various political traditions'.¹³⁴ From these beginnings of the party group system in the mid-1950s *three generic groupings* (or families, as they like to call themselves) have eclipsed all others in the EP. These are *the Socialists, Christian Democrats, and Liberals*. By the time the Common Assembly was disbanded to make way for the new European Parliament in 1957, the political groups had become a significant force in its internal organisation. Because the standing rules of the Common Assembly served temporarily as the provisional rules of the new EP, the political groups were automatically recognised in the new Parliament.¹³⁵ Since the third election in 1989, the Socialists and Christian Democrats have predominated.¹³⁶ The Treaty also encouraged

¹³² *The European Parliament*, op. cit..

¹³³ Corbett, op. cit., p. 86.

¹³⁴ Simon Hix, Amie Kreppel and Abdul Noury, "The Party System in the European Parliament: Collusive or Competitive?", *Journal of Common Market Studies*, Vol: 41, No: 2, 2003, (February 2003), pp. 310–313.

¹³⁵ Hix, Kreppel and Noury, *ibid*.

¹³⁶ Dinan, Desmond, *Ever Closer Union—An Introduction to European Integration*, London: MacMillan Press, 1999, pp. 273–274. (These two groups are the only groups to include political parties or individual politicians from each Member State.)

political parties at European level.¹³⁷ This recognition of the political parties at European level by the treaty pointed out the thinking that Europe-wide party organisations might increase the possibility of federal structure to occur within the European Union. The Treaty's implicit encouragement of transnational political parties was linked to its concept of Union citizenship and extension of voting rights in local and European elections to Union citizens resident in a member state other than their own.¹³⁸

Currently, there are *seven political groups in the European Parliament*: 1) Group of the European People's Party (Christian Democrats) and European Democrats (PPE-DE); 2) Socialist Group in the European Parliament (PSE); 3) Group of the Alliance of Liberals and Democrats for Europe (ALDE/ADLE); 4) Group of the Greens/European Free Alliance (Verts/ALE); 5) Confederal Group of the European United Left-Nordic Green Left (GUE-NGL); 6) Independence/Democracy Group (IND/DEM); 7) Union for Europe of the Nations Group (UEN).

a) Group Of The European People's Party (Christian Democrats) And European Democrats (PPE-DE)

It is the Group of the European People's Party (Christian Democrats) and European Democrats in the European Parliament. The name of the grouping is abbreviated to EPP-ED. In broad terms, EPP-ED is an alliance of Christian democrat and conservative parties.

Founded as the Christian Democrat Group on 23 June 1953 as a fraction in the Common Assembly of the European Coal and Steel Community, the Group changed its name to the "Group of the European People's Party" (Christian-Democratic Group) in July 1979, just after the first direct elections to the European Parliament, and to "Group of the European People's Party (Christian Democrats) and European Democrats" in July 1999.

263 MEPs sit in the EPP-ED Group of the European Parliament in the sixth parliamentary term, representing some 37% of the total. Covering the Christian

¹³⁷ Article 191 of TEC: Political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union. The Council, acting in accordance with the procedure referred to in Article 251, shall lay down the regulations governing political parties at European level and in particular the rules regarding their funding.

¹³⁸ Dinan, op. cit., p. 275.

Democrats, conservatives and centre or centre-right parties, the EPP-ED defines itself as a centre-right group. It is the only group that has members from all of the 25 Member States.¹³⁹

As *the largest political group in the EP*, the EPP-ED Group is in a stronger position than any other to set that body's political agenda and to win its most critical votes. Despite the many different views occurring within the EPP-ED, it has the power in the EP of passing the legislation that it supports due to its majority in the Parliament.¹⁴⁰ This strength is reflected in the fact that, since 1999, the EPP-ED Group has been on the winning side of more votes than any other group in the European Parliament's monthly plenary sessions. Strength of numbers also ensures that EPP-ED Group Members hold a range of key positions within the Parliament—including the chairmanships of nine of the EP's 22 committees or subcommittees, seven of its 14 vice-presidencies, and three of its five Quaestorships. Within the parliamentary committees, EPP-ED Group Members are best placed to secure the right to author the EP's position on key pieces of draft legislation and other major reports: the Group gets more of these rapporteurships on more important subjects, than any other group.¹⁴¹

Priorities of the EPP-ED Group for 2004-2009 is stated as follows:¹⁴² creating a knowledge based economy and promoting competitiveness (by focusing on education and life-long learning, prioritising research as key element for Europe's competitiveness, focusing on new technologies, building an entrepreneurial European economy of highest quality and ensuring efficient transport connections); ensuring sustainable development and building for future (by promoting Europe's Common Heritage, keeping sustainable growth in a more inclusive society, coping with the challenges of an ageing population, keeping regions alive—building a more prosperous Union by working together, developing a viable and sustainable agriculture, and developing a socially and environmentally sustainable Fisheries Policy); meeting the growing need for security (by ensuring internal security and stability within the European societies, promoting greater safety for the citizens in everyday life, and

¹³⁹ Seda Gürkan, *10-13 Haziran 2004 Avrupa Parlamentosu Seçimleri ve Avrupa Parlamentosu 2004-2009 Dönemi*, Brussels: Türk Sanayicileri ve İşadamları Derneği Avrupa Birliği Temsilciliği, 2004, p. 8.

¹⁴⁰ Gürkan, *ibid.*

¹⁴¹ EPP-ED web site, date of access: 2 March 2006, URL: <http://www.epp-ed.eu/home/en/aboutus.asp>.

¹⁴² *Priorities of the EPP-ED Group for 2004-2009—A contribution of ideas to policy formation*, Brussels: EPP-ED Group, 2004, pp. 1-5.

strengthening the concept of European citizenship); meeting the new security challenges in the world (by guaranteeing that Europe should meet its international responsibilities, presenting a strong financial commitment to the developing world, and ensuring that the current WTO Round is based on fair trade and development); and ensuring a sound financial management (by guaranteeing the existence of careful management of expenditure and vigorous fight against fraud, and ensuring Europe has the means to fulfil its ambitions).

b) Socialist Group In The European Parliament (PSE)

The Socialist Group is consisted of the **201 Members** from 23 Member States. The Group's members are "members of the socialist, labour, and social democratic parties of European countries, united in the Party of European Socialists".¹⁴³

The Party of European Socialists (PES) brings together the Socialist, Social Democratic and Labour Parties of the European Union (EU). The PES was founded in 1992 following the Treaty on European Union and the recognition of the importance of political parties at a European level in Article 191 of the Treaty. It succeeded the Confederation of Socialist Parties of the European Community, which had been set up in 1974.

PES Leaders agreed their **top priorities for the EU for 2006**: A multi-annual European Growth and Investment Strategy for more and better jobs; a common effort of member states and European institutions for the doubling of the target for renewable energy; more effective European anti-discrimination legislation and implementation in the workplace, in particular, with regard to equal pay between men and women and the conciliation of professional and family life; more effective legislation to eradicate violence against women in society, as well as in conflict and crisis situations, and the trafficking of women and children; an appropriate legal framework for services of general interest in the European Union; the strengthening of common efforts for economic and social cohesion between Member States, including for example the development of trans-Europe networks; the strengthening of the European social model and the defence of workers' rights by reinforcing European social legislation.¹⁴⁴

¹⁴³ *Socialist Group in the European Parliament*, Brussels: PSE Group, January 2006.

¹⁴⁴ *PES Presentation Leaflet*, Brussels: PSE Group, January 2006.

The commitment of PSE Group in the EP are “to boost Europe’s growth and prosperity, fight poverty and create more and better jobs; to promote Europe as an area of democracy, solidarity, and equality; to manage migration and make sure that people from all backgrounds feel they have a role to play in our society; and to build a more secure, sustainable, peaceful and just world.”¹⁴⁵ The Socialist Group is committed to making the newly enlarged Europe work effectively from 2004. The Group also supported the passage of the Constitution which envisions reforms for the successful working of European Institutions in the enlarged European Union. The Socialist Group often wins majorities for its policies by creating alliances in the Parliament around its coherent positions. In this way, it made sure that employment and social aspects were included in Economic Policy and it contributed to promoting a healthier and sustainable environment. The PES Group also secured progress in building a European area of freedom, security and justice and played an important role in drawing up the Charter of fundamental rights, which guarantees civil, political and social rights to all European citizens.¹⁴⁶

c) Group Of The Alliance Of Liberals And Democrats For Europe (ALDE/ADLE): [Formerly European Liberal, Democrat And Reformist Party(ELDR)]

ALDE is the third largest political group in the European Parliament and currently comprises **89 MEPs** from 20 countries of the Union. Getting less votes than expected, ELDR won 67 seats in the EP in the new parliamentary term and managed to preserve its position as a key in the legislation process between the bigger two political groups. However, after the 2004 elections UDF party from France and La Margherita party from Italy joined to the ELDR group and the Group of the Alliance of Liberals and Democrats for Europe.¹⁴⁷

The ALDE Group is composed of MEPs belonging to national parties within the pan-EU European Liberal Democrat and Reform Party. The ELDR Party was set up in 1976 as the European Federation of Liberal, Democrat and Reform parties to prepare for

¹⁴⁵ *Socialist Group in the European Parliament*, op. cit..

¹⁴⁶ Socialist Group web site, date of access: 12 March 2006, URL: <http://www.socialistgroup.org/gpes/presentation.do?lg=en>.

¹⁴⁷ Gürkan, op. cit., pp. 8–9.

the first direct elections to the European Parliament in 1979. Today, the ELDR Party has 25 member parties and 13 affiliates from across Europe within the pan-EU European Liberal Democrat and Reform Party and those within the European Democratic Party. The Group is “committed to unlocking the potential of the Union, by building on the fundamental principles of freedom, democracy, solidarity, the rule of law, respect for human rights, free enterprise and equal opportunities.”¹⁴⁸

The ALDE is a *strongly pro-European group*. It wants to build a strong political Union in Europe based on the federal model. It believes Europe needs a Constitution so that it has clear effective rules. ALDE wants more democracy and accountability at the European level, with greater powers for the European Parliament so that European citizens have more of a say over laws that are made at the European level. The Group also wants the Commission and the Council to be more open when they make European law. It wants Europe to have the strongest environmental protections in the world. Requiring to reform Europe’s economy to make it more open and competitive, the ALDE also supports regulated free markets and free trade as a way of creating prosperous, stable societies.

The ALDE Group gives its full support for the Constitution. Andrew Duff¹⁴⁹ explains ten Reasons for supporting the Constitution in his statement: 1) The Constitution makes the European Union more legitimate. It modernises its system of government and enhances its capacity to act effectively; 2) The Constitution clarifies the purpose of the Union and redefines its values, principles, objectives and powers. It makes the Union more efficient, streamlining and rationalising decisions; 3) The Constitution greatly reinforces European parliamentary democracy. The European Parliament becomes co-legislator with the Council in all normal circumstances. National parliaments get increased powers to scrutinise EU draft law; 4) The Constitution makes the EU budget more democratic. MEPs will exercise full budgetary control over all EU spending; 5) The Constitution makes the Commission more accountable to the Parliament; 6) The Constitution makes the Council more transparent. Debates and votes will have to be in public when laws are being passed; 7) The

¹⁴⁸ “10 points for the Group of the Alliance of Liberals and Democrats for Europe”, Brochure prepared by ALDE, ALDE’s web site, date of access: 12 March 2006, URL: <http://alde.europarl.eu.int/content/default.asp?Pageid=394>.

¹⁴⁹ MEP, and spokesperson of the ALDE Group on Constitutional Affairs.

Constitution puts the citizen at the heart of the integration process. The Charter of Fundamental Rights becomes binding on the EU and on member states when implementing EU law and policy; 8) The Constitution will allow the Union to stand on its own feet in world affairs. The new EU Foreign Minister, heading a single diplomatic service, will formulate and represent its interests on the global stage; 9) The Constitution boosts solidarity among member states in cases of natural disasters or terrorist attacks; 10) The Constitution allows one million citizens to initiate an EU policy proposal.

d) Group Of The Greens/European Free Alliance (VERTS/ALE)

The Greens/European Free Alliance is a joint European parliamentary group made up of Greens and representatives of stateless nations (“regionalists”) and is currently the fourth group in the European Parliament and counts with **42 MEPs** from 13 countries. The Group of the Greens/European Free Alliance was born in July 1999 from the will of two separate and progressive European political families to co-operate in the European Parliament. The two constituent parts of the Group (Greens and European Free Alliance¹⁵⁰) agree to determine a yearly common programme for political action in relation to the Parliament’s work programme.

Unlike all the other groups in the European Parliament, the Greens/EFA have a co-presidency, i.e. two co-Presidents, and gender balance is always guaranteed. The first vice-presidency is held by the President of the European Free Alliance.

The Group’s “project is to build a society respectful of fundamental human rights and environmental justice; to increase freedom within the world of work, not only by tackling unemployment but also by widening people’s choices; to deepen democracy by decentralisation and direct participation of people in decision-making that concerns them and by enhancing openness of government in Council and Commission and making the Commission fully answerable to Parliament; to build a European Union of free peoples based on the principle of subsidiarity who believe in solidarity with each

¹⁵⁰ The European Free Alliance (EFA) draws together political parties fighting for democracy and self-determination for the stateless nations and regions of Europe. The European Free Alliance MEPs are drawn from political parties that fight for democracy and self-determination for the stateless nations and regions of Europe, by democratic, constitutional and peaceful means based on the principles of social justice and equality. This autonomous sub group includes representatives from Scotland, Wales, Catalonia and Latvia.

other and all the peoples of the world; and to re-orientate the European Union, which currently over-emphasises its economic conception at the expense of social, cultural and ecological values.”¹⁵¹ The Verts/ALE group works to protect the environment, to build social justice, to further democracy and to create and maintain peace in the world. The MEPs of the Group believe in human rights and equal rights, and we respect diversity: ethnic, cultural, linguistic, religious, sexual and regional. The Verts/ALE also wants to make Europe ‘sustainable’. In the economic field, the group’s objective is to create good jobs that will last, encourage businesses to safeguard their own futures, and make sure that there will be a bright future. Concerning the environment, the Greens fights to reduce pollution, promote renewable energy, improve the efficiency of electrical appliances and transfer people and goods from private vehicles to public transport. The Greens wants to better protect consumers from dangerous and hazardous chemicals and believes the dangers of nuclear energy and the clean-up costs for future generations are too great.

e) Confederal Group Of The European United Left–Nordic Green Left (GUE–NGL)

The GUE/NGL Group is the fifth largest group in the European Parliament and is, at present, made up of **41 MEPs** from 16 political parties in 13 European countries. Being a socialist and communist political grouping within the European Parliament, it is furthest to the left on the political scale. GUE/NGL is the shortened version of the French/English name “Groupe confédérale de la gauche unitaire européenne/Nordic Green Left”. This can be translated as “The Confederal Group of the European United Left/Nordic Green Left”. The group brings together a variety of left parties: several southern European communist parties, Greek left-wing social democrats, the united Spanish left, Dutch and German left socialists and many others. The Swedish, Danish and Finnish left-wing parties together form the unit within the group called the Nordic Green Left(NGL). All in all the GUE/NGL group can be said to be an umbrella organisation for the greater part of the political left wing of the EP.

¹⁵¹ The Group of Greens/European Free Alliance web site, date of access: 12 March 2006, URL: <http://www.greens-efa.org/cms/default/rubrik/6/6646.project@en.htm>.

In 1989, four parties, the Italian CP, the United Left of Spain, the SPP of Denmark and Synaspismos of Greece decided to form a Group called the European United Left (GUE, Gauche Unitaire Européen). In 1991, upon the Italian CP renaming itself PDS and joining to them, the Socialist International decided to join the Socialist Group in the European Parliament. This alliance, enlarged to include other parties, was established as a political group at the beginning of the fourth parliamentary term in 1994 under the name Confederal Group of the European United Left (GUE). The member parties were: United Left of Spain; the Communist Party of France; Communist Refoundation of Italy; the Communist Party of Portugal; the Communist Party of Greece; and Synaspismos of Greece. Following enlargement of the EU to the Nordic countries and Austria in January 1995, the Group expanded to include: the Left Party (VP) of Sweden and the Left Alliance (Vas) of Finland. At the same time the Socialist Peoples' Party (SF) of Denmark rejoined the group and together with the Swedish and Finnish parties formed the Nordic Green Left (NGL) component within the group. The group was renamed the Confederal Group of the European United Left/Nordic Green Left, with GUE/NGL as the standard acronym.¹⁵²

The GUE/NGL sets as its goals to promote on the left a vision of a different Europe –for growth and employment, solidarity and high social standards, openness and democracy, fairness in their dealings with the developing countries and respect for the global environment. For the Group, Europe can, and must be, about something other than cutbacks and unemployment. Notwithstanding the different approaches that its various components may choose to follow, the GUE/NGL is firmly committed to European integration, although in a different form from the existing model. The Group wants to see integration based on fully democratic institutions with a priority commitment to ensuring a new model of development aimed at tackling the most serious issues, which are large-scale and increasing unemployment; ensuring respect for the environment; creating a common social area that provides equal rights at the highest level for all citizens; and, meeting the needs of those who are forced by poverty in their countries of origin (for which Europe bears a heavy responsibility) to seek their livelihood in the Union. The GUE/NGL tries to create a Europe that operates on a basis

¹⁵² The GUE/NGL web site, date of access: 12 March 2006, URL: <http://www.guengl.org/showPage.jsp?ID=39>.

of complete solidarity in order to bring ever closer the real parameters of the economies of each Member State and, accordingly, the group opposes the efforts of the most powerful countries to impose their policies on everyone else. The Group's main objective is to encourage a broad consultation of the people through conferences among the various institutions and national parliaments and also through referenda.

f) Independence/Democracy Group (IND/DEM)

The Independence/ Democracy Group in the European Parliament was set up on 20 July 2004. It incorporates EU-critics, eurosceptics and eurorealists. The IND/DEM Group comprises of **29 MEPs** coming from 10 different countries.

The Independence/Democracy Group is the successor of the Union for a Europe of Nations in the previous parliament which had resulted from the merger of the parties Forza Italia and the Collective Movement of European Democracies. It is a strong advocate of a Europe related to regions. At the same time it also wants to protect that position of the nation-states within the European Union. It rejects a strengthening of common policy in the areas of security and foreign policy as well as in domestic and legal policy.

The main goals of the Group are to reject the Treaty establishing a Constitution for Europe and to oppose all forms of centralisation. The IND/DEM Group opposes any European Constitution, as it would “exacerbate the present undemocratic and centralist political structure of the EU”.¹⁵³ The IND/DEM Group demands that the proposed Constitution be submitted to the peoples' vote through free and fair national referenda in the member states. Favouring an open, transparent, democratic and accountable co-operation between sovereign European states, the IND/DEM Group strongly rejects the creation of a single European superstate. The IND/DEM Group rejects xenophobia, anti-Semitism and any other form of discrimination, and supports the peoples' and nations' right to define and protect their own traditional, ethical and cultural values. Committed to the principles of democracy, freedom and co-operation between nation states, the IND/DEM Group rejects the centralisation and bureaucratisation of Europe. Agreeing on embodying these principles in its proceedings, the IND/DEM Group respects the freedom of its delegations to vote as they see fit.

g) Union For Europe Of The Nations Group (UEN)

The UEN groups has **30 MEPs** in the European Parliament. The members of the group “are united by the values that derive from the respect for the individual which form the basis of European civilisation and determined to defend the principles of liberty, solidarity and equality between individuals, are convinced that the European Union can only be built and prosper if tradition, sovereignty, democracy and the identity of European peoples are respected; and are convinced that the European Union must develop as a force that creates stability in the world and that encourages dialogue between peoples.”¹⁵⁴

The UEN group is pursuing the key political objectives, such as to build a European Union which respects national traditions, preserves cultural heritage and safeguards linguistic diversity in Europe; to uphold the principle of subsidiarity and to support a European Union which respects the competencies of national Governments and the powers of the institutions of the European Union; to support environmental protection as vitally important for long-term sustainable development; to support a social market economy as a vehicle for technological progress to further the welfare state and improve living conditions for all citizens of Europe; to support broader co-operation in the field of education and research programmes which must involve the participation of young people at all stages; to fight international terrorism, organised crime and fraud; to work together to combat illegal immigration, the trafficking of human beings and to combat sexual violence and sexual crimes; to protect the elderly and less well off in the communities; to support a European Union that works closely with the United Nations as well as guaranteeing that the European Union and the American Government continues to work closely together to address international problems.

2.1.6. MEMBERS OF THE EUROPEAN PARLIAMENT

The European Parliament is made up of 732 Members elected in the 25 Member States of the enlarged European Union. Since 1979 MEPs have been elected by direct universal suffrage for a five-year period.

¹⁵³ The IND/DEM web site, date of access: 12 March 2006, URL: <http://indemgroup.org/16/>.

The MEPs are grouped in the Parliament by political affinity and not by nationality. But they exercise their mandate in an independent fashion.

Each Member State of the European Union decides on *the form its election for the European Parliament* will take, but all of them follows some identical democratic rules: a voting age of 18, equality of the sexes and a secret ballot. The elections for the European Parliament in the Member States are already governed by a number of common principles, such as direct universal suffrage, proportional representation and a five-year renewable term.

The dual mandate, where an individual is a member of both his or her national parliament and the European Parliament, is officially discouraged and has been prohibited. Before direct elections in 1979, MEPs were appointed by each of the Member States' national parliaments. Thus all MEPs then had a dual mandate. "After the 1999 elections only 40 of the elected MEPs (6.4% of the total) were also members of a national parliament."¹⁵⁵ *Council Decision 2002/772/EC which amends the 1976 Act concerning elections to the European Parliament* came into force in the UK (and in other EU States) on 1 April 2004. The Decision states that "from the European Parliament elections in 2004, the office of member of the European Parliament shall be incompatible with that of member of a national parliament". This means that it is not possible for a MEP to be a member of a national parliament.¹⁵⁶ It is important to note that the Council Decision contains a derogation to this new rule: "Members of the Irish National Parliament who are elected to the European Parliament at a subsequent poll may have a dual mandate until the next election to the Irish National Parliament, at which juncture the first subparagraph of this paragraph shall apply" and "members of the United Kingdom Parliament who are also members of the European Parliament during the five-year term preceding election to the European Parliament in 2004 may have a dual mandate until the 2009 European Parliament elections."¹⁵⁷ The dual

¹⁵⁴ UEN Charter, source: The Union for Europe of Nations web site, date of access: 12 March 2006, URL: <http://www.uengroup.org/home.html>.

¹⁵⁵ Corbett, op. cit., p. 50.

¹⁵⁶ For the UK, 'national Parliament' is deemed to mean the Westminster Parliament and does not cover any of the devolved legislatures—the Scottish Parliament, National Assembly of Wales or the Northern Ireland Assembly. A person who is elected to a devolved legislature may therefore hold office as a MEP.

¹⁵⁷ Article 7(2), Decision and Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976, last amended by Council Decision of 25 June 2002 and 23 September 2002.

mandate was considered to have the advantage of personifying a close relationship between national parliaments and the Parliament, but the fact that heavy demands on both of the offices has made it difficult for those to hold both positions simultaneously. Because holders of the dual mandate tend to devote more time to national politics, they unwittingly reinforce a negative stereotype of the EP as a publicly supported leisure centre.¹⁵⁸ This has been the reason for the Parliament to disapprove of the dual mandate and for the Council to accept the office of MEP be considered incompatible with the office of a member of a national parliament in the Council Decision 2002/772/EC.

There are *certain posts or positions which are considered to be incompatible with the Membership of the European Parliament*. These positions are listed in the Decision and Act concerning the election of the representatives of the European Parliament by direct universal suffrage:¹⁵⁹ Membership in the European Parliament shall be incompatible with the capacity as (a) member of the Government of a Member State; (b) member of the Commission of the European Communities; (c) Judge, Advocate-General, or Registrar of the Court of Justice of the European Communities or of the Court of First Instance; (d) member of the Board of Directors of the European Central Bank; (e) member of the Court of Auditors of the European Communities; (f) Ombudsman of the European Communities; (g) member of the Economic and Social Committee of the European Economic Community and the European Atomic Energy Community; (h) member of the Committee of the Regions; (i) member of committees and bodies that by virtue of the Treaties establishing the European Economic Community and the European Atomic Energy Community manage funds of the Communities or perform a permanent direct administrative task; (j) member of the Board of Directors or of the Management Committee or an official of the European Investment Bank; and (k) an active official or servant of the institutions of the European Communities or of the specialised bodies attached to them or of the European Central Bank. Furthermore, the third paragraph of the same Article stipulates that each Member State can extend domestic incompatibilities. Article 8 of the Decision and Act in question states that the Member States can do this by putting down national provisions,

¹⁵⁸ Dinan, *op. cit.*, pp. 272–273.

¹⁵⁹ Article 7(1), Decision and Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976, last amended by Council Decision of 25 June 2002 and 23 September 2002.

which may if appropriate take account of the specific situation in the Member States, shall not affect the essentially proportional nature of the voting system.

Incompatibilities resulting from national legislation are notified to Parliament, which takes note. The President of the European Parliament informs the Parliament, which has the responsibility to establish that there is a vacancy, when the competent authorities of the Member States or of the Union or the Member concerned notify him or her of an appointment to an office incompatible with the office of MEPs.¹⁶⁰

The five-year term for which members of the European Parliament are elected begins at the opening of the first session following the elections.¹⁶¹ Members of the European Parliament remain in office until the opening of the first sitting of Parliament following the elections.¹⁶²

The term of office of members of the European Parliament ends on death or resignation. A Member who resigns notifies the President of his resignation and of the date on which that resignation takes effect, which is not more than three months after notification.¹⁶³ According to the Rules of Procedure, this notification is in the form of official record signed by the Secretary-General or his representative and by the MEP concerned and it is immediately submitted to the committee responsible which enters it on the agenda. The committee informs the Parliament if it considers that the resignation is not in accordance with the Act of 20 September 1976. The Parliament takes decision about the subject. If the committee considers that the resignation is in accordance with the Act of 20 September 1976, no action is taken and the resignation takes effect from the indicated by the MEP's notification.

According to the Rule 4(6) of the Rules of Procedure, there are two events which are to be considered as the date of the end of the term of office and the effective date of a vacancy: (a) in the event of resignation, the date on which the vacancy is established by Parliament in accordance with the notification of resignation; and (b) in the event of appointment to an office incompatible with the office of a Member of the European Parliament, either in respect of national electoral law, or in respect of Article 7 of the

¹⁶⁰ Rules of Procedure, Rule 4(4).

¹⁶¹ Act concerning the election of the Members of the European Parliament by direct universal suffrage, Article 5(1).

¹⁶² Rules of Procedure, Rule 4(2).

¹⁶³ Rules of Procedure, Rule 4(3).

Act of 20 September 1976, the date notified by the competent authorities of the Member States or of the Union or by the Member concerned. According to the following paragraph (Article 4(7)), when it has been established that a vacancy exists, the Parliament informs the Member State concerned.

MEPs enjoy *privileges and immunities* in accordance with the Protocol on the Privileges and Immunities of the European Communities.¹⁶⁴ This provides for MEPs to enjoy the same immunities in their own country as national parliamentarians and, while in other countries of the Union to be immune from any measure of detention and from legal proceedings. Members are in any case immune while travelling to and from the Parliament.¹⁶⁵ If a MEP is found in the act of committing an offence, he or she cannot claim to be immune from this.

If a competent authority of a Member State requests President of the European Parliament that a MEP be waived his or her privileges and immunities, this request is announced in Parliament and referred to the committee responsible. Any request addressed to the President by a MEP or a former MEP to defend privileges and immunities is also announced in Parliament and referred to the committee responsible.¹⁶⁶ The committee responsible considers the request immediately and makes a proposal for a decision recommending the adoption or rejection of the request for the waiver of immunity or for the defence of immunity and privileges. The committee

¹⁶⁴ Rules of Procedure, Rule 5(1).

PROTOCOL ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN COMMUNITIES OF 8 APRIL 1965, amended by Treaty of Amsterdam and Treaty of Nice, Chapter III—Members of the European Parliament:

Article 8. No administrative or other restriction is imposed on the free movement of members of the European Parliament travelling to or from the place of meeting of the European Parliament. Members of the European Parliament, in respect of customs and exchange control, must be accorded (a) by their own Government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions; and (b) by the Governments of other Member States, the same facilities as those accorded to representatives of foreign Governments on temporary official missions.

Article 9. Members of the European Parliament must not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 10. During the sessions of the European Parliament, its members shall enjoy (a) in the territory of their own State, the immunities accorded to members of their parliament; (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a member is found in the act of committing an offence and must not prevent the European Parliament from exercising its right to waive the immunity of one of its members.

¹⁶⁵ Corbett, op. cit., p. 44.

¹⁶⁶ Rules of Procedure, Rule 6(2) and 6(3).

responsible may ask the authority concerned to provide any information or explanation, which it deems necessary to form an opinion on whether immunity should be waived or defended. The Member concerned is given an opportunity to be heard and may bring any documents or other written evidence he deems relevant.¹⁶⁷ But the committee does not, under any circumstances, pronounce on the guilt or otherwise of the Member nor on whether or not the opinions or acts attributed to him or her justify prosecution, even if, in considering the request, it acquires detailed knowledge of the facts of the case.¹⁶⁸ The report of the committee is placed as the first item on the agenda of the first sitting of the Parliament. The discussion is confined to the reasons for and against the proposal of the committee and the MEP concerned does not speak in the debate. The proposals in the report of the committee are put to the vote at the first voting time. When any of the proposals are rejected, the contrary decision is deemed adopted. The President communicates Parliament's decision to the Member concerned and to the competent authority of the Member State concerned and requests to be informed of any developments in the relevant proceedings and of any judicial rulings made as a consequence, which he or she transmits to the Parliament in the way most appropriate, if necessary after consulting the committee responsible.¹⁶⁹ It is a common situation that a MEP's immunity is waived upon the request of the Member States' officials in question.¹⁷⁰

The new MEPs selected for the European Parliament are given a briefing about the history of the Parliament and a voting card which is to be used in the electronic votes system during the session. The 'laissez-passer's which enables the MEPs to travel among the Member States without any other document are also distributed.¹⁷¹

An office in Strasbourg is allocated to the newly-elected MEPs. Each MEP has also a second office in Brussels and a third office in the capitals of their countries in order to work for a certain time. These offices [in Brussels and in Strasbourg] are broadly equal in size and facilities, with only Parliament's Presidents and Vice-

¹⁶⁷ Rules of Procedure, Rule 7(3).

¹⁶⁸ Rules of Procedure, Rule 7(7).

¹⁶⁹ Rules of Procedure, Rule 7(9).

¹⁷⁰ Demir, *op. cit.*, p. 73.

¹⁷¹ Demir, *ibid.*, p. 72.

Presidents, former Presidents, Quaestors and Political Group and committee chairs getting larger offices.¹⁷²

MEPs divide their time between Brussels, Strasbourg and their constituencies.

In Brussels they attend meetings of the parliamentary committees and political groups, and additional plenary sittings. In Strasbourg, they attend 12 plenary sittings. In parallel with these activities they must also devote time to their constituencies. One week a month is spared to the plenary session in Strasbourg, and much of the next three weeks by committee, plenary or Group meetings in Brussels. If an MEP is a full member of one or two committees or a substitute on another committee, this makes the MEP's agenda busier. The Members of the European Parliament also spend their time to travel between the various locations of meetings and their home countries. In addition, members are expected to keep in touch with their political base at home. Members with geographical constituencies typically spend a couple of days each week dealing with individual constituents, NGOs, local government leaders and staff, businesses, trade unions, development agencies, MPs, party structures, etc in their areas and taking up invitations to speak at universities, schools, organisations, clubs and, last but not least, local media. These may relate to their work in the Parliament, to the local application of European legislation, to European grants and assistance or to problems encountered by constituent travelling or working in other Member States. Even if the members do not have a geographical constituency to nurse, they may have similar activities or have sectoral (e.g. trade union) or specific responsibilities within their party.¹⁷³ All these travels, visits and meetings keep the MEPs' agenda very busy.

MEPs' salaries and allowances has become a controversial issue especially in recent years. There has been a huge amount of work for a statute for MEPs in the EP. A draft for ***the statute for the MEPs*** was under discussion, which would equalise salary differences and make for transparency of MEPs' pay. The continuing failure of Member States to agree a uniform statute for MEPs, and the consequent continued application of national rules, has led, *inter alia*, to huge differences in the basic remuneration of members from different countries, as well as to the divergent treatment as regards

¹⁷² Corbett, op. cit., pp. 41.

¹⁷³ Corbett, ibid, pp. 56–57.

regimes for such matters as incompatibilities and immunity requests.¹⁷⁴ Members of the European Parliament receive the same salary as the Members of Parliament in their country of election. The basic salaries of the MEPs are paid by the Member States of which the MEPs have the nationality. This situation creates a difference among the incomes of the MEPs from various Member States and thus causes negative effects on the Members of the European Parliament who works in the same way.¹⁷⁵

The Bureau lays down rules governing the payment of expenses and allowances to Members.¹⁷⁶ MEPs from different countries are treated equally in the size of the five main allowances to which they are entitled. Members receive *daily allowances for attendance* at Parliament to cover accommodation and subsistence. Members have to sign a register to prove their presence. They are also reimbursed for the *travel expenses* to and from their constituencies or places of residence, on the basis, for members who have to fly, of the cost of a “full fare economy ticket”, paid as a flat rate lump sum upon presentation of proof that the journey has been made. Members may also claim up to € 3000 per annum for other travel, on the basis of receipts and proof that the travel was undertaken in the performance of their duties, except for travel within the country in which they are elected. Members do not have any special funding for the latter category for travel, which is very high in the case of MEPs whose regional constituencies are large. Members can use their monthly *general expenditure allowance* (amounting to € 3314 per month) for this purpose as well as for its main purpose, namely office, telephone and postage costs. Any member attending on fewer than 50 per cent of the plenary days in the course of a parliamentary year has to reimburse 50 per cent of their general expenditure allowances unless there are valid medical or family reasons or unless the member has been on other official Parliament business. Finally, members receive *staff allowances* for one or more secretaries or assistants. In addition, members are given insurance cover, are reimbursed for certain medical expenses, have invalidity

¹⁷⁴ Corbett, *ibid.*, p. 41. However a recent development changed the situation: “On 23 June 2005 Parliament adopted the Statute for its Members. The new rules, approved by the Council on 18 July 2005, cover the freedom and independence of the MEPs, exercise of the right of initiative, linguistic diversity, and the remuneration and expenses” (*General Report on the Activities of the European Union–2005*, Brussels: Office for Official Publications of the European Communities, 2006, p. 16).

¹⁷⁵ Demir, *loc. cit.*

¹⁷⁶ Rules of Procedure, Rule 8.

and retirement pensions and also receive a transitional allowance for three months after the end of their term of office.¹⁷⁷

The Quaestors keep a register in which each Member shall make *a personal, detailed declaration* of his/her professional activities and any other remunerated functions or activities, and any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to the Member in connection with his/her political activities by third parties, whose identity must be disclosed. The declarations in the register are made under the personal responsibility of the Member and must be updated every year.¹⁷⁸ The register is open to the public for inspection. Before a Member may be validly nominated as an office-holder of Parliament or one of its bodies or participate in an official delegation he or she must have duly completed the detailed declaration.¹⁷⁹ The MEPs are give an form on which to declare their financial interests. The register is kept for inspection in an office in Luxembourg.

Observers in the European Parliament: It is conventional for countries acceding to the European Union to send a number of observers to Parliament in advance. The number of observers and their method of appointment (usually by national parliaments) are laid down in the joining countries' Treaties of Accession. Observers may attend debates and take part by invitation, but they may not vote or exercise other official duties. When their countries become full member states, these observers become full MEPs for the interim period between accession and the next European elections. In this way, the agreed maximum of 750 parliamentary seats may temporarily be exceeded. For instance, in 2004, the number of seats in the European Parliament was temporarily raised to 788 to accommodate representatives from the ten states that joined the EU on 1 May, but it was subsequently reduced to 732 following the elections in June. Since September 26, 2005, Bulgaria has 18 observers in Parliament and Romania has 35. These are selected from government and opposition parties as agreed by the countries' national parliaments. In 2007 these observers will become MEPs, but their number is expected to decrease when the number of seats assigned to each country is reassessed, according to the Treaty of Nice.

¹⁷⁷ Corbett, op. cit., p. 42.

¹⁷⁸ Rules of Procedure, Annex I, Article 2.

2.2. THE POWERS AND RESPONSIBILITIES OF THE EUROPEAN PARLIAMENT

The history of the EP is a history of relentless efforts by MEPs to increase their institution's power. MEPs have sought especially since the advent of direct elections in 1979, to redress the institutional imbalance among the Commission, Council, and Parliament. Parliament has continually pressed both to developed policies and to improve its position within the institutional framework of the Union. It has achieved this not only through treaty change, but also through obtaining undertakings from the Council and Commission, by taking advantage of particular interpretations of the treaties.¹⁸⁰ The combination of budgetary and legislative power, and assent procedure for ratification of association and accession agreements, and an ability to scrutinise the Commission's activities make the EP a formidable player in the EU political system.¹⁸¹ But there is still much to gain for the Parliament in terms of power it may use. The increase in the European Parliament's powers, while an impressive one, has been very uneven in nature, and has left significant gaps in the Parliament's powers, even within the first or Community pillar, notably the lack of co-decision in agriculture, the artificial distinction between so-called 'compulsory' and 'non-compulsory' expenditure in the budget and the lack of any role at all for the EP as regards to the trade agreements.¹⁸² However, since the evolution of the European Union and that of the Parliament is far away from finished, the position of the Parliament within the Union changes continuously and thus it may, and will, gain more power in the future.

¹⁷⁹ Rules of Procedure, Annex I, Article 1(2).

¹⁸⁰ Richard Corbett, Francis Jacobs, and Michael Shackleton, "The European Parliament at Fifty: A View from the Inside", *Journal of Common Market Studies*, Vol: 41, No: 2, (February 2003), p. 355. "So far, the EP's influence in treaty reform has largely had to rely on indirect channels. Three such channels can be distinguished and need to be examined in more detail: the party federations linking the EP to national governments, the commitment of individual national governments and parliaments to support the EP's aims, and the wider appeal to European citizens to expand the EP's powers as part of a drive to enhance the democratic accountability of the EU". (Thomas Christiansen, "The Role of Supranational Actors in EU Treaty Reform", *Journal of European Public Policy*, Vol: 9, No: 1 (February 2002), pp. 43-44)

¹⁸¹ Dinan, op. cit. p. 267.

¹⁸² Jacobs, Francis, *Development of the European Parliament's Powers: An Incomplete Agenda?* March 2003, p. 4. (paper prepared personally by Francis B. Jacobs, Head of Division, European Parliament's Committee on the Environment Public Health an Consumer Policy.)

2.2.1. THE EUROPEAN PARLIAMENT AND THE LEGISLATION

While the 1951 ECSC Treaty did not assign the Assembly any legislative power, the 1957 Treaties of Rome gave it a role (a role to be consulted) in the legislative process of the Communities. The conventional wisdom holds that the EP's power has increased with every new procedure introduced. Before the Single European Act, the Council was obliged only to hear what the EP demanded in its amendments to the Commission's proposal.¹⁸³ With the revision of the Treaties and throughout the history of European Union, the powers of the European Parliament has been increased in relation to the other institutions of the Union. Today the European Parliament is firmly established as a co-legislator, has budgetary powers and exercises democratic controls over all the European institutions.

Although the Parliament does *not have the right to initiate legislation*, the Treaty has given it the power, which the Council also has, to *request that the Commission submits legislative proposals*.¹⁸⁴ Such requests do not oblige the Commission to put forward a proposal; however, under a code of conduct concluded with the EP in 1995, the Commission agreed to take the greatest possible account of them.¹⁸⁵

a) Consultation Procedure

The consultation procedure enables the European Parliament to give its opinion on a proposal from the Commission. In the cases laid down by the Treaty, the Council must consult the European Parliament before voting on the Commission proposal and take its views into account. . The consultation procedure is *a single reading procedure* in which the Council is the sole final decision-maker. However, it cannot take a final decision until it has received the opinion of the EP.¹⁸⁶ The Council is not bound by the Parliament's position, but only by the obligation to consult it. If its decision deviates far

¹⁸³ Christiane Kasack, "The Legislative Impact of the European Parliament under the Revised Co-Decision Procedure" *European Union Politics*, Vol:5, No: 2, (February 2004), p. 242.

¹⁸⁴ Article 192 of TEC, para 2: The European Parliament may, acting by a majority of its Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty.

¹⁸⁵ Dinan, op. cit., p. 281.

¹⁸⁶ Nugent, op. cit. p. 339.

from the initial proposal of the Commission, the Council must consult to the European Parliament again.

The power of Parliament to affect the final decision is fairly limited under this procedure, because it can only hope that the Commission takes its amendments into account in an amended proposal.¹⁸⁷

Since the introduction of co-operation and co-decision procedures, the importance of the consultation procedure has steadily declined. The consultation procedure now applies only to cases that are not expressly subject to the co-operation or co-decision procedures.

The Treaty states that the European Parliament shall participate in the process leading up to the adoption of Community acts by exercising its powers and by giving its assent or delivering advisory opinions. The European Parliament may, acting by a majority of its Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing the Treaty.¹⁸⁸

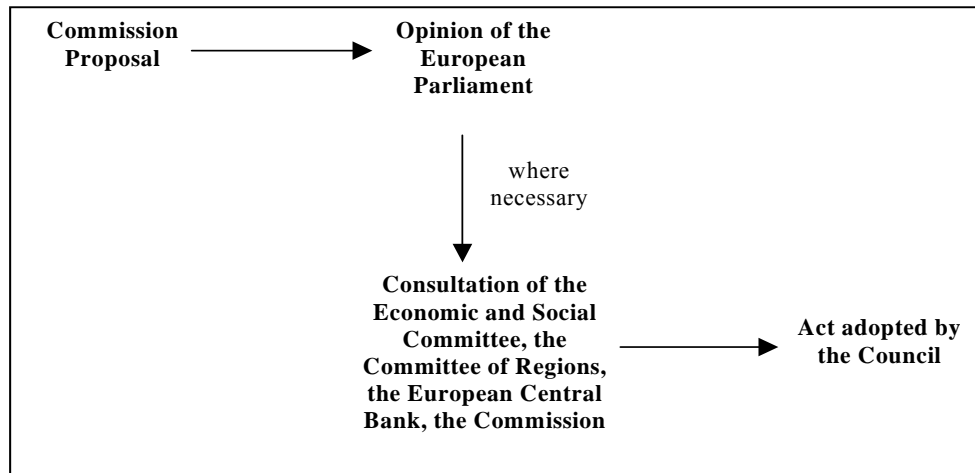
The consultation procedure is as follows: First, The Commission proposes a draft legislation. In the second step, the Parliament delivers its opinion, without any time limits. The Commission may make amendments on the draft legislation. In the third step, the Council accepts the draft legislation unanimously or with qualified majority voting or, adopts by adding the amendments, which the Council itself makes, provided that these amendments are accepted unanimously. The draft legislation is then adopted.¹⁸⁹

¹⁸⁷ However, before the Council can take a decision upon the proposal from the Commission, certain stages have to be completed. For these stages to be completed, it is important that the European Parliament, the European Economic and Social Committee and the Committee of the Regions also have their say, depending on the subject of the regulations in question.

¹⁸⁸ The EC Treaty, Article 192.

The consultation procedure is followed up by the directions stated in the Rules of Procedure, Title III "Legislative, Budgetary and Other Procedures" Chapter 3 "First Reading".

FIGURE 2.3. Consultation Procedure:



A few more words can be said in order to explain the procedure, which is summarised above and its historical background.

The ECSC Treaty did not assign the Assembly any legislative power, but the Parliament gains its first legislative role (role to be consulted) through the 1957 Treaties of Rome. This was done by laying down in 22 articles in the EEC Treaty and 11 articles in the Euratom Treaty provisions obliging Council to consult the European Parliament on Commission proposals before their adoption.¹⁹⁰ This was the first step for the Assembly to gain its legislative powers.

The EP sought to increase the importance of the procedure by making agreements with the other institutions and to get a significant position in the legislative process. The Council accepted to extend the scope of consultation procedure to all ‘important problems’ even if there was not any specific requirement for them stated in the Treaties, in March 1960. These were called as ‘voluntary consultations’. The Council also accepted to extend the scope of this consultation beyond ‘important problems’ but did not define any limitations for that. In practice, by the mid-1970s Council consulted Parliament virtually all legislative proposals referred to it except those of a purely technical or temporary nature.¹⁹¹ Although the EP was only consulted in this procedure and although any specific boundaries were not drawn for the areas in

¹⁸⁹ Demir, *op. cit.*, pp. 84–85.

¹⁹⁰ Corbett, *op. cit.*, p.176.

¹⁹¹ Corbett, *ibid.*

which the consultation procedure was used, the EP became actively involved in the legislation through this procedure.

The Council and the Commission agreed on important issues about the consultation procedure in 1973. The Council decided to consult the EP about the Commission proposals within in one week after the date it had received them. In the same year, the Commission agreed on proposing to consult the EP on all proposals of any kind other than the proposals which had minor importance or confidential matters; to express its opinion in Parliament's plenary on all amendments and to justify its opposition to any amendments, either in writing or orally in plenary; to amend its proposals to Council in order to incorporate Parliament's amendments. The Commission and the Council also agreed to consult whenever significant changes were envisaged to the text on which Parliament had delivered its opinion.

The conciliation procedure was realised in 1975. The Council negotiated with the EP and the Commission and the institutions agreed on a mechanism of seeking agreement with the Parliament on legislation for reducing the risk of Parliament's preventing the implementation of legislation due to budgetary consequences. This conciliation procedure was established by the Joint Declaration of the European Parliament, the Council and the Commission of, done at Brussels on 4 March 1975.¹⁹²

¹⁹² JOINT DECLARATION OF THE EUROPEAN PARLIAMENT, THE COUNCIL AND THE COMMISSION OF 4 MARCH 1975

The European Parliament, the Council and the Commission,

Whereas from 1 January 1975, the Budget of the Communities will be financed entirely from the Communities' own resources;

Whereas in order to implement this system the European Parliament will be given increased budgetary powers;

Whereas the increase in the budgetary powers of the European Parliament must be accompanied by effective participation by the latter in the procedure for preparing and adopting decisions which give rise to important expenditure or revenue to be charged or credited to the budget of the European Communities,

Have agreed as follows:

1. A conciliation procedure between the European Parliament and the Council with the active assistance of the Commission is hereby instituted.
2. This procedure may be followed for Community acts of general application which have appreciable financial implications, and of which the adoption is not required by virtue of acts already in existence.
3. When submitting its proposal the Commission shall indicate whether the act in question is, in its opinion, capable of being the subject of the conciliation procedure. The European Parliament, when giving its Opinion, and the Council may request that this procedure be initiated.
4. The procedure shall be initiated if the criteria laid down in paragraph 2 are met and if the Council intends to depart from the Opinion adopted by the European Parliament.
5. The conciliation shall take place in a 'Conciliation Committee' consisting of the Council and representatives of the European Parliament. The Commission shall participate in the work of the Conciliation Committee.

This involves biannual Council–Parliament meetings, first when the Council prepares to adopt the draft budget (on the basis of a Commission proposal) and later when the Council is about to decide on the EP’s proposed amendments.¹⁹³ The Declaration uses terms that imply a certain number of obligations for Council, and its formal aim is to ‘seek agreement between the European Parliament and the Council.’¹⁹⁴ This declaration is considered to be a kind of convention between the Council and Parliament, which defines the rules to be followed. Therefore it has to be distinguished from the conciliation procedure/committee used in the co–decision procedure.¹⁹⁵

The creation of the co–operation procedure by the Single European Act and of the co–decision procedure by the Maastricht Treaty, and then the ‘elevation’ of policy areas from the consultation procedure to these other procedures by the Single European Act, Maastricht, Amsterdam and Nice Treaties, means that the number of policy areas to which consultation procedure applies has been reduced over the years.

As a last note, the EP’s ability to make a good use of consultation procedure is partly depend on its skills. There two cases showing upside and downside of these skills. The *Isoglucose* ruling of the Court of Justice in 1980 in *Cases 138 and 139/79* annulled a piece of Community legislation adopted by Council on the grounds that Parliament had not yet given its opinion. The Court made it clear that Council cannot adopt Community legislation before receiving Parliament’s opinion, where it is required under the Treaties.¹⁹⁶ On another case, the Parliament obliged to accept the limits of its influence in the consultation procedure following a further judgement in 1995 when the Court rejected the Parliament’s application for the annulment of a regulation adopted by the Council without Parliament’s opinion (*Case C–65/93*). On 22 October 1993 the Council had requested an opinion on a regulation for a proposal for the extension of the

6. The aim of the procedure shall be to seek an agreement between the European Parliament and the Council.

The procedure should normally take place during a period not exceeding three months, unless the act in question has to be adopted before a specific date or if the matter is urgent, in which case the Council may fix an appropriate time limit.

7. When the positions of the two institutions are sufficiently close, the European Parliament may give a new Opinion, after which the Council shall take definitive action.

Done at Brussels, 4 March 1975.

¹⁹³ Dinan, op. cit., p. 279.

¹⁹⁴ Corbett, op. cit., pp. 181–182.

¹⁹⁵ In French it is called *concertation*, which usefully distinguishes it from ‘conciliation’ as applicable under co–decision.

¹⁹⁶ Corbett, op. cit., p. 179.

system of generalised tariff preferences for 1993, stressing the urgency of the matter as the existing regulation expired at the end of the year. Whilst acknowledging the urgency, Parliament postponed consideration of the proposal twice, the second time at the last session of the year in December, after which Council adopted the regulation, stressing the exceptional circumstances. The Court argued that the consultation procedure required sincere co-operation between the institutions and that the Parliament had failed in this regard because its second decision to postpone consideration, due to an adjournment motion, was for reasons unconnected with the contents of the regulation. This decision would appear to restrict the right of the Parliament to delay giving its opinion by imposing an implicit obligation to have good reasons for such delay.¹⁹⁷

b) Co-Operation Procedure

The co-operation procedure was introduced by the Single European Act. This procedure gave the European Parliament a greater influence in the legislative process by *introducing two “readings”*. And it played an important part in the development of the powers of the Parliament between then and the entry into force of the Amsterdam Treaty in 1999.¹⁹⁸ It has the aim of attributing more weight to the opinion expressed by the Parliament. In fact, this procedure came into existence by adding a second stage to the consultation procedure.¹⁹⁹

The co-operation procedure has *increased the weight of the EP in the legislation transactions* and widened the area of the EP’s powers considerably.²⁰⁰

The scope of the co-operation procedure was considerably extended by the Maastricht and Amsterdam Treaties, but the procedure is then lost its significance due to the trend by encouraging the co-decision procedure. Consequently, this procedure has to be evaluated as a kind of step for stepping up to the co-decision procedure, within the historical development process of the institutional structure.²⁰¹ The co-operation procedure is left to be applied only in the field of economic and monetary union.

¹⁹⁷ Corbett, *ibid.*, p. 181.

¹⁹⁸ Corbett, *ibid.*, p. 185.

¹⁹⁹ Tezcan, *op. cit.*, p. 24

²⁰⁰ Demir, *op. cit.*, p. 87.

²⁰¹ Tezcan, *op. cit.*, p. 26

Article 252 of the EC Treaty describes the procedure that shall apply in the co-operation.²⁰²

The central new feature of the co-operation procedure, as compared with consultation, was that it provided for two readings of legislation rather than one, the first of which is equivalent to the simple consultation procedure: Commission proposal, Parliament opinion and Council decision.²⁰³ The co-operation procedure is initiated by a proposal from the Commission forwarded to the Council and the European Parliament. The Parliament issues its opinion on the proposal in its first reading. The Council draws up a common position by acting by a qualified majority and forwards it to Parliament together with all the necessary information and the reasons leading the Council to adopt the common position in question.

At a second reading, the Parliament examines the common position. It has three months to adopt, amend or reject the common position. If the Parliament approves this common position or does not take a decision (approve it tacitly) within three months,

²⁰² Article 252 of the EC Treaty:

Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply.

(a) The Council, acting by a qualified majority on a proposal from the Commission and after obtaining the opinion of the European Parliament, shall adopt a common position.

(b) The Council's common position shall be communicated to the European Parliament. The Council and the Commission shall inform the European Parliament fully of the reasons which led the Council to adopt its common position and also of the Commission's position. If, within three months of such communication, the European Parliament approves this common position or has not taken a decision within that period, the Council shall definitively adopt the act in question in accordance with the common position.

(c) The European Parliament may, within the period of three months referred to in point (b), by an absolute majority of its component Members, propose amendments to the Council's common position. The European Parliament may also, by the same majority, reject the Council's common position. The result of the proceedings shall be transmitted to the Council and the Commission. If the European Parliament has rejected the Council's common position, unanimity shall be required for the Council to act on a second reading.

(d) The Commission shall, within a period of one month, re-examine the proposal on the basis of which the Council adopted its common position, by taking into account the amendments proposed by the European Parliament. The Commission shall forward to the Council, at the same time as its re-examined proposal, the amendments of the European Parliament which it has not accepted, and shall express its opinion on them. The Council may adopt these amendments unanimously.

(e) The Council, acting by a qualified majority, shall adopt the proposal as re-examined by the Commission. Unanimity shall be required for the Council to amend the proposal as re-examined by the Commission.

(f) In the cases referred to in points (c), (d) and (e), the Council shall be required to act within a period of three months. If no decision is taken within this period, the Commission proposal shall be deemed not to have been adopted.

(g) The periods referred to in points (b) and (f) may be extended by a maximum of one month by common accord between the Council and the European Parliament.

²⁰³ Corbett, loc. cit.

the proposal is adopted in accordance with the common position. If the Parliament decides to amend or reject the common position, it must do so by absolute majority. When the Parliament rejects the common position, the Council has to act unanimously in its second reading in order to adopt the proposal or with the agreement of the Commission (which can always withdraw the proposal) to overrule the Parliament²⁰⁴. Rejection of proposals by Parliament is infrequent, but it is significant that on most occasions when it was used, the rejection has been sustained, either because Council was unable to find the necessary unanimity to overrule Parliament, or because the Commission withdrew the proposal.²⁰⁵

The habit of two readings gave the impression of a classic bicameral legislative procedure at European level and helped pave the way towards full co-decision. Moreover, it opened an additional area in which to test the consultative powers of the Parliament before the Court of Justice on the grounds of the choice of legal base.²⁰⁶

Upon receiving the Parliament's amendments or rejection, the Commission re-examines the common position within one month and forwards its proposal to the Council. The Commission is free to include or exclude the amendments proposed by Parliament. The Commission states its opinion on the amendments of the Parliament which it has not accepted.

The Council considers the Commission's proposal and has three months to adopt or amend it. The Council may adopt the re-examined proposal by qualified majority or amend it unanimously. The Council may also accept the amendments of the Parliament which were not taken into consideration by the Commission, but it has to adopt them unanimously.

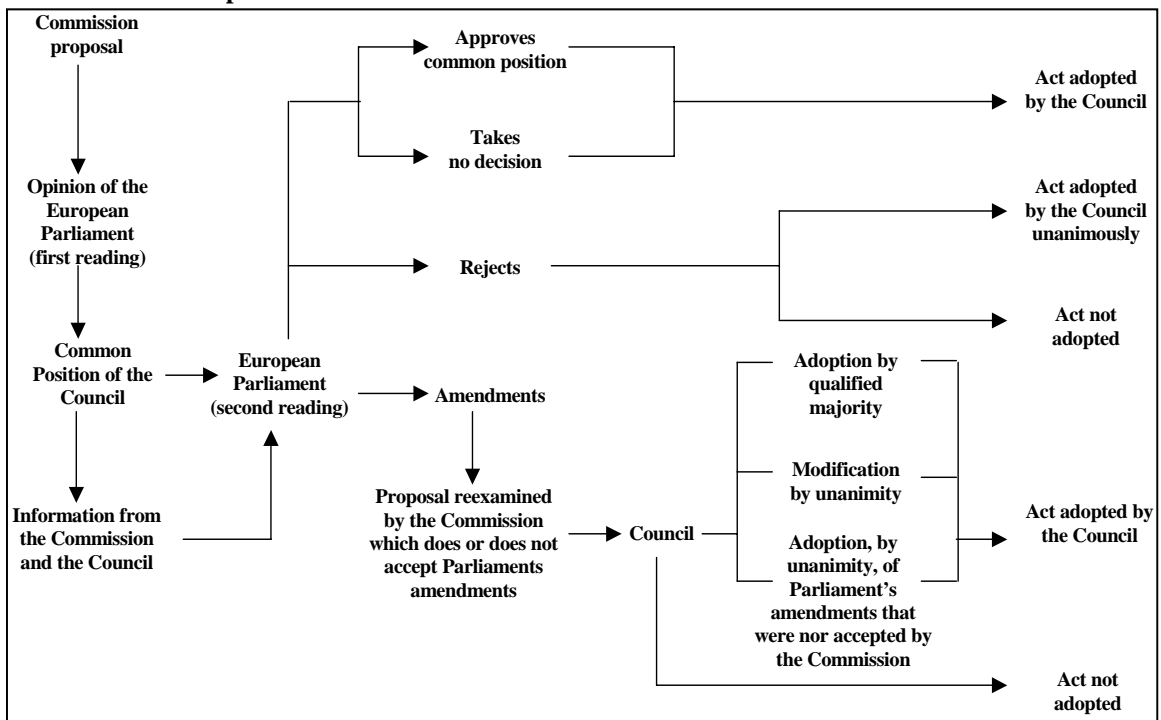
In the co-operation procedure, the Council may still exercise a veto by refusing to express its opinion on the amendments proposed by the European Parliament or on the amended proposal from the Commission, thereby blocking the legislative procedure.

²⁰⁴ Corbett, *ibid.*

²⁰⁵ Corbett, *ibid.*, p. 188.

²⁰⁶ Corbett, *ibid.*, p. 187.

FIGURE 2.4. Co-operation Procedure:



c) Assent Procedure

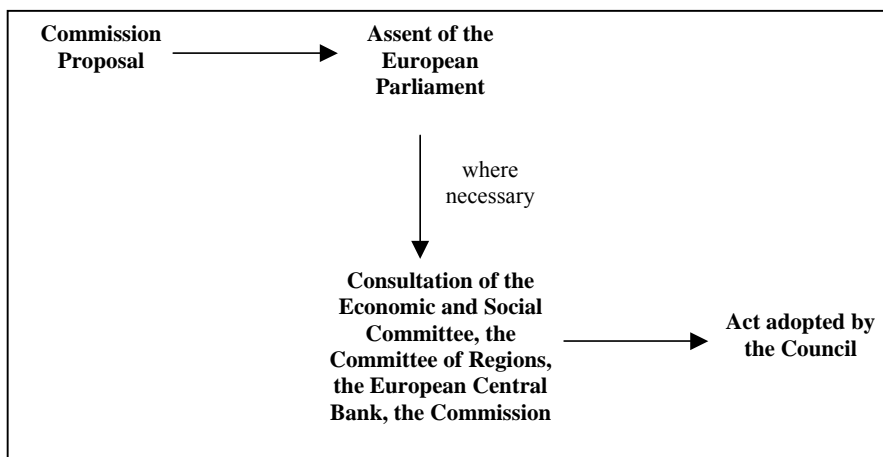
In the assent procedure, which was established by the Single European Act, the European Parliament accepts or rejects the act adopted by the Council by the majority required under the Article 192²⁰⁷ of the EC Treaty. While the Single European Act introduced the assent procedure, Maastricht and Amsterdam Treaties introduces new areas for which the assent procedure is to be applied. Under the Single European Act, this applied only to association agreements with third countries and the accession of new Member States. As a result of the Maastricht and Amsterdam Treaties, a further six categories of decision are now covered by assent: sanctions in the event of serious and persistent breach of fundamental rights by a Member State; special tasks to be entrusted to the European Central Bank; amendments to the protocol of the European System of Central Banks; the definition of the tasks, objectives, methods of organisation and co-ordination of the structural funds and the creation of the cohesion fund; the uniform

²⁰⁷ Article 192 of the EC Treaty: Insofar as provided in this Treaty, the European Parliament shall participate in the process leading up to the adoption of Community acts by exercising its powers under the procedures laid down in Articles 251 and 252 and by giving its assent or delivering advisory opinions. The European Parliament may, acting by a majority of its Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty.

procedure for European elections; and international agreements establishing a specific institutional framework, agreements having important budgetary implications for the Community and agreements entailing amendment of an act adopted under co-decision.²⁰⁸

The Parliament gives or does not give its assent to the proposal in this procedure. Where Parliament is requested to give its assent to a proposed act, it takes a decision on the basis of a recommendation from the committee responsible to approve or reject the act.²⁰⁹ The Parliament takes its decision whether to give its assent to the proposal by means of single vote and the majority required for the adoption of the assent is indicated in the article of the EC Treaty or of the EU Treaty that constitutes the legal basis for the proposed act.

FIGURE 2.5. Assent Procedure:



The Parliament cannot put forward amendments to the text proposed by the Council. In some circumstances the assent required an absolute majority of Parliament's members. Again, the EP thus have veto powers under this procedure.²¹⁰ The assent procedure is a cruder form of co-decision in that there is no scope for Parliament to put forward amendments to the measure in questions. This is normal when it comes to international agreements negotiated by the Commission which, as in national parliaments, have to be dealt with on a take it or leave it basis.²¹¹

²⁰⁸ Corbett, op. cit., pp. 203–204.

²⁰⁹ Rules of Procedure, Rule 75(1).

²¹⁰ Nugent, op. cit. p. 200.

²¹¹ Corbett, loc. cit.

When Parliament's assent is required for a legislative proposal, the committee responsible can try to encourage a positive outcome by tabling an interim report on the Commission proposal to the Parliament. This contains a motion for a resolution putting forward recommendations for amendment or implementation of the legislative proposal in question.

If Parliament adopts at least one recommendation, the President will ask for further discussion with the Council. The committee responsible draws up its final recommendation for Parliament's assent in the light of the outcome of the discussion with the Council.²¹² The Parliament then decides whether or not to give its assent to the proposed act.

d) Co-Decision Procedure

The co-decision procedure (Article 251 of the EC Treaty²¹³) was introduced by the Treaty of Maastricht. *The procedure comprises one, two or three readings,*

²¹² Rules of Procedure, Rule 75(3).

²¹³ Article 251 of the EC Treaty

1. Where reference is made in this Treaty to this Article for the adoption of an act, the following procedure shall apply.
2. The Commission shall submit a proposal to the European Parliament and the Council. The Council, acting by a qualified majority after obtaining the opinion of the European Parliament,
 - if it approves all the amendments contained in the European Parliament's opinion, may adopt the proposed act thus amended;
 - if the European Parliament does not propose any amendments, may adopt the proposed act;
 - shall otherwise adopt a common position and communicate it to the European Parliament. The Council shall inform the European Parliament fully of the reasons which led it to adopt its common position. The Commission shall inform the European Parliament fully of its position.If, within three months of such communication, the European Parliament:
 - (a) approves the common position or has not taken a decision, the act in question shall be deemed to have been adopted in accordance with that common position;
 - (b) rejects, by an absolute majority of its component members, the common position, the proposed act shall be deemed not to have been adopted;
 - (c) proposes amendments to the common position by an absolute majority of its component members, the amended text shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.
3. If, within three months of the matter being referred to it, the Council, acting by a qualified majority, approves all the amendments of the European Parliament, the act in question shall be deemed to have been adopted in the form of the common position thus amended; however, the Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion. If the Council does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.
4. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament. The Commission

depending on the number of readings done for the proposal to be adopted. This procedure effectively sets up a bicameral legislative authority in the EU where Parliament and Council jointly adopt legislation, the approval of both being necessary.²¹⁴ As it can be understood from its name, *the co-decision procedure makes the European Parliament a partner to the legislative arrangements to be done*. Through this procedure, the European Parliament practically shares the power to decide or co-decides with the Council.²¹⁵

Through the introduction of the co-decision procedure the EP appeared to gain more control over the legislative procedure (the final legislative act requires Parliament's explicit approval).²¹⁶ The co-decision procedure gives the Parliament the power to adopt instruments jointly with the Council of the European Union. It has *the effect of increasing contacts between the Parliament and the Council, the co-legislators, and with the European Commission*.

The Treaty of Amsterdam has simplified the co-decision procedure and made it quicker and more effective. The simplified procedure also strengthened the role of Parliament. Since the Parliament gained the right to participate in exercise the legislative power, in most cases of the legislative instruments co-decision in Parliament goes hand in hand with qualified majority voting in the Council. This led to a situation of coexisting of co-decision and unanimity at the same time.

The Treaty of Nice partially put an end to this situation. It provided for an extension of the scope of co-decision, in parallel with and as a supplement to the extension of qualified majority voting in the Council.

shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council. In fulfilling this task, the Conciliation Committee shall address the common position on the basis of the amendments proposed by the European Parliament.

5. If, within six weeks of its being convened, the Conciliation Committee approves a joint text, the European Parliament, acting by an absolute majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If either of the two institutions fails to approve the proposed act within that period, it shall be deemed not to have been adopted.

6. Where the Conciliation Committee does not approve a joint text, the proposed act shall be deemed not to have been adopted.

7. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

²¹⁴ Corbett, op. cit., p.188.

²¹⁵ Tezcan, loc. cit.

The essence of the procedure can be summed up in a single sentence. If, after two readings each, Council and Parliament have not agreed the same text (which, in practice, they usually have), the matter is referred to a conciliation committee (composed of equal numbers from each side) which has the job of negotiating a compromise text to be submitted for final approval to Parliament and Council.²¹⁷ The procedure requires much more complicated work than it seems. The procedure can be described as follows:

The first reading of the co–decision is identical to the first reading of the co–operation procedure. The Commission prepares a proposal and forwards it to the Council and the Parliament. If the Parliament does not adopt amendments and if the Council accepts the proposal, the proposed act is adopted by qualified majority. Or the Parliament issues its opinion about the amendments to the proposal in question in its first reading. The Council adopts the proposed act amended by the Parliament by a qualified majority, if it approves all the amendments in the Parliament’s opinion. Or the Council draws up a common position by acting by a qualified majority and forwards it to the Parliament with all the necessary information and reasons leading to the Council to adopt the common position which it has drawn up.

At the second reading of the co–decision, the Parliament examines the common position the Council has prepared. The Parliament has three months to adopt, amend or reject the common position.

If the Parliament rejects the common position by a majority of its members, the proposal cannot be adopted as an act (unlike the co–operation procedure in which the Council can still adopt, by acting unanimously, the proposed act rejected by the Parliament).

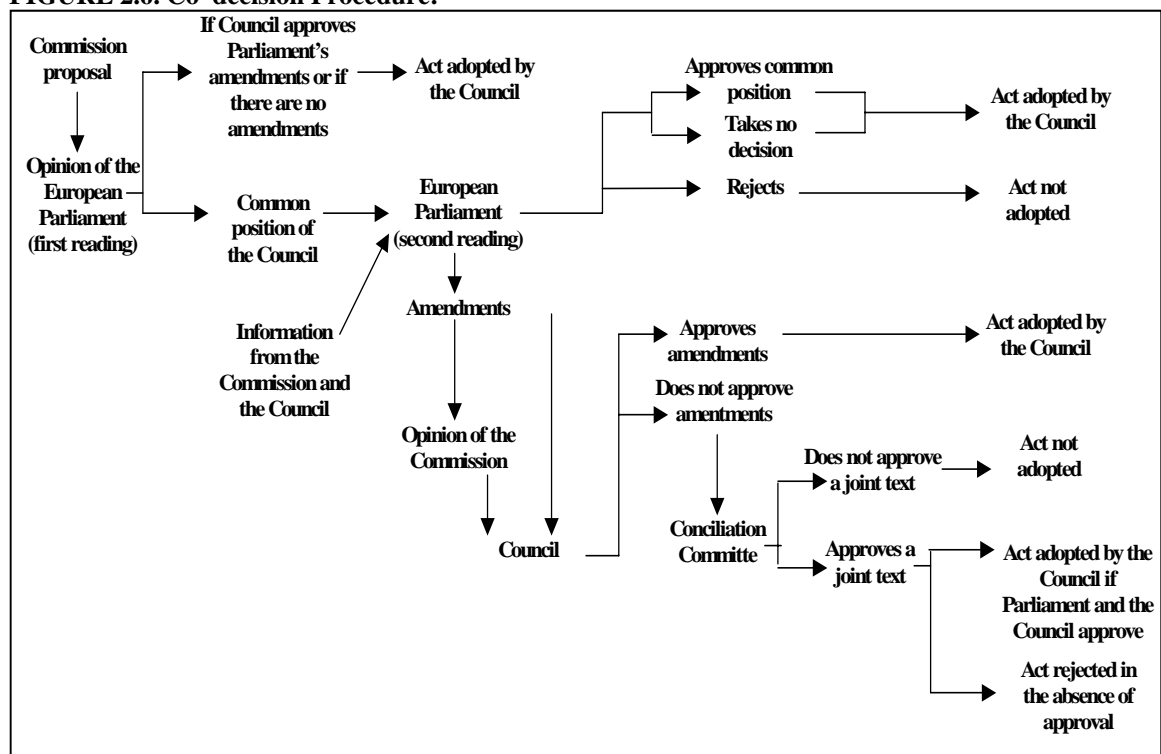
If the Parliament approves the common position or does not take any action, the proposed act is adopted in accordance with the common position prepared by the Council.

²¹⁶ Andreas Maurer, “The Legislative Powers and the Impact of the European Parliament”, *Journal of Common Market Studies*, Vol: 41, No: 2, (February 2003), p. 227.

²¹⁷ Corbett, loc. cit. “The amount both of formal and informal contacts have increased significantly since the introduction of the procedure, bringing representatives of both institutions to the negotiating table in search of compromise and consensus.” (Christine Neuhold, “The Standing Committees in...”, p. 5)

If the Parliament amends the common position by an absolute majority, it returns to the Council and the Commission for their opinion on the amendments. If the Council accepts all of the amendments proposed by the Parliament, the proposal is deemed to have been adopted (and signed by the Presidents of the Parliament and the Council). If the Council does not accept all the amendments, the matter is referred automatically to the conciliation committee. When the Council does not approve all the amendments put forward by the Parliament, the President of the Council convene a meeting of the Conciliation committee by agreeing with the President of the Parliament and within the time limit of six weeks. The Presidents of the two institutions agree to a time and place for a first meeting of the Conciliation Committee.²¹⁸

FIGURE 2.6. Co–decision Procedure:



The role of the Commission and of its opinion on the amendments done by the Parliament in the second reading is different in the co–decision procedure than those on the co–operation procedure. In co–operation procedure, it is critical for the Parliament to win the support of the Commission for its amendments. If these are accepted by the

²¹⁸ Rules of Procedure, Rule 63.

Commission, they are incorporated into the Commission's proposal and can only be taken out or modified by Council, if it is unanimous, whereas a qualified majority will suffice to approve the text as a whole. (Amendments not accepted by the Commission need unanimity, which, against the will of the Commission, is unlikely and they are therefore effectively dead). Under the co-decision procedure, the Commission does not express its views on the Parliament's second reading amendments, but whether or not the Commission is favourable to them, as soon as it emerges that the Council cannot accept all of the Parliament's amendments, attention turns to the conciliation committee negotiations where Council (normally by qualified majority voting) and Parliament are free to reach an agreement on individual amendments independently of the opinion of the Commission.²¹⁹ Therefore, the Parliament is more powerful in the co-decision procedure than it was in the co-operation procedure.²²⁰ It can negotiate with the Council to change the proposed act in question in accordance with its amendments.

²¹⁹ Corbett, op. cit., pp. 189–191. “When the EP makes an amendment it may also have a significant impact on its probability of success. The internal rules of the EP severely restrict amendments in the second reading of the co-operation and co-decision procedures. To be admissible in the second round, an amendment has to have been passed by the EP during the first round. This means that the Commission, the Council or both have already rejected the amendment once (in part or completely) if the EP makes it again during the second round. It seems likely that the EP's probability of success would be significantly lower during the second round since the amendment has already failed once to be adopted. The rules do permit new second round amendments if they relate to a part of the proposal that has been substantially revised by the Commission or Council since the EP's first reading. An additional restriction on second reading amendments is that they must be adopted by an absolute majority of the EP, and not just the simple majority required in the first reading. It is clearly true that the EP is more successful when its amendments are largely technical or aimed at clarification, but both the Commission and the Council adopt a substantial number of ‘extension’ and ‘policy’ amendments. Furthermore the EP is more successful when it is able to present a united front to the other EU institutions independent of the type of amendments being made.” (Amie Kreppel, “What Affects the European Parliament's Legislative Influence? An Analysis of the Success of EP Amendments” *Journal of Common Market Studies*, Vol: 37, No: 3, (September 1999), pp. 523–533.)

²²⁰ “Much of the EP's increased success under the co-decision procedure comes from the dramatic changes in the behavior of all three institutions during the second round. These results raise two questions: Why is the EP making more amendments in the second reading? And Why are more of them ultimately successful? There are at least two potential explanations. The first is that the EP makes more amendments in the second round because it wants to provoke conciliation, and the Council accepts more of them because when possible, it prefers to avoid conciliation. Remember that if the Council cannot accept all EP second-reading amendments (regardless of what the Commission does), a conciliation committee must be convened.” (Amie Kreppel, “Moving Beyond Procedure, An Empirical Analysis of European Parliament Legislative Influence”, *Comparative Political Studies*, Vol: 35 No: 7, (September 2002), pp. 806–807.) The conciliation committee, as it will be explained below, offers the opportunity for the two sides to meet face to face and ideally construct mutually acceptable bargains. However, conciliation takes time, time may be more important for the Council than it is for the Parliament. The European Parliament can make strategic amendments in the second round that the Council will prefer to the conciliation.

The Conciliation Committee is composed of the members of the Council or their representatives and an equal number of representatives of the European Parliament, according to the Article 251(4) of the EC Treaty and to the Rule 64(1) of the Rules of Procedure. The Council and the EP delegate an even number of members to this committee (15 each and 15 deputies). The Commission is also represented and usually led by the relevant Commissioner. The Commission's role has evolved constantly within the practical deliberation process, being described as that of an 'honest broker' who facilitates agreements between the institution and is highly efficient but 'not as glorious'. Given the fact that one or two civil servants normally accompany each Council representative and several advisors support each member of the EP's side, more than 100 people can be present when the committee meets.²²¹ Going to the conciliation poses a risk for the Parliament and for the Council as conciliation committees typically enjoy substantial power over the legislative outputs. The Parliament as a whole may lose legislative power by delegating responsibility to a small number of influential negotiators for reaching an compromise, to which the legislative bodies merely get to react in a yes or no vote.²²²

The political composition of the Parliament's delegation corresponds to the composition of Parliament by political groups. It is the Conference of Presidents that fixes the exact number of Members from each political group. The members of the delegation is appointed by the political groups for each particular conciliation case, preferably from among the members of the committees concerned, except for three members who shall be appointed as permanent members of successive delegations for a period of twelve months. The three permanent members is appointed by the political groups from among the Vice-Presidents and represents at least two different political groups. The chairman and the rapporteur of the committee responsible in each particular case is members of the delegation.²²³ The political groups represented on the delegation

²²¹ Christine Neuhold, "The Legislative Backbone keeping...", p. 14.

²²² Anne Rasmussen and Michael Shackleton, "The Scope of Action of European Parliament Negotiators in the Legislative Process: Lessons of the Past and for the Future", paper prepared for the Ninth Biennial International Conference of the European Union Studies Association, Austin, Texas, 31 March–2 April 2005, pp. 7–9.

²²³ "Of key importance here is the rapporteur, i.e. a member from the responsible committee, who takes the responsibility for negotiations both inside the Parliament and between the Parliament and the Council. He/she is in charge of drafting the Parliament's report at the different stages of procedure. Usually this MEP has a particular knowledge of the issue area in question and information about the state of play in th

also appoints the substitutes of their members. Political groups and non-attached members not represented on the delegation may each send one representative to any internal preparatory meeting of the delegation. The delegation is led by the President or by one of the three permanent members.²²⁴

The Conciliation Committee has six to eight weeks during which it is required to negotiate a compromise text based on the common position of the Council and the amendments voted by the Parliament at second reading. It has to reach an agreement on a joint text. For this agreement, the delegation of the Council decides by a qualified majority of its members and the delegation of the Parliament decides by majority of its members. If the Conciliation Committee cannot reach to an agreement within the given time limit, the proposal fails to be adopted. The Commission has to restart the whole legislative procedure if it wants to adopt the proposed act in question. If they [the Conciliation Committee] succeed in reaching an agreement, then within a further six to eight weeks the text has to be submitted for approval by the committee to the plenary of the Parliament and to the Council.²²⁵ The results of the Conciliation Committee meetings and the agreement reached is presented to the institutions by the delegations. If they both support the text (the Parliament voting by simple majority, the Council normally by qualified majority), it is signed into law by the Presidents of the two institutions; if either institution fails to support the text, it falls.²²⁶

Compromises reached by the European Parliament and the Council does typically not be close to or even exactly in the middle of both decision bodies' ideal policy points. Instead, there is a very robust bias of the bargaining outcome in favour of the player with smaller distance between its ideal point and the status quo.²²⁷ Representatives of both sides tries to make the outcome of the conciliation committee as closer as possible to their own position.

The Parliament has now a greater influence over the legislation through the co-decision procedure. It has the power to 'veto' the proposed act. This right to say "no",

e current negotiations, which gives him/her a unique possibility to exert legislative influence." (Rasmussen and Shackleton, *ibid.*)

²²⁴ Rules of Procedure, Rule 64(2) to 64(6).

²²⁵ Corbett, *op. cit.*, p. 188

²²⁶ Corbett, *ibid.*

whether at second reading or during conciliation, gives Parliament a bargaining position which it has lacked regarding Community legislation, and is of fundamental importance to public perceptions of its role –it can no longer be accused of lacking teeth. It is not that the Parliament will necessarily say no but rather that the Council recognises that this is a possibility if it does not negotiate seriously.²²⁸ Therefore, the Council has to negotiate with the Parliament about its amendments very carefully during the meetings of the Conciliation Committee. The potential and the dynamics of the co–decision procedure are reflected in the evolving relationship between the EP and the Council. The amount both of formal and informal contacts have increased significantly since the introduction of the procedure, bringing representatives of both institutions to the negotiating table in search of compromise and consensus.²²⁹

There has been a change to the co–decision procedure introduced by Amsterdam Treaty. It aimed to accelerate the taking of decisions by making it possible to adopt a legal act already during the first reading. The initial experiences with this new procedure have shown that this innovative provision is highly suitable for legal actions of a technical nature.²³⁰ According to this change, an agreement can be reached at the first reading without any common position necessary to be adopted by the Council. This means either that the Parliament approves the Commission’s proposal without any amendments or that the Council may accept the amendments which was done by the Parliament at the first reading, then the proposal is adopted as act. In a similar way, the Parliament may approve the common position prepared by the Council and enable the Council to adopt the proposed act in accordance with the common position. Although it is uncertain how often it will in practice be possible to reach agreements at such an early stage of the legislative procedure, except for the least controversial of issues, the sheer volume of co–decision procedures after Amsterdam means that both institutions have an important interest in not allowing all disagreements to spill over into the conciliation process. As a result, there will be much more intense contact between the institutions

²²⁷ Stefan Napel and Mika Widgren, “Bargaining and Distribution of the Power in the EU’s Conciliation Committee”, CESIFO Working Paper, No: 1029, date of access: 26 March 2006, URL: www.CESifo.de, p. 4.

²²⁸ Corbett, *ibid*, p. 189.

²²⁹ Christine Neuhold, “Into the New Millennium: The Evolution of the European Parliament from Consultative Assembly to Co–Legislator”, *Eipascope*, Vol:2000, Vol:1, (January 2001), p. 5.

²³⁰ Neuhold, *ibid*, p.3.

earlier in the procedure.²³¹ All these changes highlights the role of Parliament as a legislator and empowers the Parliament in the legislation procedure.

Another change introduced into the co–decision procedure by Amsterdam Treaty and this change is about the pressure of the Council about the common position. Under the Maastricht Treaty it was possible for the Council to attempt to press ahead with the proposal in the event of a conciliation committee failure, but the Amsterdam Treaty removed this possibility.²³² The informal use of veto by the Parliament was institutionalised by the Amsterdam Treaty, which removed the Council’s right to make a ‘take–it–or–leave–it offer’ in the final stages of co–decision.²³³ This change also empowers the Parliament and strengths its position in the legislation procedure. The most important feature of the co–decision procedure is the potential which it provides for the Parliament to veto legislative proposals.

For Parliament, *the importance of this procedure* is that Parliament has the last word on the process of creating a legislation transaction. Through this procedure, Council, for the first time, cannot adopt a legislation text if Parliament opposes. Council may feel obliged to accept the proposals of Parliament for amendments in order to prevent a veto from the Parliament against a legislation text which it wants to adopt urgently.²³⁴ The co–decision procedure is the key forum in which European Parliament and Council of Ministers –aided by the supposedly neutral Commission– are seeking legislative agreement.²³⁵ The Parliament thus gains an important power to assert its views over the Council.

²³¹ Corbett, op. cit., p. 191.

²³² Nugent, op. cit., p. 200.

²³³ Charlotte Burns, “Co–Decision and Inter–Committee Conflict in the European Parliament Post–Amsterdam” *Government and Oppositions*, Vol: 41, No: 2, (February 2006), pp. 233–234. (Burns explains this informal use of veto by the Parliament before the Amsterdam Treaty as follows: “The Parliament consolidated its rejection with the introduction of Rule 78 into its rules of procedure, which stipulated that the EP should request that the Commission withdraw legislation upon which the Conciliation Committee could not find agreement and if the Commission refused to do so and the Council tried to reaffirm its common position, the EP should automatically table a motion to reject the Council text at the next plenary session. Hence the EP showed that when confronted with a ‘take–it–or–leave–it offer’ from the Council under co–decision I [co–decision procedure accepted by the Maastricht Treaty] it would automatically reject legislation.”)

²³⁴ Demir, op. cit., p. 91.

²³⁵ Napel and Widgren, op. cit., p. 23.

2.2.2. THE EUROPEAN PARLIAMENT AND THE BUDGET

The procedure for the adoption of the EU's budget has developed over a long period of time and has seen the European Parliament become firmly established as one arm of budgetary authority together with the Council. The current budgetary procedure developed in time due to the Parliament's efforts to secure a sounder role in the budget of the Union. The 1951 ECSC Treaty conferred to the Common Assembly only very limited powers in budgetary matters in which the Parliament could neither reject nor amend the budget. The Rome Treaties of 1957 gave the European Parliamentary Assembly more powers and made it to participate in the drawing up of the budget by enabling it to propose modifications to the Council

The Treaty of 22 April 1970 gave the Assembly the right to take a formal decision on the budget of the Communities, although its decision-making powers were restricted to non-compulsory expenditure.

After the 1970 reform, close collaboration became necessary between Parliament and the Council on the budgetary procedure. A conciliation procedure was instituted on *4 March 1975 by a Joint Declaration of Parliament, the Council and the Commission*. The procedure remained the same after the reform of the Treaty of 22 July 1975 until the Joint Declaration of the European Parliament, the Council and the Commission for improved interinstitutional collaboration of 30 June 1982. Later agreements were reached on 29 June 1988, 29 October 1993 and 6 May 1999. The aim of these agreements was to implement budgetary discipline and improve the functioning of the annual budgetary procedure and interinstitutional co-operation in budgetary matters. It is obvious that, although the EP's budgetary powers have been significantly increased, they are still well behind than the budgetary powers that the legislation bodies in the democratic parliamentary regimes have.²³⁶

Just as Parliament has come to acquire a position of greater equality in relation to legislation, so it has also enjoys a substantial degree of equality with Council in relation to the budget. However, this has come about in a very different way. Whereas for legislation Parliament made progress by successive changes to the Treaty in the late 1980s and 1990s, in budgetary affairs, the formal affairs, the formal Treaty provisions governing the establishment of the budget have remained unchanged for nearly thirty

years.²³⁷ The Parliament and the Council together constitute the Union's budgetary authority, deciding each year on its expenditure and revenue. The procedure of examining, then adopting, the budget takes place between June and late December.

The budgetary procedure is laid down in Article 272 of the EC Treaty.²³⁸ However, Article 272 only gives a very incomplete picture of the role of Parliament in

²³⁶ Demir, op. cit., p. 83.

²³⁷ Corbett, op. cit., p. 216.

²³⁸ Article 272 of the EC Treaty

1. The financial year shall run from 1 January to 31 December.

2. Each institution of the Community shall, before 1 July, draw up estimates of its expenditure. The Commission shall consolidate these estimates in a preliminary draft budget. It shall attach thereto an opinion which may contain different estimates.

The preliminary draft budget shall contain an estimate of revenue and an estimate of expenditure.

3. The Commission shall place the preliminary draft budget before the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

The Council shall consult the Commission and, where appropriate, the other institutions concerned whenever it intends to depart from the preliminary draft budget.

The Council, acting by a qualified majority, shall establish the draft budget and forward it to the European Parliament.

4. The draft budget shall be placed before the European Parliament not later than 5 October of the year preceding that in which the budget is to be implemented.

The European Parliament shall have the right to amend the draft budget, acting by a majority of its Members, and to propose to the Council, acting by an absolute majority of the votes cast, modifications to the draft budget relating to expenditure necessarily resulting from this Treaty or from acts adopted in accordance therewith.

If, within 45 days of the draft budget being placed before it, the European Parliament has given its approval, the budget shall stand as finally adopted. If within this period the European Parliament has not amended the draft budget nor proposed any modifications thereto, the budget shall be deemed to be finally adopted.

If within this period the European Parliament has adopted amendments or proposed modifications, the draft budget together with the amendments or proposed modifications shall be forwarded to the Council.

5. After discussing the draft budget with the Commission and, where appropriate, with the other institutions concerned, the Council shall act under the following conditions:

(a) the Council may, acting by a qualified majority, modify any of the amendments adopted by the European Parliament;

(b) with regard to the proposed modifications:

– where a modification proposed by the European Parliament does not have the effect of increasing the total amount of the expenditure of an institution, owing in particular to the fact that the increase in expenditure which it would involve would be expressly compensated by one or more proposed modifications correspondingly reducing expenditure, the Council may, acting by a qualified majority, reject the proposed modification. In the absence of a decision to reject it, the proposed modification shall stand as accepted,

– where a modification proposed by the European Parliament has the effect of increasing the total amount of the expenditure of an institution, the Council may, acting by a qualified majority, accept this proposed modification. In the absence of a decision to accept it, the proposed modification shall stand as rejected,

– where, pursuant to one of the two preceding subparagraphs, the Council has rejected a proposed modification, it may, acting by a qualified majority, either retain the amount shown in the draft budget or fix another amount.

The draft budget shall be modified on the basis of the proposed modifications accepted by the Council.

If, within 15 days of the draft being placed before it, the Council has not modified any of the amendments adopted by the European Parliament and if the modifications proposed by the latter have been accepted,

contributing to budgetary policy. Most importantly, since 1988 Parliament, Council and Commission have signed three inter-institutional agreements on budgetary discipline and the improvement of the budgetary procedure.²³⁹ The budgetary procedure is realised as follows, roughly in the same way each financial year.

Each institution draws up estimates of its expenditure by July 1. The Commission consolidates these estimates in a preliminary draft budget. It attaches an opinion, containing different estimates. The preliminary draft budget also contains an estimate of revenue and an estimate of expenditure.

the budget shall be deemed to be finally adopted. The Council shall inform the European Parliament that it has not modified any of the amendments and that the proposed modifications have been accepted. If within this period the Council has modified one or more of the amendments adopted by the European Parliament or if the modifications proposed by the latter have been rejected or modified, the modified draft budget shall again be forwarded to the European Parliament. The Council shall inform the European Parliament of the results of its deliberations.

6. Within 15 days of the draft budget being placed before it, the European Parliament, which shall have been notified of the action taken on its proposed modifications, may, acting by a majority of its Members and three fifths of the votes cast, amend or reject the modifications to its amendments made by the Council and shall adopt the budget accordingly. If within this period the European Parliament has not acted, the budget shall be deemed to be finally adopted.

7. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget has been finally adopted.

8. However, the European Parliament, acting by a majority of its Members and two thirds of the votes cast, may, if there are important reasons, reject the draft budget and ask for a new draft to be submitted to it.

9. A maximum rate of increase in relation to the expenditure of the same type to be incurred during the current year shall be fixed annually for the total expenditure other than that necessarily resulting from this Treaty or from acts adopted in accordance therewith.

The Commission shall, after consulting the Economic Policy Committee, declare what this maximum rate is as it results from:

- the trend, in terms of volume, of the gross national product within the Community,
- the average variation in the budgets of the Member States, and
- the trend of the cost of living during the preceding financial year.

The maximum rate shall be communicated, before 1 May, to all the institutions of the Community. The latter shall be required to conform to this during the budgetary procedure, subject to the provisions of the fourth and fifth subparagraphs of this paragraph.

If, in respect of expenditure other than that necessarily resulting from this Treaty or from acts adopted in accordance therewith, the actual rate of increase in the draft budget established by the Council is over half the maximum rate, the European Parliament may, exercising its right of amendment, further increase the total amount of that expenditure to a limit not exceeding half the maximum rate.

Where the European Parliament, the Council or the Commission consider that the activities of the Communities require that the rate determined according to the procedure laid down in this paragraph should be exceeded, another rate may be fixed by agreement between the Council, acting by a qualified majority, and the European Parliament, acting by a majority of its Members and three fifths of the votes cast.

10. Each institution shall exercise the powers conferred upon it by this article, with due regard for the provisions of the Treaty and for acts adopted in accordance therewith, in particular those relating to the Communities' own resources and to the balance between revenue and expenditure.

²³⁹ Corbett, *op. cit.*, pp. 217–218.

The Commission places the preliminary draft budget before the Council before 1 September of the year preceding the budgetary year for which the budget is being prepared. Within the Commission, it is the Budget Commissioner and Budget Directorate–General that prepares the Preliminary Draft Budget (PDB). Inevitably, they are subject to pressures from many sides: from other parts of the Commission, which forwards their own estimates and bids; from national representatives, both through the Council and on a direct lobbying analysis; from the EP, especially leading figures on its Committee on Budgets; and from sectional interests.²⁴⁰ When the Budget Directorate–General prepares its proposal for the Preliminary Draft Budget and presents it to the Commission as a whole. The Commission works on it and when all the Commissioners agree on the text the proposal became the PDB. The Commission presents the PDB in two forms: payment appropriations, which cover actual expenditure during the financial year; and commitment or engagement appropriations, which cover expenditure during the financial year plus liabilities extending beyond the year. Commitment appropriations are naturally higher than payment appropriations.²⁴¹ The PDB is then sent to the Council not later than 1 September of the year preceding the financial year for which the budget is prepared. But assuming that there are no major or special problems, the PDB is usually referred to the Council in May or June²⁴²

The Council consults the Commission and the other institutions concerned if it intends to depart from the preliminary draft budget. A second *trialogue* (after the one convened before the Commission’s preparation of PDB) takes place before the adoption of the draft budget in the Council. The Budgets Committee presents to the plenary in July its opinion on the preliminary draft budget after attending the *trialogue* and asked all the MEPs to support itself in advance of the conciliation meeting with the Council. The *conciliation* meeting brings together a delegation of the Parliament and the Budget Ministers in the Council for establishing the draft budget. The conciliation meeting provide an important opportunity for the two sides to explain their respective priorities and to narrow the range of differences in advance of the Council’s own deliberations. One the conciliation meeting is at an end, Council continues its work in closed session,

²⁴⁰ Nugent, *op. cit.*, p. 375.

²⁴¹ Nugent, *ibid.*, p. 376.

²⁴² Nugent, *ibid.*

adopts the draft budget and forwards it to Parliament.²⁴³ The Council establishes the draft budget by acting by a qualified majority.

The draft budget is placed before the Parliament not later than 5 October of the year preceding that financial year for which the budget is to be implemented. The plenary session for the budget is normally planned to hold before the end of October but sometimes it is delayed until November. Parliament still remains in close touch with the Council. A third *trialogue* can be convened after the conciliation meeting and before the first reading in the plenary session of the Parliament. The first step is taken by the Committee on Budgets, which nominates two rapporteurs. One has the responsibility for the Commission's administrative and operational budgets²⁴⁴, which include all spending on EU policies and amount to over 98 per cent of the total Union budget; the second examines the administrative budgets of the other institutions, including that of the Parliament itself²⁴⁵. Normally these appointments are made in January of the year preceding the financial year in discussion.²⁴⁶ While examining the draft budget, the Committee of Budgets also acts as a co-ordinating agency for the reports submitted to it by other EP committees that have a look at the budget and have a say about how their sectors will be affected. The President of the Parliament sets the time limit within which these committees are to be communicated to the committee responsible.²⁴⁷ The Political Group co-ordinators also discuss the draft budget and make suggestions. In the plenary, the Parliament has the right to propose amendments to non-compulsory²⁴⁸ expenditure

²⁴³ Corbett, op. cit., p. 220.

²⁴⁴ In the first half of the year, the rapporteur for the Commission budget has the specific task of steering a set of guidelines laying down the Parliament's priorities in order to influence the content of the Commission's preliminary draft. To give greater weight to his/her report, a *trialogue* meeting is organised between delegations of the three institutions, the Parliament's led by the Chair of the Budgets Committee, the Council's by the President of the Budgets Council and the Commission's by the Commissioner responsible for the budget. This meeting discusses possible priorities for the budget in advance of the Commission publishing its plans with a view to enabling the Commission to take account of the positions of the two branches of the budgetary authority.

²⁴⁵ The estimates of the expenditure of the Parliament are usually drawn up through plenary at the Parliament's May session. This involves discussions extending beyond the Budgets Committee: the Bureau and the Group chairs also has a role in it. The Bureau draws up the first version of Parliament's spending plans for the following financial year and this first version is known as the preliminary draft estimates. The Bureau also decides upon the number of new posts to be created, while the Budgets Committee determines when related appropriations should be granted. The Group chairs have a specific responsibility in relation to budgetary matters affecting the Political Groups.

²⁴⁶ Corbett, op. cit., p. 218.

²⁴⁷ Rules of Procedure, Annex IV, Article 1(3).

²⁴⁸ The official reason for this distinction [between compulsory expenditure and non-compulsory expenditure] –that many budget items (staff salaries, rents for buildings, etc.) are determined by previous

of the draft budget (acting by a majority of its Members), and to propose to the Council (acting by an absolute majority of the votes cast), modifications to compulsory expenditure of the draft budget. Draft amendments are considered to be admissible only if they are presented in writing, bear the signatures of at least 37 MEPs or are tabled on behalf of a Political Group or a committee, specify the budget heading to which they refer and ensure the maintenance of a balance between revenue and expenditure. Draft amendments must also include all relevant information on the remarks to be entered against the budget heading in question.²⁴⁹ The same necessities apply to proposed modifications in order for them to be accepted. The President of the Parliament sets two deadlines for tabling draft amendments and proposed modifications: the first deadline is before, and the second is after, the adoption of the report by the Committee on Budgets. Before the texts submitted for amendments or modifications are discussed in the Parliament, the Committee on Budgets delivers its opinion on them. Draft amendments and proposed modifications which have been rejected in the committee responsible are not put to the vote in Parliament unless this has been requested in writing by a committee or at least thirty–seven Members, before a deadline to be set by the President.²⁵⁰

If, within 45 days of the draft budget being placed before it, the Parliament has given its approval, the budget stands as finally adopted. If within this period the Parliament has not taken any action (as it neither adopted any amendments nor proposed modifications), the President declares in Parliament that the budget has been finally adopted. If within this period the Parliament has adopted amendments or proposed modifications, a resolution on the budget is adopted and the draft budget together with the amendments or proposed modifications is forwarded to the Council. According to

legal or other binding decision– does not make sense in practice. The real purpose of the distinction is to minimise the EP’s influence in a number of sensitive areas, above all agricultural spending, because the EP has much less say over ‘non–compulsory’ items. (Karlheinz Neunreither, “The European Parliament”, In Laura Cram, Desmond Dinan and Neill Nugent (ed.) *Developments in the European Union*, ed., London: MacMillan Press, 1999, p. 67.) “The main problem in drawing a line between the budgetary powers of the Council and those of the Parliament originates from the difficulty in deciding which kind of expenditure is compulsory and which is non–compulsory. In fact, the Council tries to diminish the scope of non–compulsory expenditure as much as possible while the tendency of the Parliament is quite the opposite”. (Murat T. Yörüng, *The Budgetary and the Legislative Powers of the European Parliament*, M.A. Thesis, İstanbul: Marmara University, European Community Institute, 1990, p. 35)

²⁴⁹ Rules of Procedure, Annex IV, Article 3(2).

²⁵⁰ Rules of Procedure, Annex IV, Article 3(4). This rule also stipulates that this deadline may on no account be less than 24 hours before the start of the vote

the Rules of Procedure, Annex IV, Rule 3(11), the minutes of the sitting at which Parliament delivered its opinion on the draft budget is [also] forwarded to the Council and the Commission.

The Council has 15 days to respond to the draft budget. It organised a fourth *trialogue*. This meeting is designed to discuss in particular a letter of amendment that the Commission has to draw up before the end of October.²⁵¹ The aim of this *trialogue* is to enable the Parliament and the Council to negotiate an agreed position on the compulsory expenditure in the budget. The results of this *trialogue* are discussed at another conciliation meeting before the meeting of Budget Ministers to adopt the Council's second reading in order to find common grounds for compromise. On matters where there is still disagreement with the EP, the options available to the Council depend on the type of expenditure concerned and whether the EP has proposed expenditure increases. In broad terms, the situation is that the Council has the last word on compulsory expenditure so can reject EP amendments if it wishes, whilst the EP has the last word on non-compulsory expenditure so the Council can only modify EP amendments. The usual approach of the Council at the second reading is to strike a balance between accommodating the EP on the one hand whilst reaffirming its first reading position on the other.²⁵²

After the conciliation meeting, the Council may act in two ways with regard to the amendments adopted and modifications proposed by the Parliament. The Council may, acting by a qualified majority, modify any of the amendments adopted by the Parliament. With regard to the proposed modifications, it is a little more complicated procedure: The Council may, acting by a qualified majority, reject the proposed modification, where a modification proposed by the Parliament does not have the effect of increasing the total amount of the expenditure of an institution, owing in particular to the fact that the increase in expenditure which it would involve would be expressly compensated by one or more proposed modifications correspondingly reducing expenditure. In the absence of such a decision to reject it, the proposed modification stands as accepted. The Council may, acting by a qualified majority, accept the proposed modification, where a modification proposed by the Parliament has the effect

²⁵¹ Corbett, *op. cit.*, p. 222.

²⁵² Nugent, *op. cit.*, p. 379.

of increasing the total amount of the expenditure of an institution. In the absence of a decision to accept it, the proposed modification stands as rejected. The Council also may, acting by a qualified majority, either retain the amount shown in the draft budget or fix another amount, where, pursuant to one of the two preceding cases, the Council has rejected a proposed modification. The draft budget is modified on the basis of the proposed modifications accepted by the Council.

If the Council has not modified any of the amendments adopted by the Parliament, within 15 days of the draft being placed before it, and if the modifications proposed by the Parliament have all been accepted, the Council informs the Parliament about the situation. The President of the Parliament declares in Parliament that the budget has been finally adopted and arranges for its publication in the Official Journal.²⁵³ The budget is, then, adopted after the first reading without any more communications among the institutions.

If within this period the Council has modified one or more of the amendments adopted by the Parliament or if the modifications proposed by the latter have been rejected or modified, the modified draft budget is again forwarded to the Parliament (and more specifically to the Committee on Budgets). The Council informs the European Parliament of the results of its deliberations.

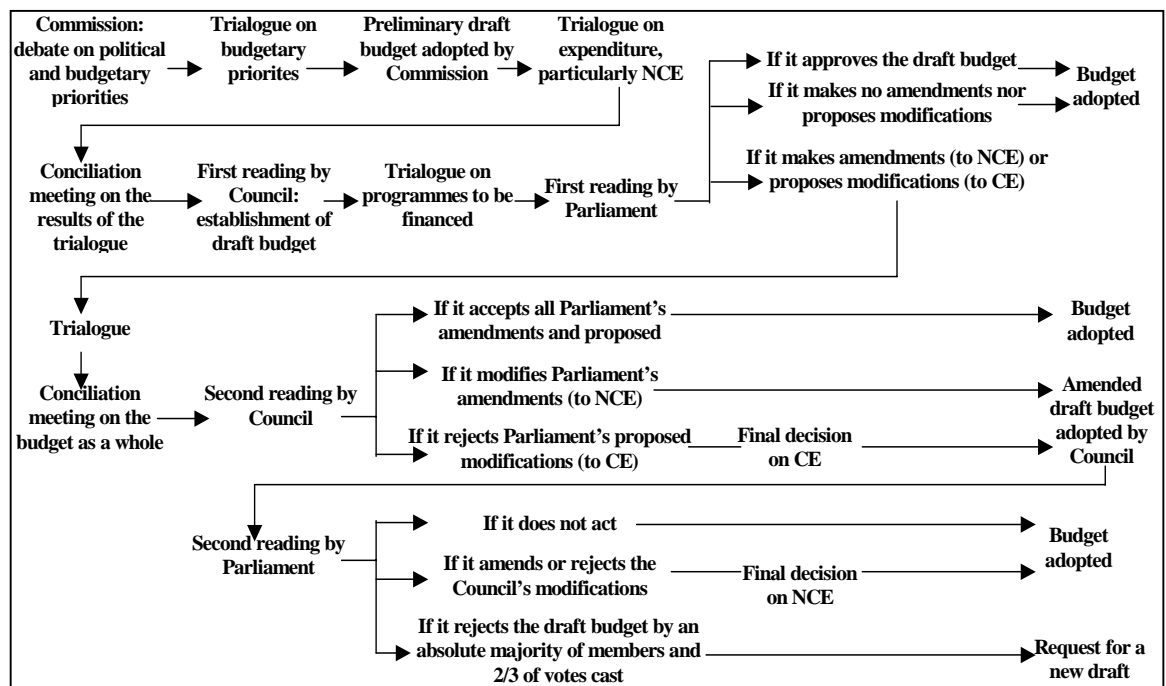
The Parliament may, within 15 days after it received the draft budget, amend or reject the modifications to its amendments (to non-compulsory expenditure) made by the Council and adopts the budget accordingly. It can no longer modify the compulsory expenditure in the budget.²⁵⁴ MEPs may table draft amendments to the texts modified by the Council, where the same rules about the draft amendments put forward in the first reading of the Parliament applies. The Committee on Budgets pronounces on the texts modified by the Council and deliver its opinion on the draft amendments to the modified texts before the vote in the Parliament.²⁵⁵ The draft amendments to the texts modified by the Council is put to the vote in Parliament, where the same provisions used for the draft amendments and proposed modifications to be put to the vote in the first reading applies (draft amendments which have been rejected in the committee responsible [Committee on Budgets] are not put to the vote in Parliament unless this has

²⁵³ Rules of Procedure, Annex IV, Article 4.

²⁵⁴ Corbett, *op. cit.*, p. 223.

been requested in writing, before a deadline to be set by the President, by a committee or at least thirty–seven Members; this deadline may on no account be less than 24 hours before the start of the vote). These final modifications require a higher majority than that provided for at first reading: The Parliament acts by a majority of its Members and three fifths of the votes cast in order to amend or reject these final modifications. If the draft amendments are adopted, the texts modified by the Council is deemed rejected. If the draft amendments are rejected, the texts modified by the Council is deemed adopted.²⁵⁶ The Council’s summary of the results of its deliberations on the proposed modifications adopted by Parliament is also debated before the vote in the Parliament. After the completion of the second stage in the Parliament, the President of the Parliament declares in Parliament that the budget has been finally adopted and arranges for its publication in the Official Journal. If within this period the Parliament does not take any action, the budget is deemed finally adopted.

FIGURE 2.7. Budgetary Procedure:



However, if there are important reasons, the Parliament may reject the draft budget and ask for a new draft to be submitted to it. A committee or at least 37 MEPs

²⁵⁵ Rules of Procedure, Annex IV, Article 5(5).

²⁵⁶ Rules of Procedure, Annex IV, Article 5(6).

may, for important reasons, table a proposal to reject the draft budget as a whole. Such a proposal is admissible only if it is accompanied by a written justification and tabled within the time limit set by the President.²⁵⁷ The Committee on Budgets delivers its opinion on such a proposal, and then the proposal is put to the vote in Parliament. In order to reject the budget altogether, Parliament must act by a majority of its component Members and two thirds of the votes cast.²⁵⁸ Upon this rejection the draft budget as a whole is referred back to the Council and a new draft is asked to submit. It has exercised this option on three occasions: in December 1979 during the budgetary procedure that followed the first direct elections to the Parliament; in 1982, in relation to a supplementary budget, designed to finance the British debate; and in December 1984 following the second direct elections. On all three occasions, Parliament was dissatisfied with the budget that Council was prepared to accept and called for a new draft to be submitted to it. Such a decision does not bring the whole Union to a standstill. A complex arrangement comes into force on 1 January if no budget is voted by that time, whereby the Commission is only allowed to spend each month the equivalent of one twelfth of the expenditure included in the previous year's budget or in the draft budget under preparation before it was rejected, whichever is the lower. This allows the Union to function but it does not allow it to start any new activity²⁵⁹

When the Parliament rejects the draft budget, a provisional twelfths system is exercised for the financial year for which the rejected budget has been prepared, until a new budget is drafted and then adopted. The provisional twelfths system means that the Union operates on the basis of monthly appropriations equal to one twelfth of the budget for the previous financial year.

Any Member may submit a proposal for a decision different from that taken by the Council authorising expenditure in excess of the provisional one twelfth for expenditure other than that necessarily resulting from the Treaty or from acts adopted in accordance therewith²⁶⁰, provided that this proposal is subject to the conditions set for

²⁵⁷ Rules of Procedure, Annex IV, Article 6(1).

²⁵⁸ Rules of Procedure, Annex IV, Article 6(2).

²⁵⁹ Corbett, loc. cit.

²⁶⁰ Rules of Procedure, Annex IV, Article 7(1). Also, Article 273 of TEC stipulates:

If, at the beginning of a financial year, the budget has not yet been voted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter or other subdivision of the budget in accordance with the provisions of the

the proposals of amendments and modifications. The Committee on Budgets delivers its opinion on the texts submitted before they are discussed in Parliament. After a debate in the plenary, the Parliament acts by a majority of its component Members and three fifths of the votes cast.

Whereas the Commission has the power to implement the budget on its own responsibility and within the limits of the appropriations, according to Article 274 of TEC, the Parliament monitors the implementation of the budget by entrusting this task to the committees responsible for the budget and budgetary control and the other committees concerned.²⁶¹ The Rules of Procedure of the Parliament also stipulates that, before it receives the draft budget of the next financial year for the first reading, the Parliament also considers the problems in the implementation of the current budget on the basis of a motion for a resolution tabled by the committee responsible.

The existence of the elected Parliament with its activist policy on the budget, played a major role in developing the pace and direction of European integration in the budgetary sphere.²⁶² The Parliament uses its budgetary power systematically and effectively and thus has a significant influence on the budgetary procedure.

2.2.3. THE EUROPEAN PARLIAMENT AND ITS POWERS OF APPOINTMENT AND DISMISSAL

The European Parliament exercises control over various activities of the European Union through its power of appointment and dismissal. The Parliament has gained this power of control gradually. The first step for the Parliament to gain the

Regulations made pursuant to Article 279; this arrangement shall not, however, have the effect of placing at the disposal of the Commission appropriations in excess of one twelfth of those provided for in the draft budget in course of preparation. The Council may, acting by a qualified majority, provided that the other conditions laid down in the first subparagraph are observed, authorise expenditure in excess of one twelfth. If the decision relates to expenditure which does not necessarily result from this Treaty or from acts adopted in accordance therewith, the Council shall forward it immediately to the European Parliament; within 30 days the European Parliament, acting by a majority of its Members and three fifths of the votes cast, may adopt a different decision on the expenditure in excess of the one twelfth referred to in the first subparagraph. This part of the decision of the Council shall be suspended until the European Parliament has taken its decision. If within the said period the European Parliament has not taken a decision which differs from the decision of the Council, the latter shall be deemed to be finally adopted. The decisions referred to in the second and third subparagraphs shall lay down the necessary measures relating to resources to ensure application of this Article.

²⁶¹ Rules of Procedure, Rule 72.

²⁶² Corbett, *European Parliament's Role in...* p. 112.

power of appointment was the right given to the Parliament to be consulted in the appointment of the members of the Court of Auditors, which was created in 1975.²⁶³

The major breakthrough for the Parliament in terms of power of appointment was created with the Maastricht Treaty. This Treaty introduced significant powers for the Parliament. First of all, the Parliament gained an important role as regard appointment of the Commission. The Parliament is first consulted on the nominee for the President of the Commission and then is asked to give its approval on the entire College of Commissioners²⁶⁴. Furthermore, the Maastricht Treaty provided for the Parliament to be consulted on the nominee for President of the European Monetary Institute²⁶⁵, and also on the nominees for President, Vice–Presidents and other members of the Executive Board of the European Central Bank.²⁶⁶ Finally, the Parliament got the direct power to appoint the EU Ombudsman with the Maastricht Treaty.²⁶⁷ The Amsterdam Treaty introduced only one but a very importance change in the powers of appointment of the Parliament. After the Amsterdam Treaty, the Parliament now has the power not to be consulted but to approve the nominee for Commission President.

Besides the formal Treaty changes to the Parliament’s role in appointments, Parliament is now also involved in appointing some members of the executive boards of certain EU agencies, and also plays a key part in the appointment of the Director of the new European anti–fraud office (OLAF).²⁶⁸ All these changes, whether in the treaties or in the legislation process, has contributed to the fact that the Parliament now actively involves in the appointments within the Union, thus exercises control over the activities of the Union.

²⁶³ Article 247(3) of the EC Treaty.

²⁶⁴ Article 214(2) of the EC Treaty.

²⁶⁵ Article 117(1) of the EC Treaty.

²⁶⁶ Article 112(2) of the EC Treaty.

²⁶⁷ Article 195(1) of the EC Treaty.

²⁶⁸ Corbett, loc. cit. (However, there are still some institutions on which the Parliament has no scrutiny of control powers. “The European Court of Justice and the Court of First Instance are clearly outside the scope of EP oversight, and the ECJ in particular has fiercely resisted any suggestions that the EP be given any role in nominations to the Court. This is also the case for the European Investment Bank.” Richard Corbett, Francis Jacobs, and Michael Shackleton, “The European Parliament at Fifty..., p. 368.)

a) The Appointment of the Commission President and The College of Commissioners and the Dismissal of the Commission

The appointment of the members of the Commission has evolved throughout the history of the European Union. For an initial six-year period, from the date on which the common market in coal and steel was established, the six governments would appoint by common accord eight out of the nine members of the High Authority. The ninth member would be co-opted by the eight appointed members, on the basis of a five-vote majority. Following this initial period, a complete replacement of members was planned. Member State governments were to appoint eight members, if not unanimously then with a five-sixths majority, and the ninth member was to be co-opted. Partial replacement of the members of the High Authority resulted in one-third of its members being replaced every two years. The term of office of the members of the High Authority was fixed at six years in Article 9 of the ECSC Treaty. That of outgoing members was renewable. This procedure applied until the Merger Treaty entered into force in 1967. Article 11 of the Treaty of 8 April 1965 establishing a Single Commission of the European Communities standardised the procedure for the appointment of Commission members by taking over the substance of the provisions of the Treaties of Rome. Accordingly, all members were appointed by common accord of the Member State governments to serve a four-year term of office, which was renewable.

With the first direct elections of the EP in 1979 –and from its own perspective largely strengthened in its legitimacy– the EP informally held a debate and organised a vote of confidence on every incoming Commission based on provisions it introduced to its rules of procedure.²⁶⁹ This became an established practice and was recognised by national parliaments in the 1983 Stuttgart Solemn Declaration on European Parliament.²⁷⁰ In the Stuttgart Solemn Declaration²⁷¹, the Member States also accepted

²⁶⁹ Daniela Kietz, and Andreas Maurer, “The European Parliament in Treaty Reform–Predefining IGCs through Interinstitutional Agreements”, Working Paper FG1, Research Unit EU Integration, German Institute for International and Security Affairs, 2006, p. 7. Also: “The European Parliament first organised, on its own initiative, what it called a ‘conformation hearing’ of the Thorn Commission in 1981.” (Paul Magnette, “Appointing and Censuring the European Commission: The Adaptation of Parliamentary Institutions to the Community Context”, *European Law Journal*, Vol: 7, No: 3, (September 2001), pp. 296–297).

²⁷⁰ Corbett, loc. cit.

²⁷¹ Solemn Declaration on European Union (Stuttgart, 19 June 1983) states in its paragraph 2.3.5:

that agreed that the Enlarged Bureau of the Parliament is to be consulted on the choice of the President of the Commission.

The Maastricht Treaty created a major change in the appointment of the President of the Commission and the College of Commissioners.²⁷² *The Maastricht Treaty* extended the duration of the Commissioners' term of office from four to five years in order to bring it in line with that of the Members of the European Parliament. The coincidence of term of office facilitated parliamentary scrutiny and control as well as the feeling of Commissioners that they were accountable to Parliament.²⁷³ The Treaty provided for consultation of the whole Parliament instead of just the Enlarged Bureau, for the nominee of the President of the Commission. This could be interpreted as that there was now a public vote by the whole Parliament on the President-designate—politically much more significant, although still short of a power of formal approval.²⁷⁴ The Treaty in question also, by formalising the vote of confidence/approval for the body of the Commission and by placing the vote of approval before the Commission taking office, reinforced the power of the Parliament over the Commission as a whole. The changes in the appointment procedure of the President of the Commission and the Commission as a body make the relationship between the Community's executive and its elected parliamentary body rather more like that which exists between the government and the lower chamber of a parliament in many countries, thus reinforcing

Before the appointment of the President of the Commission, the President of the Representatives of the Governments of the Member States seeks the Opinion of the enlarged Bureau of the European Parliament. After the appointment of the members of the Commission by the Governments of the Member States, the Commission presents its programme to the European Parliament to debate and to vote on that programme.

²⁷² Article 214 of the EC Treaty

1. The Members of the Commission shall be appointed, in accordance with the procedure referred to in paragraph 2, for a period of five years, subject, if need be, to Article 201. Their term of office shall be renewable.

2. The Council, meeting in the composition of Heads of State or Government and acting by a qualified majority, shall nominate the person it intends to appoint as President of the Commission; the nomination shall be approved by the European Parliament. The Council, acting by a qualified majority and by common accord with the nominee for President, shall adopt the list of the other persons whom it intends to appoint as Members of the Commission, drawn up in accordance with the proposals made by each Member State. The President and the other Members of the Commission thus nominated shall be subject as a body to a vote of approval by the European Parliament. After approval by the European Parliament, the President and the other Members of the Commission shall be appointed by the Council, acting by a qualified majority.

²⁷³ Corbett, *op. cit.*, p. 235.

²⁷⁴ Corbett, *loc. cit.* "It had been defined in the Treaty, and the European Parliament had been granted the right to be consulted on the choice of the President-designate *a priori*, and to approve the nominated College *a posteriori*. (Magnette, *op. cit.*, p. 297)

democratic legitimacy within the Union.²⁷⁵ *The Amsterdam Treaty* introduced only one change in the powers of appointments, which the Parliament enjoys; but this change was very important. The Amsterdam Treaty stipulated, the nomination [of the President of the Commission] shall be approved by the European Parliament, thus gave the Parliament the role of approval, not just the role of consultation. The nominee of the President of the Commission now has to get the approval of the Parliament in order to adopt a list of nominees for the Members of the Commission together with the Council, which meets in the composition of Heads of State or Government.

This formulation put forward by the Maastricht and Amsterdam *Treaties has increased the power of the Parliament over the Commission* and helped the Commission gained more legitimacy within the Union.²⁷⁶

The procedure for election of the President of the Commission is laid down in the Rules of Procedure of the European Parliament. When the Council has agreed on a nomination for President of the Commission, the President [of the European Parliament] requests the nominee to make a statement and present his political guidelines to Parliament. The statement is followed by a debate. The Council is invited to take part in the debate. Parliament approves or rejects the nomination by a majority of the votes cast. The vote shall be taken by secret ballot.²⁷⁷ The President of the Parliament informs the Council about the outcome of the vote. When the nominee is approved by being elected as the President–designate of the Commission, the President of the Parliament requests from the Council and the President–designate of the Commission to propose for the other Members of the Commission. When the nomination is rejected, the President of the Parliament requests the Council to nominate a new candidate for the post of the President of the Commission.

The procedure for the election of the Members of the Commission is also laid down in the Rules of Procedure of the European Parliament: After consulting the President–elect of the Commission, The President [of the European Parliament] requests the nominees, who were proposed by the President–elect of the Commission and the

²⁷⁵ Corbett, op. cit., pp. 234–237. “MEPs immediately intensified their role when they organised, again on their own initiative, an intermediate process of individual hearing of nominated Commissioners. This is a very interesting intervention, actually derived from a non–European tradition, namely, that of the USA.” (Magnette, ibid.)

²⁷⁶ Demir, op. cit., p. 79.

²⁷⁷ Rules of Procedure, Rule 98(1) and (2).

Council for the various posts of Commissioners, to appear before the appropriate committees according to their prospective fields of responsibility. The hearings of the nominees for the Commissioners in the committees are held in public. The committee invites the nominee to make a statement and answer questions. The President-elect presents the college of Commissioners and their programme at a sitting of Parliament. The Council as a whole are invited to attend the sitting of Parliament in question. The Parliament opens a debate after the presentation of the College of Commissioners and their programme. Following the vote on the motion for a resolution, Parliament elects or rejects the Commission. The President informs the Council of the outcome of the vote.²⁷⁸ If the portfolio of the Commission changes during the Commission's term of office, the Commissioners concerned (the Commissioners whose responsibilities are changed or shifted) are invited to appear before the committees responsible for the areas of responsibility in question.

The process of election of the College of Commissioners has created advantages for the work of both the Parliament and the Commission. The nominees' suitability for the post of Commissioner is being better and more publicly scrutinised than before, and their personalities and views are becoming clearer at an earlier stage. Wider issues related to the organisational structure and policy priorities of the Commission are also being more thoroughly explored, and benchmarks are being established to judge subsequent Commission performance.²⁷⁹ But the process of election of the College of Commissioners is still away from being perfect. One problem is that the Parliament cannot approve or reject the nominees for the Commissioners individually. The Parliament cannot sort out the individuals by rejecting some of the nominees for the Commissioners and approving others; since it has power only to approve or reject the Commission as a whole.

The Parliament has also the power to dismiss the Commission as a whole, by adopting a motion of censure, reflecting the doctrine of collective accountability of the Commission. Although a vote of censure cannot be passed on an individual Commissioner, there is nothing to prevent Parliament adopting a resolution criticising an individual Commissioner or, indeed, calling upon him or her to resign. Such a

²⁷⁸ Rules of Procedure, Rule 99(1), (2) (3) and (4).

²⁷⁹ Corbett, loc. cit.

resolution would carry even more weight if it were implied that Parliament might move to censure the Commission as a whole if he/she did not resign.²⁸⁰ MEPs had frequently required a parliamentary right to dismiss Commissioners individually. The solution suggested by Romano Prodi is much more balanced: he has asked the members of the College to give personal guarantees that they would resign if he asked them to; and he has promised to examine MEPs demands carefully if they overwhelmingly required the resignation of one Commissioner.²⁸¹ This customary creation of individual accountability, which has been translated into the treaty at Nice, preserves the margin of manoeuvre of the Commission's President, while it gives MEPs some eventual influence.

In fact, it is only the Parliament, not the Council or the national governments that may force the Commission to resign before the end of its term of office. The procedure is described in the Rules of the Procedure of the European Parliament: A motion of censure on the Commission may be submitted to the President [of the Parliament] by one tenth of the component Members of Parliament. This motion of censure supported by reasons is forwarded to the Commission. The President [of the Parliament] announces to Members that a motion of censure has been tabled as he receives it. The debate on censure is not take place until at least twenty–four hours after the receipt of a motion of censure is announced to Members. The vote on the motion is not taken until at least forty–eight hours after the beginning of the debate. The debate and the vote take place, at the latest, during the part–session following the submission of the motion. The motion of censure is adopted by a two–thirds majority of the votes cast, representing a majority of the component Members of Parliament. The result of the vote is notified to the President of the Council and the President of the Commission.²⁸²

This power of dismissal is obviously too blunt a controlling instrument for most purposes and it has never been carried through. However, it came close to being so in

²⁸⁰ Corbett, *ibid.*, p. 244.

²⁸¹ Magette, *op. cit.*, p. 306.

²⁸² Rules of Procedure, Rule 100. Also, Article 201 of the EC Treaty stipulates, “If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and only by open vote. If the motion of censure is carried by a two–thirds majority of the votes cast, representing a majority of the Members of the European Parliament, the Members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with Article 214. In this case, the term of office of

January 1999 when a number of factors came together to produce a groundswell of dissatisfaction among MEPs with the Santer College.²⁸³ The Santer Commission resigned before the Parliament adopted a motion of censure.

In 1997, the EP employed a variation of its censure powers when it passed a 'conditional censure'. This occurred in the wake of the BSE crisis, when the EP stopped short of passing a formal vote of censure but approved a resolution requiring the Commission to adopt certain measures to improve food safety policy and reserved the right to check whether its requirements were put to practice. The use of this device of conditional censure illustrates how the EP is always very adept in interpreting its formal powers in innovative ways and applying them to its advantage.²⁸⁴ With this conditional censure, the Parliament has tried and achieved to find another way of putting pressure on the Commission.

b) The Appointment of the Executive Board of the European Central Bank

The Executive Board of the European Central Bank consists of the President, a Vice-President and four other members, who are appointed for a non-renewable term of eight years by common agreement by the heads of state or government of the Member States in the euro area, following a recommendation by the Council of the European Union and consultation of the European Parliament and the European Central Bank's Governing Council.

The Maastricht Treaty provides for the Parliament to be consulted on the appointment to the Executive Board of the European Central Bank.²⁸⁵ Given the

the Members of the Commission appointed to replace them shall expire on the date on which the term of office of the Members of the Commission obliged to resign as a body would have expired.

²⁸³ Nugent, op. cit., p. 208. "The 1999 institutional crisis gave signs of a certain continuity between the practices of control of the European Parliament over the Commission: the censure motion was proposed after the discharge on the budget had been refused; it was followed by the resignation of the College; and the MEPs used the hearings, three months later, to obtain guarantees from the new College that a new Code of Conduct would be adopted and that commissioners would now resign if the President asked them to. A posteriori and a priori instruments are then part of a global process, through which MEPs influence the institutional revision—which may, in turn, be translated into the treaty. But, once again, their powers were limited to institutional arrangements and the European Parliament did not influence the content, actually did not try to influence the content, of the Commission's policies. (Magnette, op. cit., p. 306)

²⁸⁴ Neunreither, op. cit., p. 69.

²⁸⁵ Article 112 of the EC Treaty

1. The Governing Council of the ECB shall comprise the members of the Executive Board of the ECB and the Governors of the national central banks.
2. The Executive Board shall comprise the President, the Vice-President and four other members.

significant powers of the Board of the Central Bank, these appointments are of great importance. Although Parliament's role is only consultative, it is potentially crucial. Like for other appointments where Parliament is consulted, when it comes to a public vote in an elected parliament on an individual, it would be surprising if that individual wished to take office should Parliament reject his or her candidacy. If he or she wished to proceed, it is also doubtful that the Member States would retain the necessary unanimity to proceed with the appointment.²⁸⁶ The EP plays the role of an intellectual where various political opinions and national traditions oppose each other to elaborate a European synthesis.²⁸⁷

The Rules of Procedure of the European Parliament lays down *the procedure to be followed for the appointment of the Executive Board of the European Central Bank*: The candidate nominated as President of the European Central Bank is invited to make a statement before the committee responsible and answer questions put by members. The committee responsible makes a recommendation to Parliament as to whether the nomination should be approved. The vote for the nominee takes place within two months following up the nomination. If the opinion adopted by Parliament is negative, the President [of the European Parliament] requests the Council to withdraw its nomination and submit a new nomination to Parliament.²⁸⁸ If the opinion adopted by Parliament approves the nominee for the post of the President of the European Central Bank, the appointment takes place. Same procedure applies for nominations for Vice-President and other members of the Executive Board of the European Central Bank.

As with the powers given to it on the appointment of the College of Commissioners, the Parliament has sought to use these treaty provisions to maximum

The President, the Vice-President and the other members of the Executive Board shall be appointed from among persons of recognised standing and professional experience in monetary or banking matters by common accord of the governments of the Member States at the level of Heads of State or Government, on a recommendation from the Council, after it has consulted the European Parliament and the Governing Council of the ECB. Their term of office shall be eight years and shall not be renewable. Only nationals of Member States may be members of the Executive Board.

²⁸⁶ Corbett, op. cit., p. 238.

²⁸⁷ Paul Magnette, "Towards 'Accountable Independence'? Parliamentary Controls of the European Central Bank and the Rise of a New Democratic Model", *European Law Journal*, Vol: 6, No: 4, (December 2003), p. 327. Magnette also argues that "The European Parliament has been trying, since the very first months of EMU's third phase, to balance autonomy and accountability, in order to incite a state of accountable independence. Although this balance is till far from being achieved, the emerging relationship between the ECB and the EP foreshadows a new model of democratic organisation, which might be expanded to other independent organs in the EU."

²⁸⁸ Rules of Procedure, Article 102.

advantages by the use of confirmation hearings.²⁸⁹ The Parliament invites each of the members of the Executive Board of the European Central Bank to make a statement before the committee responsible and to answer the questions individually, just as President and the Vice-President of the Executive Board of the European Central Bank. The reason for the Parliament to make such an invitation is that it finds these hearings useful for evaluating the nominees individually and for creating a ground for the future dialogue among the European institutions.

c) The Appointment of the Court of Auditors

European Court of Auditors consists of one Member from each Member State. The Members are appointed by the Council of the European Union after consultation with the European Parliament, based on nominations made by individual Member States. The Members must be chosen from among persons who belong or have belonged in their respective countries to external audit bodies or who are especially qualified for this office. The Members' term of office is six years, and is renewable. The Parliament has the power to be consulted in the appointment of the members of the Court of Auditors²⁹⁰, since the Court of Auditors was first established in 1975. This was *the first example of the Parliament being given such a role as regards EU appointments*. A first significant step was taken in 1981 when the Parliament's Budgetary Control Committee began the practice of inviting the nominees to a hearing where they were cross-examined on their expertise and views.²⁹¹ This practice of the Budgetary Control Committee was later on incorporated in the Rules of Procedure of the European Parliament. The Parliament pays a serious attention to the nominees put forward by the Member States, particularly once direct elections had given the Parliament reinforced ambition and new moral and political strength.²⁹²

²⁸⁹ Nugent, op. cit., p. 212.

²⁹⁰ Article 247(3) of the EC Treaty

The Members of the Court of Auditors shall be appointed for a term of six years. The Council, acting by a qualified majority after consulting the European Parliament, shall adopt the list of Members drawn up in accordance with the proposals made by each Member State. The term of office of the Members of the Court of Auditors shall be renewable.

²⁹¹ Corbett, op. cit., p. 239.

²⁹² Martin Westlake, "The European Parliament's Emerging Powers of Appointment", *Journal of Common Market Studies*, Vol: 36, No: 3, (September 1998), p. 432. Westlake argues that the reason for this serious attention was that the Parliament saw the Court as its own creation, and always has a proprietorial, and almost paternal, attitude.

The Rules of Procedure of the Parliament lays down *the procedure for the appointment of the members of the Courts of Auditors*: Candidates nominated as Members of the Court of Auditors are invited to make a statement before the committee responsible and answer questions put by members. The committee responsible makes a recommendation to Parliament as to whether the nomination is to be approved in the form of a report containing a separate proposal for a decision for each nomination. The vote in plenary of the European Parliament takes place within two months following the reception of the nomination. The Parliament votes by secret ballot separately on each nomination and takes its decision by a majority of the votes cast. If the opinion adopted by the Parliament on an individual nomination is negative, the President [of the Parliament] requests the Council to withdraw its nomination and submit a new nomination to Parliament.²⁹³ If the opinion adopted by Parliament approves the candidates nominated as the members of the Court of Auditors, the appointment takes place.

The consultation power of the Parliament here is not very powerful. However, in practice, the Member States seems to take the opinion of the Parliament into consideration.²⁹⁴ The Member States often try to abide by the opinion of the Parliament and submits a new nominee. At its November 1989 part-session, the EP voted for the first time, to reject nominations –one made by France and one by Greece. The EP vote was not binding on the Council, but the France nonetheless submitted a new name. Greece claimed difficulty in finding a suitable alternative candidate, so at the following December part-session the EP decided to accept both appointments so that the two posts could be filled by the new year. The EP hoped that this episode established its right to veto any nominee whom it considered to be unsuitable, but this proved not to be the case for in 1993 the Council confirmed the appointment of two candidates about whom the EP had expressed reservations.²⁹⁵

²⁹³ Rules of Procedure, Rule 101(4).

²⁹⁴ Demir, op. cit. p. 80.

d) The Appointment of the European Ombudsman

The office of Ombudsman is created by the Maastricht Treaty.²⁹⁶ The post was introduced to provide greater democracy and administrative transparency. The most far reaching change of all to the traditional EU appointments model was that introduced by *the Maastricht Treaty* as regard the new post of EU Ombudsman.²⁹⁷ Indeed , the Ombudsman is virtually a quasi-parliamentary post in that not only is the incumbent appointed by the EP but the duties of the post are also regulated by Parliament and are annexed to the Parliament’s Rules of Procedure.²⁹⁸ The power of appointment of the Ombudsman is completely conferred to the Parliament and the Member States are given no say at all in the nomination process.

The Ombudsman is chosen from among persons who are Union citizens, have full civil and political rights, offer every guarantee of independence, and meet the conditions required for the exercise of the highest judicial office in their country or have the acknowledged competence and experience to undertake the duties of Ombudsman.²⁹⁹

In accordance with his duties, the Ombudsman conducts inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a MEP, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he refers the matter to the institution concerned, which shall have a period of three months in which to inform him of its views. The Ombudsman then

²⁹⁵ Nugent, op. cit., pp. 276–277.

²⁹⁶ Article 195(1) of the EC Treaty

The European Parliament shall appoint an Ombudsman empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Article 195(2) of the EC Treaty:

The Ombudsman shall be appointed after each election of the European Parliament for the duration of its term of office. The Ombudsman shall be eligible for reappointment.

And also 195(4) of the EC Treaty

The European Parliament, after seeking an opinion from the Commission and with the approval of the Council acting by a qualified majority, lays down the regulations and general conditions governing the performance of the Ombudsman’s duties.

²⁹⁷ Corbett, op. cit. p. 240.

²⁹⁸ Nugent, op. cit., p. 212.

²⁹⁹ Rules of Procedure, Annex X “Performance of the Ombudsman’s duties” Part A: Decision of the European Parliament on the regulations and general conditions governing the performance of the

forwards a report to the Parliament and the institution concerned. The person lodging the complaint is informed of the outcome of such inquiries.

The procedure for the appointment of the Ombudsman is laid down in the Rules of Procedure of the European Parliament: At the start of each parliamentary term, the President [of the Parliament] calls for nominations for the office of Ombudsman and sets a time limit for their submission. A notice calling for nominations is published in the Official Journal of the European Union. Nominations must have the support of at least thirty–seven Members who are nationals of at least two Member States and nominations including all the supporting documents needed to show conclusively that the nominee fulfils the conditions required by the Regulations on the Ombudsman are forwarded to the committee responsible, which may ask to hear the nominees. Such hearings are open to all MEPs.³⁰⁰ A list of admissible nominations in alphabetical order is then be submitted to the vote of Parliament. The vote is held by secret ballot on the basis of a majority of the votes cast. If no candidate is elected after the first two ballots, only the two candidates obtaining the largest number of votes in the second ballot may continue to stand. In the event of any tie the eldest candidate shall prevail. Before opening the vote, the President [of the Parliament] ensures that at least half of Parliament’s component Members are present.³⁰¹ The person elected as the Ombudsman by the Parliament is immediately be called upon to take an oath before the Court of Justice. He or she exercise his duties until his successor takes office, except in the case of his death or dismissal.

An Ombudsman who no longer fulfils the conditions required for the performance of his duties or is guilty of serious misconduct may be dismissed by the Court of Justice of the European Communities at the request of the European Parliament.³⁰² The Rules of Procedure of the Parliament lays down the procedure to

Ombudsman’s duties” Article 6(2). (Adopted by Parliament on 9 March 1994 and amended by its decision of 14 March 2002).

³⁰⁰ However, this is not a ‘confirmation hearing’ but a series of interviews with all of the nominated candidates. These and other differences from Parliament’s other appointment powers make the procedure sui generis. (Martin Westlake, op. cit., p.437)

³⁰¹ Rules of Procedure, Rule 194.

³⁰² Rules of Procedure, Annex X “Performance of the Ombudsman’s duties” Part A: Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman’s duties” Article 8. (Adopted by Parliament on 9 March 1994 and amended by its decision of 14 March 2002).

dismiss the Ombudsman: One-tenth of Parliament's component Members may request the Ombudsman's dismissal if he no longer fulfils the conditions required for the performance of his duties or if he is guilty of serious misconduct. The request is forwarded to the Ombudsman and to the committee responsible, which, if it decides by a majority of its members that the reasons are well-founded, submits a report to Parliament. If he so requests, the Ombudsman is heard before the report is put to the vote. Parliament, following a debate, takes a decision by secret ballot. Before opening the vote, the President [of the Parliament] ensures that half of Parliament's component Members are present. If the vote is in favour of the Ombudsman's dismissal and he does not resign accordingly the President, at the latest by the part-session following that at which the vote has been held, applies to the Court of Justice to have the Ombudsman dismissed with a request for a ruling to be given without delay.³⁰³ Resignation by the Ombudsman terminates the whole procedure of dismissal. But the Parliament has not used this power of dismissal of the Ombudsman yet.

2.2.4. THE EUROPEAN PARLIAMENT AND ITS SUPERVISORY POWERS

Supervision and control of the executive powers has always (and will continue to) be a major function of the parliaments, in its general sense. Just as the national parliaments have a great deal of power in supervision/scrutiny and control of their own governments in their countries through written or oral questions, parliamentary inquiries or plenary debates; the European Parliament also has a role of ensuring supervision/scrutiny and control over the executive powers of the European Union. In national constitutional systems, the most important power of the parliaments over the government is the power of bringing down the government as a whole or the ministers individually with a vote of no confidence upon a motion of censure. The European Parliament also has similar supervisory powers. The most important supervisory power of the EP is the motion of censure against the Commission as a whole. But the lacking part of this power is the inability of the Parliament to apply the motion of censure

And also Article 195(2) of the EC Treaty: The Ombudsman may be dismissed by the Court of Justice at the request of the European Parliament if he no longer fulfils the conditions required for the performance of his duties or if he is guilty of serious misconduct

³⁰³ Rules of Procedure, Rule 196.

against the Commissioners individually.³⁰⁴ The issue of democratic control at European level is made particularly difficult by the complex nature of governmental structure. Executive responsibilities are distributed between a number of institutions, in particular the Commission, the Council and the European Central Bank, all of which can take decisions affecting European directly.³⁰⁵ Here, there are two problems specific to the European Parliament: The first one is that a key aspect of control and supervision of executives [by the European Parliament] concerns policy implementation. The second problem specific to the EP is that on broad controlling and supervisory issues –such as whether the EU executive is acting responsibly in the execution of its duties, and whether it is fulfilling its treaty obligations– problems arise from the blurring of roles between the Commission, the Council of Ministers and the European Council.³⁰⁶ Since the division of roles among the Commission, the Council (of Ministers) and the Council of the European Union are not clear-cut and since the European Parliament has a very little scrutiny or control power over the Council, it becomes difficult for the European Parliament to exercise its scrutiny and control power over all aspects of the work done within the European Union; except for the powers which will be stated below.

However, *the growth of executive power in the European Union prompted a vigorous response from the European Parliament*, which was originally granted only limited supervisory powers by the treaties: the right to receive and debate an annual report of activities, the right to receive oral and written replies to parliamentary questions and, the right to dismiss the Commission by a vote of censure. Over the time it has worked to extend these powers³⁰⁷: general power of scrutiny through debates, questions and reports, control over expenditure and secondary legislation, committees of inquiry and judicial review. Today, the control powers of the European Parliament became highly important and has a wide variety.³⁰⁸ While some of these powers are laid down in the provisions of the Treaties, others have been established by practice of the

³⁰⁴ Demir, op. cit., p. 67. (The concept of motion of censure and the dismissal of the Commission is explained under the title “The Appointment Of The Commission President And The College Of Commissioners And The Dismissal Of The Commission” and will not be re-examined here as a power for control over the Commission.)

³⁰⁵ Corbett, op. cit., pp. 246–247.

³⁰⁶ Nugent, op. cit., p. 207.

³⁰⁷ Corbett, op. cit. p. 275.

³⁰⁸ Tezcan, op. cit., pp. 42–43.

Parliament over the course of time and accepted as part of the scrutiny and control powers of the Parliament.

a) Debates on Statements

The European Parliament tries to exert its power over the decisions taken the Commission or Council by inviting or obliging the persons responsible or has a say for the decisions in questions to take part in debates occurring in the Parliament and answers questions where necessary and/or by delivering reports to the Parliament. The Parliament then may discuss the subject in a debate held after the statement and may wind up the debate with a resolution, if it decides to do so. The procedure for such statements and debates are laid down in its Rules of Procedure.

After consulting the Conference of Presidents, the President [of the Parliament] may *invite the President of the Commission, the Commissioner responsible for relations with the European Parliament or, by agreement, another Commissioner, to make a statement to Parliament after each meeting of the Commission, explaining the main decisions taken.*³⁰⁹ The statement in the Parliament is followed by a short debate and MEPs may ask concise questions to the President of the Commission or the Commissioner who has made the statement. The Parliament invites the President or a member of the Commission in order to receive information about its main actions and to ensure that the Commission announces its initiatives within its main areas of work in the Parliament before somewhere else. Such statements feature in most part-sessions, and Parliament frequently uses the possibility to wind up the debate with a resolution.³¹⁰

Without any invitation from the President of the Parliament, the members of the Commission, Council and European Council may at any time ask the President for permission to make a statement. The President decides when the statement may be made and whether it is to be followed by a full debate or by thirty minutes of brief and

³⁰⁹ Rules of Procedure, Rule 104. Richard Corbett states: “During the hearings on the Prodi Commission at the end of August 1999, prospective Commissioners were specifically asked to ensure that any initiatives be announced in Parliament before they were made known to the press. With this in mind the Parliament has started to organise its work to enable the Commission President to present the outcome of the weekly meetings of the Commissioners, normally held on Wednesdays, to Parliament the same day. This will make it possible to discuss directly decisions taken by the Commission. (Corbett, op. cit., p. 247)

³¹⁰ Corbett, *ibid.*, p. 276.

concise questions from Members.³¹¹ Placing a statement with debate on its agenda, the Parliament decides whether or not to wind up the debate with a resolution.

Statements of the President of the Commission or the Commissioners are not restricted to plenary. Since the Parliamentary Committees has increasingly gained power both within the Parliament itself and within the legislative procedures, they may also invite the Commissioners to the committee meetings or accept the requests of those Commissioners to join and make a statement in the committee meetings. The presence of individual members of the Commission at committee meetings is a routine event. A major committee will often have one or even two Commissioners speaking and answering questions for periods of up to two hours at each of its bi-monthly meetings.³¹² Besides the Commissioners, the civil servants or other officials of the Commission may be invited or are accepted to make a statement in the committee meetings.

The Parliament tries to access, affect and/or control the work of the Council (either the each formation of the Council of Ministers or the Council of the European Union). The amount of access the EP gets to the Council depends in large part on the attitude of the country holding the presidency.³¹³ The Parliament may get opportunity to ask information about the conduct of affairs within the Council, even if it cannot exercise a full control over the acts or decisions of the Council. The Presidency of the Council, usually represented by the Foreign Minister, appears before EP plenaries at the beginning and end of each six-month term of office. On the first occasion the Presidency's priorities are explained and on the second an assessment of the Presidency is given. Second, ministers from the country holding the Council Presidency usually attend the plenary sessions of the Parliament or the parliamentary committee meetings about the subjects within their spheres of responsibilities. The presence of ministers from the country holding the Council Presidency has become a normal part of the work of the Parliament. During a six-month Council Presidency, there are normally some 20–30 ministerial appearances in front of parliamentary committees, and an important

³¹¹ Rules of Procedure, Rule 103(1) and (2).

³¹² Richard Corbett, Francis Jacobs, Michael Shackleton, *The European Parliament*, sixth edition London: John Harper Publishing, 2000, p. 276.

³¹³ Nugent, op. cit., p. 211.

committee may be visited by two or three ministers.³¹⁴ In these visits, the Ministers from the country holding the Council Presidency informs the Parliament or the Parliamentary Committee about the important developments which is taking or will take place within the six month of period of their Council Presidency, within their sphere of competence. They also answers the questions forwarded by the MEPs or the members of the committees.

The President of the European Central Bank presents the Bank's Annual Report on the activities of the European System of Central Banks and on the monetary policy of both the previous and current year to Parliament. This presentation is followed by a general debate.³¹⁵ He/she is also invited to attend meetings of the committee responsible (the Economic and Monetary Affairs Committee) at least four times a year to make a statement and answer questions.³¹⁶ The Rules of Procedure of the Parliament also stipulates that the President, Vice-President and other members of the Executive Board of the European Central Bank are invited to attend additional meetings, if the committee in question or the Parliament requests so.

*The President of the Court of Auditors may be invited to take the floor in order to present the comments contained in the Annual Report, special reports or opinions of the Court, or in order to explain the Court's work programme.*³¹⁷ He/she is invited to the Parliament within the context of the discharge procedure or Parliament's activities in the sphere of budgetary control.

The heads of various decentralised agencies (such as the European Environment Agency, the European Medicines Evaluation Agency and the European Food Safety Agency) also appear regularly before the relevant committees. The Director of the European Investment Bank speaks in plenary in the annual debate on its work.³¹⁸

³¹⁴ Corbett, loc. cit. (Corbett continues, stating that “During the 1998 UK Presidency, Jack Cunningham, the then Agriculture Minister, pointed out that in his first month as President, he had appeared more times before EP committees than he had before House of Commons committees during the whole of his ministerial tenure”.)

³¹⁵ Rules of Procedure, Rule 106.

³¹⁶ “During the hearings that preceded his appointment, Wim Duisenberg, the first president, agreed to appear at least four times a year in front of this committee [Economic and Monetary Committee] to keep it informed on the work of the ECB and to answer questions. This has been continued by his successor, Jean-Claude Trichet and has become an important mechanism for scrutiny of the actions of the Bank”, (Corbett, loc cit.)

³¹⁷ Rules of Procedure, Rule 105.

b) Parliamentary Questions

The Parliament uses its power to ask written or oral questions to get information on the issues which it wants to learn more about or to force other institutions of the European Union (that is to say, the Council, the Commission and the European Central Bank) to make a statement before the Parliament. The Treaty itself provided for *written and oral questions to the Commission. Council accepted to answer questions as well*, an arrangement formalised in 1973.³¹⁹ The Solemn Declaration on European Union of 19 June 1983 empowered this practice.³²⁰ The Parliament extended its written question procedure to include the European Central Bank in 2002.

Rule 110 of the Rules of Procedure of the Parliament defines *the rules for tabling questions for written answers*: Any MEP may put questions for written answer whose content is the sole responsibility of the author to the Council or the Commission. Questions are submitted in writing to the President who then forwards them to the institution concerned. If the institution does not or cannot answer the question within the time limit set, the question is put on the agenda of the next meeting of the committee responsible, upon the request of the author. Priority questions (questions which require an immediate answer but not detailed research) are answered within three weeks. Each Member may table one priority question each month. Non-priority questions are answered within six weeks of being forwarded to the institution concerned. Members indicate which type of question they are submitting. The final decision is taken by the President. Questions and answers are published in the Official Journal of the European Union.³²¹

³¹⁸ Corbett, loc. cit.

³¹⁹ Article 197 of the EC Treaty, para. 3 and 4:

The Commission shall reply orally or in writing to questions put to it by the European Parliament or by its Members.

The Council shall be heard by the European Parliament in accordance with the conditions laid down by the Council in its Rules of Procedure.

³²⁰ Solemn Declaration on European Union of 19 June 1983, para. 2.3.3:

In addition to the consultation procedures provided for in the Treaties, the Council, its members and the Commission will, in keeping with their respective powers, respond to:

- oral or written question from Parliament;
- resolutions concerning matters of major importance and general concern, on which Parliament seeks their comments.

³²¹ Unanswered questions are also listed in the Official Journal as well, a technique likely to embarrass the institution concerned. (Corbett, Richard, *The European Parliament*, fourth edition, p. 249.)

Rule 111 of the Rules of the Procedure makes a distinction between the questions for written answer to the European Central Bank and the questions for written answers to the Commission and the Council: Any Member may put questions for written answer to the European Central Bank. Such questions is submitted in writing to the chairman of the committee responsible, who forwards them to the European Central Bank. The questions is published with their answers in the Official Journal of the European Union. If a question has not received a reply by the required deadline, it is included at the request of its author on the agenda for the next meeting of the committee responsible with the President of the European Central Bank.

Rule 108 of the Rules of Procedure of the Parliament puts forward *the procedure for tabling questions for oral answer with debate*: A committee, a Political Group or at least 37 MEPs may put questions to the Council or the Commission with a request to be placed on the agenda of Parliament. Such questions are submitted in writing to the President who immediately refers them to the Conference of Presidents. It is the Conference of Presidents that decides whether and in what order questions are placed on the agenda. Questions not placed on Parliament's agenda within three months of being submitted lapses. Questions to the Commission must be referred to that institution at least one week before the sitting on whose agenda they are to appear and questions to the Council at least three weeks before that date. One of the questioners may move the question for five minutes. One member of the institution concerned answers. The reply of Commission or Council is followed by a debate and Parliament may decide to follow this by the adoption of a resolution. If so, a Political Group, a committee, or 37 members may propose such a resolution, which is put to the vote on the same day.³²²

Rule 109 and Annex II of the Rules of Procedure of the Parliament shows *the way for the question time procedures*: Question Time with the Council and Commission are held at each part-session. The Parliament decides the time of the Question Time on a proposal from the Conference of Presidents and a specific period of time may be set aside for questions to the President and individual Members of the Commission. No Member may put more than one question to the Council and the Commission at a given part-session. Questions are submitted in writing to the

President, who rules on their admissibility and on the order in which they are to be taken. The questioner are notified immediately of this decision. Answers are given during a 90-minute ‘question time’ period. One such period at each part-session is for the Commission, and one for the Council.³²³ Questions are considered to be admissible only where they a) are concise and are drafted so as to permit a brief answer to be given; b) fall within the competence and sphere of responsibility of the Commission and the Council and are of general interest; c) do not require extensive prior study or research by the institution concerned; d) are clearly worded and relate to a specific matter; e) do not contain assertions or opinions; f) do not relate to strictly personal matters; g) are not aimed at procuring documents or statistical information; or h) are interrogatory in form. A question is considered to be inadmissible if the agenda already provides for the subject to be discussed with the participation of the institution concerned or if an identical or similar question has been put down and answered during the preceding three months, unless there are new developments or the author is seeking further information.³²⁴

The author of the question may ask a supplementary question following the reply, and extra supplementaries may be taken from other members. There are certain rules for the supplementary questions: Supplementary questions are also subject to the rules of admissibility. The President limits the number of supplementary questions so that each Member who has put down a question may receive an answer to it. If the supplementary question is likely to upset the normal conduct of Question Time, if the main question to which the supplementary question relates has already been adequately covered by other supplementary questions, or if the supplementary question has no direct bearing on the main question, the President is not obliged to declare it admissible, even where it satisfies the conditions of admissibility.³²⁵

The Parliament defines the rules to be followed during the question time and the President of the Parliament strictly observes that these rules are obeyed. The institution concerned ensures that answers are concise and are relevant to the subject of the question. If the content of the questions concerned permits it, the President may decide,

³²² Corbett, *op. cit.*, p. 277.

³²³ Corbett, *ibid.*

³²⁴ Rules of Procedure, Annex II, Conduct of Question Time under Rule 109, Guidelines.

³²⁵ Rules of Procedure, Annex II, Conduct of Question Time under Rule 109, Supplementary Questions.

after consulting the questioners, that the institution concerned answers them together. A question may be answered only if the questioner is present or has notified the President in writing, before Question Time begins, of the name of his substitute. If neither the questioner nor his substitute is present, the question lapses. If a Member tables a question, but neither he nor his substitute are present at Question Time, the President writes to the Member reminding him of his responsibility to be present or substituted. If the President has to send such a letter three times in the space of any twelve-month period, the Member concerned loses his right to table questions at Question Time for a six-month period. Questions that remain unanswered for lack of time is answered in accordance with Rule 110(4), first subparagraph [priority questions are answered within three weeks of being forwarded to the institution concerned], unless the authors thereof request application of Rule 110(3) [the author may request the question to be placed on the agenda of the next meeting of the committee responsible].³²⁶

c) Reports Submitted to the European Parliament

Treaties provides for the reports to be submitted to the European Parliament. *The Commission submits an annual general report of its activities to the Parliament* and the Parliament discusses the Commission's annual report in a session.³²⁷ This debate used to be one of the highlights of the Parliamentary year, but it has never produced significant results and is now of little consequence.³²⁸ In addition to its annual general report, *the Commission now submits to Parliament a wide variety of regular reports*, such as: 1) monthly reports (printed as an annex to the "Debates of the EP"), 2) periodic reports (approximately every six weeks) on how the Commission has responded to Parliament's "own-initiative" resolutions and requests for action under Article 192: these are destined for the responsible committee and may be updated if anything further develops; 3) monthly reports on the implementation of the budget³²⁹; 4)

³²⁶ Rules of Procedure, Annex II, Conduct of Question Time under Rule 109, Answer to Questions.

³²⁷ Article 200 of the EC Treaty: The European Parliament shall discuss in open session the annual general report submitted to it by the Commission.) and Article 212 of the EC Treaty (The Commission shall publish annually, not later than one month before the opening of the session of the European Parliament, a general report on the activities of the Community.

³²⁸ Nugent, *op. cit.*, p 208.

³²⁹ Article 276(3) of the EC Treaty: The Commission shall take all appropriate steps to act on the observations in the decisions giving discharge and on other observations by the European Parliament relating to the execution of expenditure, as well as on comments accompanying the recommendations on

an annual report on application of Community law; 5) an annual report on competition policy; 6) an annual report on the agricultural situation in the Community; 7) an annual report on social developments within the Community³³⁰; 8) an annual report on the functioning of the internal market; 9) an annual report on the application of the principle of subsidiarity (“better lawmaking”); 10) an annual report on research and technological development activities³³¹; 11) a three-yearly report on the application of the citizenship provisions of the treaty³³²; 12) a three-yearly report on economic and social cohesion (and use of structural funds)³³³.

Besides the Commission, other institutions within the European Union also provides reports in a wide range of subjects. Some of these submission of reports have been established by the hands of treaties, while the rest has been developed as a practice of the institution in question over time:

The European Council of Heads of State and Government presents an annual written report on the progress achieved by the European Union.³³⁴

The Court of Auditors draws up an annual report after the close of each financial year as well as special reports on specific questions to assist the Parliament

discharge adopted by the Council. At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these observations and comments and in particular on the instructions given to the departments which are responsible for the implementation of the budget. These reports shall also be forwarded to the Court of Auditors.

³³⁰ Article 143 of the EC Treaty: The Commission shall draw up a report each year on progress in achieving the objectives of Article 136, including the demographic situation in the Community. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee. The European Parliament may invite the Commission to draw up reports on particular problems concerning the social situation.

Article 145 of the EC Treaty: The Commission shall include a separate chapter on social developments within the Community in its annual report to the European Parliament. The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

³³¹ Article 173 of the EC Treaty: At the beginning of each year the Commission shall send a report to the European Parliament and to the Council. The report shall include information on research and technological development activities and the dissemination of results during the previous year, and the work programme for the current year.

³³² Article 22 of the EC Treaty: The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this part. This report shall take account of the development of the Union.

³³³ Article 159 of the EC Treaty: The Commission shall submit a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions every three years on the progress made towards achieving economic and social cohesion and on the manner in which the various means provided for in this Article have contributed to it. This report shall, if necessary, be accompanied by appropriate proposals.

³³⁴ Article 4 of the Treaty on European Union: The European Council shall submit to the European Parliament a report after each of its meetings and a yearly written report on the progress achieved by the Union.

and the Council to exercise their powers of control over the implementation of the budget.³³⁵

The President of the European Central Bank is required under the treaty to present an annual report to Parliament.³³⁶

The Ombudsman must present an annual report on the outcome of his inquiries.³³⁷

d) Budgetary Control

The Parliament can use its budgetary power to exercise pressure on the Commission, by throwing or using the threat of freezing items in the budget. However, budgetary control is a much broader concept linked to the power that Parliament has to grant annual discharge to the Commission (and other institutions) for their execution of the budget.³³⁸ The procedure of budgetary discharge is the process in which the Council of Ministers and the EP retrospectively evaluate the performance of the Commission in its implementation of an annual budget. Two sets of rules set the procedure. Primarily, the roles of each EU institution are specified in the Treaty on European Union (TEU). The EP is the only body in authority to grant the budgetary discharge to the Commission, although the Council makes non-binding recommendations to the EP (Art. 276 TEU (ex 206)). The second set of rules is the EP Rules of Procedure. Under these rules, the MEPs vote in plenary sessions on the report from the Committee of Budgetary Control, which makes recommendations as to whether the EP should grant,

³³⁵ Article 248(4) of the EC Treaty: The Court of Auditors shall draw up an annual report after the close of each financial year. It shall be forwarded to the other institutions of the Community and shall be published, together with the replies of these institutions to the observations of the Court of Auditors, in the Official Journal of the European Union. The Court of Auditors may also, at any time, submit observations, particularly in the form of special reports, on specific questions and deliver opinions at the request of one of the other institutions of the Community.

³³⁶ Article 113 (3) of the EC Treaty: The ECB shall address an annual report on the activities of the ESCB and on the monetary policy of both the previous and current year to the European Parliament, the Council and the Commission, and also to the European Council. The President of the ECB shall present this report to the Council and to the European Parliament, which may hold a general debate on that basis. The President of the ECB and the other members of the Executive Board may, at the request of the European Parliament or on their own initiative, be heard by the competent committees of the European Parliament.

³³⁷ Article 195(1) of the EC Treaty: The Ombudsman shall submit an annual report to the European Parliament on the outcome of his inquiries.

³³⁸ Corbett, op. cit., p. 252.

postpone or refuse to grant the budgetary discharge to the Commission.³³⁹ This power of granting discharge gives the European Parliament a supervisory role over the Commission and other institutions.

The Parliament was simply informed of decisions on discharge given by the Council to the Commission on the implementation of the budget before 1970. However, it was given the power to grant discharge the budget together with the Council in 1971. When the Brussels Treaty of 22 July 1975 entered into force in June 1977, the Parliament gained the power of discharge the budget by itself. The Brussels Treaty enhanced the status of the Parliament by granting it the power to discharge the Commission for the administration of the budget, upon a recommendation from the Council. According to the Luxembourg Treaty, it could discuss the administration of the budget and discharge the Commission after it was discharged by the Council. Now, the Council has no decisive role in the process, it is allowed to issue an opinion, which is not binding on the parliament. Also by means of the Brussels Treaty, the privilege of declaring that the budget is finally realised has been granted to the President of the Parliament.³⁴⁰ This rule of procedure, which may look rather symbolic indicates that the European Parliament has a superior role in the making of the budget.

The Treaty stipulates that the Commission submits the Parliament the accounts of the preceding financial year relating to the implementation of the budget and also a financial statement of the assets and liabilities of the Community.³⁴¹

The discharge procedure is arduous and time consuming and involves close co-operation with the Court of Auditors. The EP usually votes on whether to grant a discharge two years after the budget in question.³⁴² All institutions of the European Union draws up audited accounts at the end of each financial year and submits it to the Court of Auditors. *The Court of Auditors* examines the legality, regularity and management of the budget of the institutions. On the basis of its findings and in accordance with Article 248 of the TEC Treaty, the Court draws up: (i) an annual report

³³⁹ Hae-Won Jun, "Catching the Runaway Bureaucracy in Brussels–Euro–Parliamentarians in Budgetary Politics", *European Union Politics*, Vol: 4, No: 4, (December 2003), p. 429.

³⁴⁰ Yörüng, op. cit., p. 39.

³⁴¹ Article 275 of TEC: The Commission shall submit annually to the Council and to the European Parliament the accounts of the preceding financial year relating to the implementation of the budget. The Commission shall also forward to them a financial statement of the assets and liabilities of the Community.

on the activities of each of the institutions over the financial year (incorporating its own observations and the replies of the institutions), (ii) a series of discretionary ad hoc special reports, dealing with specific areas of budgetary management, and, (iii) since Maastricht Treaty, a “statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions” (universally known by its French acronym ‘DAS’). These documents are submitted –the Annual Report and the DAS each November, special reports as they are published– to the European Parliament and the Council for consideration under the annual discharge procedure (Article 276).³⁴³ Annex V of the Rules of Procedure with the title of “Procedure for the consideration and adoption of decisions on the granting of discharge” lists the necessary documents to be distributed for the session in the Parliament as follows: (a) the revenue and expenditure account, the financial analysis and the balance sheet forwarded by the Commission; (b) the Annual Report and special reports of the Court of Auditors, accompanied by the Institutions’ answers; (c) the statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors pursuant to Article 248 of the EC Treaty; (d) the Council recommendation.³⁴⁴

The Rule 72(1) of the Rules of Procedure of the European Parliament states that Parliament monitors the implementation of the current year’s budget by entrusting the task to the committees responsible for the budget and budgetary control and the other committees concerned. The Parliament has given *the responsibility of monitoring the*

³⁴² Dinan, op. cit., p. 280.

³⁴³ Corbett, op. cit., p. 282.

Article 248(1) of TEC: The Court of Auditors shall examine the accounts of all revenue and expenditure of the Community. It shall also examine the accounts of all revenue and expenditure of all bodies set up by the Community in so far as the relevant constituent instrument does not preclude such examination. The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions which shall be published in the Official Journal of the European Union. This statement may be supplemented by specific assessments for each major area of Community activity.

Article 276 (1) of TEC: The European Parliament, acting on a recommendation from the Council which shall act by a qualified majority, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts and the financial statement referred to in Article 275, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in Article 248(1), second subparagraph and any relevant special reports by the Court of Auditors.

³⁴⁴ Rules of Procedure, Annex V, Article 1.

implementation of the budget to the Committee on Budgetary Control.³⁴⁵ Its most fundamental task is to discuss whether the Commission should be granted discharge at all. Granting discharge is a formal statement that Parliament is satisfied with the implementation of the budget by the Commission. It is the political acceptance of the Commission's stewardship of the Union's budget and formally signs off the financial year under consideration.³⁴⁶ The right to grant discharge to the Commission forms the basis of the Parliament's power of budgetary control. The Parliament uses this right (and power) to review all aspects of the financial management and difficulties or problems of budgetary implementation by the institutions and to make recommendations in order to improve the budgetary situation. Discharge is more than the necessary final act in adopting the Communities' accounts. It enables Parliament to lay down requirements for future conduct by Commission.³⁴⁷ Article 276 empowers this power of the Parliament, which was previously laid down in the Financial Regulation of 1977.³⁴⁸ This provision. This final provision makes it clear that discharge is much more

³⁴⁵ The Committee on Budgetary Control and the Committee on Budgets are two committees different from each other: "In a nutshell, CoCoBu (French abbreviation for Committee on Budgetary Control), as the Committee is known in Parliament, looks at how the EU budget is spent. It looks at how well goals are met, in terms of efficiency, and examines whether the way the goals were met represents value for money. In this context, the Committee investigates problems raised by the Court of Auditors or the Anti-Fraud Office, OLAF, and suggests improvements to the system in order to prevent repetition. Whereas the Committee on Budgets is responsible for drawing up future budgets, the Committee on Budgetary Control focuses on implementation of budgets already approved. The Committee has the job of deciding whether to propose giving a "discharge" to the Commission, Parliament and other institutions for their budget management." (The Committee on Budgetary Control web site, date of access: 9 April 2006, URL: http://www.europarl.eu.int/comparl/cont/site/presentation/presentation_en.htm.)

³⁴⁶ Corbett, op. cit., p. 282.

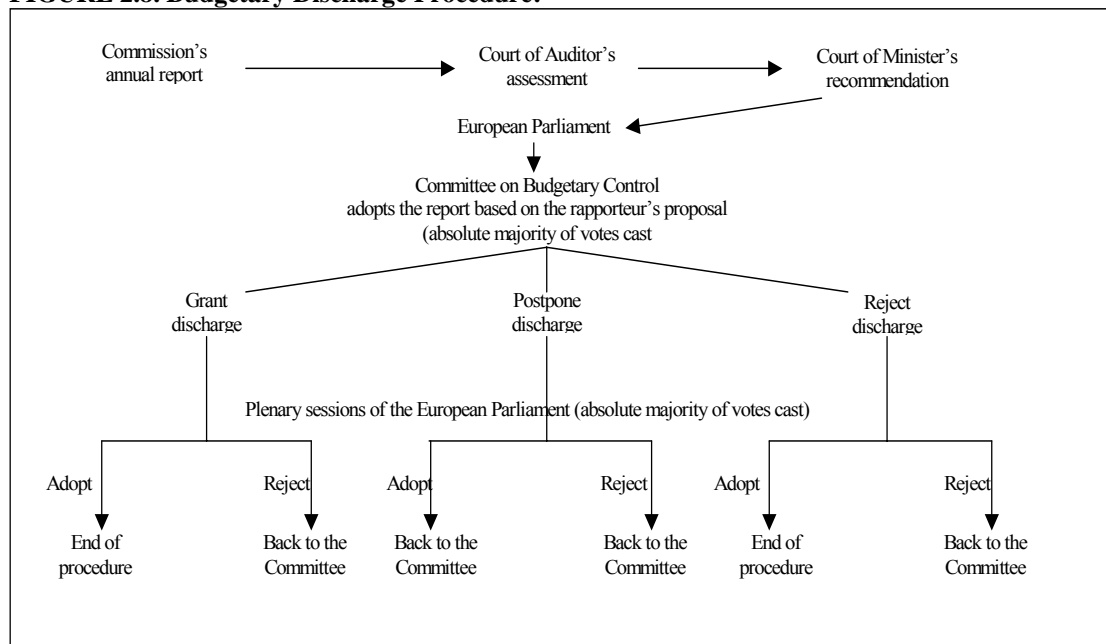
³⁴⁷ Corbett, *ibid.*, p. 283.

³⁴⁸ Article 276 of TEC:

1. The European Parliament, acting on a recommendation from the Council which shall act by a qualified majority, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts and the financial statement referred to in Article 275, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in Article 248(1), second subparagraph and any relevant special reports by the Court of Auditors.
2. Before giving a discharge to the Commission, or for any other purpose in connection with the exercise of its powers over the implementation of the budget, the European Parliament may ask to hear the Commission give evidence with regard to the execution of expenditure or the operation of financial control systems. The Commission shall submit any necessary information to the European Parliament at the latter's request.
3. The Commission shall take all appropriate steps to act on the observations in the decisions giving discharge and on other observations by the European Parliament relating to the execution of expenditure, as well as on comments accompanying the recommendations on discharge adopted by the Council. At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these observations and comments and in particular on the instructions given to the

than an annual ritual: it is as much a power as a procedure. Increasingly in recent years, Parliament's Committee on Budgetary Control has pressed its right to be fully informed as to all matters affecting expenditure from the Union's budget. In practice, this has entailed probing with ever-greater insistence into allegations of specific occurrences of financial mismanagement, irregularities, fraud and corruption both in Member States and in the Commission itself.³⁴⁹ The most important outcome of this power was the Commission crisis in 1999. Although a central dispute arose from the reluctance of the Commission to provide certain kinds of information requested for the purposes of discharge and, the reasons for this crisis were way much more than the fact that the Parliament refused to discharge the 1996 Commission budget and included the allegations of widespread fraud and financial mismanagement in the Commission, which were investigated by the Committee of Independent Experts.

FIGURE 2.8. Budgetary Discharge Procedure:



A few words can be said about the working methods of the Committee on Budgetary Control. Like other committees, the Committee on Budgetary Control appoints rapporteurs to prepare the draft report or opinion. This draft forms the basis of

departments which are responsible for the implementation of the budget. These reports shall also be forwarded to the Court of Auditors.

³⁴⁹ Corbett, *op. cit.*, pp. 253–254.

deliberations in the committee. Because of the complexity of the Community budget, individual members of the Committee on Budgetary Control specialise in particular Community policies [as rapporteurs] and prepare the EP's response to the Court of Auditors' special reports in their field. On a number of occasions, members of the committee have also held discussions with representatives of the corresponding committees of parliaments in the Member States, with national auditing authorities and with representatives of customs departments; on-the-spot enquiries have also been carried out by individual members to ascertain the facts underlying particular problems.³⁵⁰ Reports or opinions drafted by the rapporteur(s) are discussed and used for forming the discharge report.

The discharge report drawn up by the Committee on Budgetary Control includes the following: (a) a proposal for a decision granting discharge or postponing the discharge decision (April part-session vote) or a proposal for a decision granting or refusing to grant discharge (October part-session vote); (b) a proposal for a decision closing the accounts of all the Community's revenue, expenditure, assets and liabilities; (c) a motion for a resolution containing comments accompanying the proposal for a decision including both an assessment of the Commission's budgetary management over the financial year and observations relating to the implementation of expenditure for the future; (d) a list of the documents received from the Commission and those requested but not received; (e) the opinions of the committees concerned.³⁵¹ If the Committee on Budgetary Control proposes a postponement of the decision for discharge, its proposal includes, in addition to the documents listed above, the reasons for postponement; a statement regarding to the further action that the Commission is expected to take and the deadlines for doing so and the documents required for Parliament to take an informed decision.

Any report concerning the discharge of the budget is included on the agenda of the first part-session following its tabling, according to the Article 4(1) of the Annex V to the Rules of Procedure of the European Parliament.

The discharge procedure covers the period from October of a given year to April of the following year. By contrast the budgetary procedure covers almost the whole

³⁵⁰ European Fact Sheets, 2004, 1.5.3. Budgetary Control.

³⁵¹ Rules of Procedure, Annex V, Rule 3(1).

calendar year (in practice from February to December). Article 5 of the same annex puts forward the procedure to be followed during the part session. For the April part-session, the discharge report of the Committee on Budgetary Control proposes either to grant or to postpone discharge in question. If the proposal to grant discharge secures a majority in the vote, discharge is granted and closure of the accounts is constituted. But, if the proposal to grant discharge cannot secure a majority in the vote, discharge is deemed to be postponed to the October part-session and the Committee tables a new report within six months containing a new proposal to grant or refuse of discharge (same thing goes valid if a proposal to postpone discharge is adopted). If a proposal to postpone discharge fails to secure a majority in the vote, discharge is considered to be granted and closure of the accounts is also constituted.

For the October part-session vote, the discharge report of the Committee on Budgetary Control proposes either to grant or to refuse to grant discharge. If a proposal to grant discharge secures a majority, discharge is deemed to be granted and closure of the accounts is also constituted. If a proposal to grant discharge fails to secure a majority, discharge of the budget is refused. A formal proposal to close the accounts for the year in question is then submitted at the next part-session in which the Commission is invited to make a statement. If a proposal to refuse discharge secures a majority (same thing goes as if a proposal to grant discharge fails to secure a majority and discharge of the budget is refused), a formal proposal to close the accounts for the year in question is submitted at the next part-session in which the Commission is invited to make a statement. If a proposal to refuse discharge cannot secure a majority, discharge is deemed granted and the closure of accounts is also constituted.

The President forwards any decision or resolution of Parliament to the Commission and to each of the other institutions concerns. He/she arranges for the publication of the decision or the resolution in the Official Journal. The Committee on Budgetary Control reports to Parliament annually on the action taken by the institutions in response to the comments accompanying the discharge decisions and the other comments contained in Parliament's resolutions concerning the implementation of expenditure.³⁵²

e) Scrutiny of Executive Decisions and Implementing Measures

The term '*comitology*' designates a Community practice in the area of relations between the Council and the Commission concerning executive power. As the Treaty establishing the European Community (Article 202) puts forward, the Council confers on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may subject the exercise of these powers to certain procedures. In order to monitor the use made by the Commission of these implementing powers delegated to it, the Council has set up a large number of committees consisting of representatives and/or experts from the Member States. Commission decisions taken for the implementation of these rules laid down by the Council are subject to consultation with or approval of these committees. Comitology began to develop in the 1960s, with the implementation of Council regulations on the organisation of agricultural markets. The growing development and diversification of these committees has made it difficult to keep track of their number and created a necessity to make their operation be simplified.

Following the Declaration on the implementing powers of the Commission, annexed to the 1986 Single European Act, Council Decision of 13 July 1987 laid down procedures for the exercise of the implementing powers conferred on the Commission. The implementation of the Decision was criticised, both by the Commission and the Parliament, who disagreed with the Council on the intervention of certain committees. On 20 December 1994, the three institutions concluded a *modus vivendi* designed to keep the European Parliament informed of the work of the committees. The Parliament must receive, at the same time and under the same conditions as the committee, the draft implementing act submitted by the Commission. The Commission must inform the parliamentary committees concerned of the implications of the procedure.

The Council, replaced that Decision of 1987 with a new one, Decision of 28 June 1999³⁵³, which sought to define the criteria governing the choice of the committee

³⁵² Rules of Procedure, Annex V, Rule 6.

³⁵³ Council Decision of 28 June 1999 (a new 'comitology decision' repealing Decision 87/373/EEC) laid down the procedures for the exercise of the implementing powers conferred on the Commission. These are: advisory procedure; management procedure; regulatory procedure; safeguard procedure. "Parliament's right to scrutiny appears to have considerably different implications under each of the three comitology procedures. Matters dealt with under the management procedure are normally those with budgetary procedure are normally those with budgetary implications or of a more technical administrative

procedure; simplify the procedures for the exercise of implementing powers and ensure greater involvement of the Parliament in those cases where the basic instrument conferring implementing powers was adopted under the co–decision procedure; improve information to the Parliament; improve information to the public about committee procedures.

This latest Decision ensures that Parliament can keep an eye on the implementation of legislative instruments adopted under the co–decision procedure.³⁵⁴ Thanks to this new comitology decision, the Parliament now expresses its disapproval or, where appropriate, goes beyond the implementing powers provided for in the legislation by its recommendation. But for Parliament, this system has consistently raised questions of democratic accountability. Behind the apparently technical decisions taken by these committees there are frequently issues of considerable political and commercial sensitivity. As the legislative rights of Parliament have grown, so it has felt increasingly that it should be accorded the right to be informed and to comment on comitology decisions on a comparable basis to the other branch of the legislative authority, the Council.³⁵⁵ An interinstitutional agreement³⁵⁶ on the matter of comitology was concluded by the Parliament and the Commission (annexed to the European Parliament Resolution of 17 February 2000).

In the 2002 revision of the Parliament’s Rules of Procedure, the rule concerning comitology was re–written to better reflect the EP’s new rights pursuant to the 1999 Decision and subsequent EP–Commission implementing agreement. The revised rule permits a decision to be delegated to the EP’s responsible committee when there is insufficient time to raise it at plenary level, and also allows resolution to be tabled not only when the EP seeks to exercise its formal *droit de regard*, but also when it has

nature (such as research, education and cultural programmes) with less leeway for the Commission. They are therefore generally of less interest to Parliament for control purposes.” (Pamela Lintner and Beatrice Vaccari, “The European Parliament’s Right of Scrutiny over Commission Implementing Acts: A Real Parliamentary Control?” *Eipascope*, Vol: 2004, No: 1, (January 2005), p. 15.)

³⁵⁴ *SCADPlus Glossary*, Brussels: European Commission, last updated: May 2005, date of access: 12 May 2006, URL for downloadable: http://europa.eu.int/scadplus/glossary/index_en.htm, p. 22.

³⁵⁵ Corbett, *op. cit.*, p. 256.

³⁵⁶ Agreement titled as “Agreement Between The European Parliament And The Commission On Procedures For Implementing Council Decision of 28 June 1999 Laying Down The Procedures for the Exercise of Implementing Powers Conferred On The Commission” and annexed to the European Parliament Resolution of 17 February 2000 on the agreement between the European Parliament and the Commission on procedures for implementing Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

concerns about matters of substance. If Parliament objects to the measure, the President must request the Commission to withdraw or amend the measure or submit a proposal under the appropriate legislative procedure.³⁵⁷ The implementation of Council Decision of 1999 and the revised Rules of Procedure of the Parliament results in an incredible raise in the number of implementing measures being submitted to the Parliament in recent years. Nonetheless, Parliament's committees do not challenge many implementing measures, for a number of reasons. Many measures are very technical and parliamentary committees have limited resources both in terms of staff and of relevant technical knowledge. The nature of Parliament's scrutiny is a safeguard, able to challenge the odd objectionable decision, rather than trying to take over implementing decision itself.³⁵⁸

f) Committees of Inquiry

The Parliament began to create Committees of Inquiry after the first direct elections in 1979, even without having a legal right given to it by the hands of Treaties. Outside the EP's internal Rules of Procedure, such committees has no locus standi to enable them to obtain co-operation from outside bodies and they depended exclusively on the voluntary co-operation of the Community institutions and national authorities. The introduction of an article in the Maastricht Treaty did therefore provide a legal base for the Parliament to act in this domain.³⁵⁹ The Parliament can set up a Committee of Inquiry in order to investigate cases of maladministration in the institutions or by the Member States; a purpose which was confined to the Parliament by the Maastricht Treaty.³⁶⁰ The Parliament can also use the power of setting up a committee of inquiry to

³⁵⁷ Corbett, op. cit., pp. 291–292.

³⁵⁸ Corbett, *ibid.*, p. 293.

³⁵⁹ Micheal Shackleton, "The European Parliament's New Committees of Inquiry: Tiger of Paper Tiger?" *Journal of Common Market Studies*, Vol: 36, No: 1, (March 1998), p. 116.

³⁶⁰ Article 193 of TEC: In the course of its duties, the European Parliament may, at the request of a quarter of its Members, set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by this Treaty on other institutions or bodies, alleged contraventions or maladministration in the implementation of Community law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings.

The temporary Committee of Inquiry shall cease to exist on the submission of its report.

The detailed provisions governing the exercise of the right of inquiry shall be determined by common accord of the European Parliament, the Council and the Commission.

(Also, Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament's right of inquiry (OJ L 113,

enable a wide-ranging investigation of a particular issue, putting the public spotlight on it, placing it on the political agenda³⁶¹ These committees' powers are based on the provisions governing the exercise of the European Parliament's right of inquiry.

Rule 176 (1) of the Rules of Procedure stipulates that, at the request of one-quarter of its Members, Parliament set up a committee of inquiry to investigate alleged contraventions of Community law or alleged maladministration in the application of Community law which would appear to be the act of an institution or body of the European Communities, of a public administrative body of a Member State, or of persons empowered by Community law to implement that law. The Rules of Procedure also requires the decision to set up a committee of inquiry be published in the Official Journal of the European Union within one month.

The committee of inquiry concludes its work with the submission of a report within twelve months. Parliament may twice decide to extend this period by three months.³⁶² The committee of inquiry elects its chairman and two vice-chairmen and appoint one or more rapporteurs. The committee may also assign responsibilities, duties or specific tasks to its members who must subsequently report to the committee in detail.³⁶³

Rule 176(10) of the Rules of Procedure stipulates that, after completion of its work, a committee of inquiry submits to Parliament a report on the results of its work, containing minority opinions if appropriate. The report gets published and at the request of the committee of inquiry, the European Parliament holds a debate on the report at the part-session following its submission.

The committees of inquiry, which has been set up by the European Parliament, are as follows: 1) Committee of inquiry into the situation of women in Europe (soon after the direct elections in 1979); 2) Committee of inquiry into treatment of toxic and dangerous substances by the European Community and its Members States (1983–84); 3) Committee of inquiry into the rise of fascism and racism in Europe (following the 1984 European elections and entry into the Parliament of sufficient members to form a

19.5.1995, p. 2.) was annexed to the Rules of Procedure as Annex VIII. The annex in question describes detailed provisions governing the exercise of the European Parliament's right of inquiry

³⁶¹ Corbett, *op. cit.*, p. 295.

³⁶² Rules of Procedure, Rule 176(4).

³⁶³ Rules of Procedure, Rule 176(5).

“European Right” Group led by Jean-Marie Le Pen); 4) Committee of inquiry into the drugs problem (1985–86); 5) Committee of inquiry on agricultural stocks (1986–87); 6) committee of inquiry on the handling of nuclear materials (1988); 7) Committee of inquiry on hormones in meat (1988–89); 8) Committee of inquiry on the application of the joint declaration against racism and fascism (1989–90); 9) Committee of inquiry on trans-frontier crime linked to drug trafficking (1991); 10) Committee of inquiry to examine the Community transit system (1995); and 11) Committee of inquiry on the BSE crisis (1996).³⁶⁴

Committees of inquiry have enabled the Parliament to conduct in-depth investigations of issues and problems in the wider EU. They have further acted as a means of shedding light on particular issues and placing them on the political agenda.³⁶⁵ These committees of inquiry has gained a certain level of success. The results reached and the reports accepted by the committees of inquiry have had a strong effect on the institutions which they had investigated. The reports of these committees have also created a focus for public concern on the issues which they had investigated. Despite the successes in improving the scrutiny role of Parliament, many members felt that the powers of these committees remained too weak, in particular in relation to the obligations imposed on witnesses.³⁶⁶ The Parliament seeks to improve its power to set up and make use of committees of inquiry by activating the rules established in the Decision of the European Parliament, the Council and the Commission of 19 April 1995 on the detailed provisions governing the exercise of the European Parliament’s right of inquiry.

g) Judicial Review

The Parliament is able, under certain circumstances, to turn to the Court [of Justice] to defend its interests against other institutions or to ensure the correct

³⁶⁴ summarised from Corbett, loc. cit.

³⁶⁵ Jeffrey Stacey, “Displacement of the Council via Informal Dynamics? Comparing the Commission and Parliament”, *Journal of European Public Policy*, Vol: 10, No: 6, (December 2003), p. 948. Stacey also states that informal accord on committees of inquiry which is one of the main principal means of exercising the Parliament’s supervisory role is another example of the Parliament using its Rules of Procedure to ‘create’ a new legal instrument of the EU, entirely on its own behalf’.

³⁶⁶ Corbett, op. cit., p. 298.

application of the treaties by other institutions, in particular the Council.³⁶⁷ The Parliament may not be a litigious institution within the European Union, the Court action enables it to clarify and defend its powers against other institutions. This power of judicial review also creates a far reaching progress in the interpretation of the treaties.

However, the Parliament has fought hard in order to gain this power of judicial review: The EP's right to stand independently in, and particularly bring, legal actions has been highly controversial (and probably aggravated by its tendency to use what access it can get in very strategic fashion. The ECJ itself only gradually became willing to reverse its past interpretations of the treaties and allow the EP to bring cases directly. Initially, the EP was neither empowered to bring actions for annulment, nor for failure to act, the grounds often used for legal basis and budgetary disputes, respectively.³⁶⁸ The Parliament continuously worked to be accepted as a litigant before the Court of Justice. In fact the Maastricht Treaty codifies the Parliament's locus standi to bring action under Article 230 and even repeats the language of the Court, stating that the ECJ shall review 'actions brought by the European Parliament ... for the purpose of protecting its prerogatives' (Article 173 (3) Treaty on European Union.³⁶⁹

Rule 121 of the Rules of the Procedure of the European Parliament describes *the proceedings before the Court of Justice*: Parliament, within the time limits specified by the Treaties and the Statute of the Court of Justice for action by the institutions of the Union and by any natural or legal persons, examines Community legislation and the implementing measures to ensure that the Treaties have been fully respected, especially

³⁶⁷ Corbett, *ibid.* Also the Parliament's own actions are subject to judicial review by the Court of Justice, or, where the complainant is an individual or company, the Court of First Instance.

Article 232 of the TEC:

Should the European Parliament, the Council or the Commission, in infringement of this Treaty, fail to act, the Member States and the other institutions of the Community may bring an action before the Court of Justice to have the infringement established.

The action shall be admissible only if the institution concerned has first been called upon to act. If, within two months of being so called upon, the institution concerned has not defined its position, the action may be brought within a further period of two months.

Any natural or legal person may, under the conditions laid down in the preceding paragraphs, complain to the Court of Justice that an institution of the Community has failed to address to that person any act other than a recommendation or an opinion.

The Court of Justice shall have jurisdiction, under the same conditions, in actions or proceedings brought by the ECB in the areas falling within the latter's field of competence and in actions or proceedings brought against the latter.

³⁶⁸ Margaret McCown, "The European Parliament Before the Bench: ECJ Precedent and EP Litigation Strategies", *Journal of European Public Policy*, Vol: 10, No: 6, (December 2003), p. 983.

³⁶⁹ McCown, *ibid.*, p. 985.

in the areas where Parliament's rights are concerned. The committee responsible reports to Parliament where it suspects a breach of Community law. The President of the Parliament brings an action on behalf of Parliament in accordance with the recommendation of the committee responsible. The President may put the decision on maintaining his position and the action to the plenary at the beginning of the following part session. If the Parliament sitting in plenary rules against the action by a majority, the President withdraws the action. If the President brings an action contrary to the recommendation of the committee responsible, he/she puts to plenary, at the start of the following part-session, the decision on maintaining the action.

The Parliament may also turn to the Court of Justice if the Council fails to act following approval of its common position under the co-operation procedure: According to the Rule 122 of the Rules of Procedure, if the Parliament has not rejected or amended the common position and the Council fails to adopt the proposed legislation in accordance with the common position, within three or, with the agreement of the Council, four months of the communication of it, the President of Parliament may act on behalf of Parliament and bring an action against the Council in the Court of Justice under Article 232 of the EC Treaty.

III. CHAPTER
2004 ENLARGEMENT OF THE EUROPEAN UNION
AND
2004 EUROPEAN PARLIAMENT ELECTIONS

The year 2004 has been a very important year both for the European Union and the European Parliament. There have been major developments in 2004; namely the substantial enlargement of the European Union to 25 Member States, the signing of the Treaty on Constitution, the European Elections for the European Parliament, and the appointment of the new European Commission. Due to these important events within the same year, the year 2004 probably proves to be a turning point in the development of the European Union.¹ Although all these developments are important to be studied in detail, only two of them (the enlargement of the European Union and the European Elections for the European Parliament) will be dealt in this chapter, since they are the developments that has a more direct and more substantial effects over the European Parliament.²

¹ *A Year of Europe-2004*, Brussels: European Commission, 2005, p.1. “The timetable for 2004 dictated that these major developments –the arrival of 10 new Member States and the signing of the Treaty on the Constitution– coincided with the election of a new European Parliament and the appointment of a new Commission. Because of the enlargement on 1 May, the handover was completed in two stages. In the final months of its mandate, the Prodi Commission was joined by one Commissioner from each of the new Member States, bringing the number of Members up to 30. In June the Council nominated José Manuel Barroso, the Portuguese Prime Minister, as President of the future Commission. In July his appointment was approved by the European Parliament, whose 732 members had been elected a few weeks earlier. A list of 25 nominees for appointment to the new Commission, one from each country of the enlarged European Union, was then drawn up. A number of changes were made to the original list as a result of problems during the parliamentary hearings, and the composition of the Commission was not approved by Parliament until 18 November. The new Commission was then definitively appointed by the Council and took office on 22 November for a five-year term.” (*General Report on the Activities of the European Union-2004*, Luxembourg: European Commission, 2005, p.8)

² The European Parliament is the institution which seems, at least in formal terms, to have been most strengthened by developments in 2004. The Constitutional Treaty will continue the trend by which the Parliament has received stronger powers in every successive reform. The Parliament’s role in decision-making will be again strengthened, with co-decision to become the norm for legislative acts. (Edward Best, “The EU Institutions Between Enlargement and the Constitution” *Eipascope, Special Issue: The EU Institutions Between Enlargement and the Constitution*, Vol: 2004, No: 3, (June–September 2004), p.6)

3.1. 2004 ENLARGEMENT OF THE EUROPEAN UNION (FIFTH ENLARGEMENT)

Deepening European integration and widening EU membership have gone hand-in-hand since the foundation of the Union. Each successive enlargement –this is the fifth since 1973– has brought benefits to Europe’s citizens and new opportunities for its businesses.³ However, although previous enlargements had brought substantial increases both in terms of territory and population, this latest event was unique in bringing in the single largest group of countries ever to join (Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia)⁴. The fifth enlargement of the EU eastwards is critical for the future of European integration, since it puts on the agenda fundamental issues relating to the objectives and to the very process of European integration. Due to the fundamental differences in the level of development, the main issue concerns the admissible degree of diversity which would not affect the very stability and nature of the European Union.⁵ This historic enlargement of the EU from 15 to 25 members is the culmination of a long accession process.

³ *More Unity and More Diversity–The European Union’s Biggest Enlargement*, Brussels: European Commission, Brussels: European Commission, Directorate–General for Press and Communication, 2003, p. 4.

⁴ “In the past 30 years, the EU has grown from six members with 185 million into an entity of 15 members with 375 million people. But the last enlargement is the biggest one in its history without any precedent in terms of its scope and diversity: the number of countries, the area and the population, and the wealth of different histories and cultures. The EU has recently become a political actor of 25 members with 450 million citizens. The enlargement of 2004 is particularly dramatic not only because of its big bang nature, but also because of its powerful symbolic meaning. At that time, the EU had moved past market building and economic integration and was becoming an integrated political actor. Therefore, contrary to the previous enlargements with their both ‘economic–political character’, the latest enlargement has an exclusive ‘political significance’. The potential economic benefits, which would be possible through trade, investment and transfers, tend to be a ‘secondary argument’ behind the primary reasons for acceding. Enlargement is of utmost importance ‘to heal the rift in Europe opened up by World War II , the East–West confrontation and the cold war’. The main logic behind it is to get the historical opportunity to end the artificial divide between East and West Europe and to reunite the continent by minimizing the risk of instability.” (Ebru Oğurlu, “Challenges of Enlargement for Central and Eastern European Countries” *Akademik Araştırmalar Dergisi*, Vol: 6, No: 23, (November 2004–January 2005), pp. 71–73.)

⁵ *Preparing for EU Accession Negotiations*, Center for the Study of Democracy, Sofia: 1999, pp. 1–3. The Report continues as follows: Unlike any previous enlargement of the EC (EU), where the term used was ‘accession of new members to the Community (the Union)’, it seems far more appropriate now to label this process, on account of its historical significance, not simply as ‘the forthcoming fifth enlargement’, but as the process of ‘re–integration of Europe’. (As regards the differences, a few words can be said: During the previous enlargements the discussion was focused on the problems of individual

Article 49 of EU Treaty⁶ and Article 6 of EU Treaty⁷ addresses the question of membership of the European Union. Article 49 requires that the candidate countries must be first and foremost recognised as European States and Article 6 requires that the candidate countries must comply with the principles of freedom, democracy, respect for human rights and fundamental freedoms, and the rule of law. However, as from 1992, four additional conditions has been put forth through European Council meetings and intergovernmental conferences. In addition to be a European State, the candidate country must have a liberal democratic system which respects the rule of law and human rights; must have a working market economy; be ready to adopt the current body of EU law (the *acquis communautaire*) (EU treaties, rules and regulations and also the rights and duties arising from them) in the accession period; and although being an implicit condition, must not create serious problems about distribution of resources and budget for the EU.⁸ These conditions will be dealt with in detail below while the European Council meetings are discussed chronologically.

candidate countries or on certain policies, whereas the discussion in the fifth enlargement affected some fundamental issues of the entire system of European integration. A successful accession required political and economic adjustments in the candidate countries. The fifth enlargement foresees a differentiated pace for these adjustments in each candidate countries, different way of negotiations than those of previous enlargements. This fifth enlargement also made the reforms in the EU necessary in relation with the institutions, the financial perspectives and the structural policies whereas the previous enlargement did not require such reforms. Another important feature of the fifth enlargement which presented a significant difference in comparison to previous enlargements was the higher threshold put forth for the candidate countries due to the depth of the integration process and low level of preparedness of the candidate countries. The European Union also searched for a balance between enlargement (widening) and deepening, and this searched gained more importance in the fifth enlargement.)

⁶ EU Treaty, Article 49 (ex Article O) : Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. The conditions of admission and the adjustments to the Treaties on which the Union is founded which such admission entails shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

⁷ EU Treaty, Article 6 (ex Article F)

1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.
2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.
3. The Union shall respect the national identities of its Member States. 4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

⁸ Desmond Dinan, *Avrupa Birliđi Ansiklopedisi*, vol: 1, Istanbul: Kitap Yayınevi, 2005, pp. 460–471.

How Does a Country Join to the European Union?

The EU is open to all European countries, as stated in Article 49 of the EU Treaty. Countries that wish to become members must comply to the principles common to the Member States as stated in Article 6 of the EU Treaty.

According to Article 49 of the EU Treaty, a country that wishes to join the EU submits an application for membership to the Council, which asks the Commission to assess the applicant's ability to meet the conditions of membership. If the Commission delivers a positive opinion, and the Council unanimously agrees a negotiating mandate, negotiations are formally opened between the candidate and all the member states.

Article 49 continues to state that the conditions of admission and the adjustments to the Treaties is founded which such admission entails is the subject of an agreement between the Member States and the applicant State. This agreement is submitted for ratification by all the contracting States in accordance with their respective constitutional requirements. The negotiations for this agreement proper take the form of bilateral Intergovernmental Conferences (European Union/applicant country), bringing the ministers together every six months and the ambassadors every month. The common negotiating positions have been defined by the Commission for each of the chapters relating to matters of Community competence and approved unanimously by the Council. The results of the negotiations are incorporated in a draft accession treaty. This must be approved by the Union and ratified by the Member States and the applicant countries.

TABLE 3.1. Membership Applications to the EU and Enlargement Waves:

Founding States: Germany, Belgium, France, the Netherlands, Italy, Luxembourg						
	Application	Commission Opinion	Negotiations	Accession Agreement	Ratification Process	Date of membership
First Enlargement						
England	09.08.1961	13.09.1967	30.06.1970	22.01.1972	16.10.1972	1.1.1973
	11.05.1967	10.08.1969				
Ireland	31.07.1961	13.09.1967	30.06.1970	22.01.1972	10.05.1972	1.1.1973
	11.05.1967	10.08.1969				
Denmark	10.08.1961	13.09.1967	30.06.1970	22.01.1972	02.10.1972	1.1.1973
	11.05.1967	10.08.1969				
Second Enlargement						
Greece	12.06.1975		27.07.1976	28.05.1979	28.06.1979	1.1.1981
Third Enlargement						
Portugal	28.03.1977	19.05.1978	06.06.1978	12.06.1985	...	1.1.1986
Spain	28.07.1977	29.11.1978	05.02.1979	12.06.1985	...	1.1.1986

TABLE 3.1. (Continue)

Fourth Enlargement						
Austria	17.07.1989	31.07.1991	01.01.1993	25.06.1994	12.06.1994	1.1.1995
Finland	18.03.1992	04.11.1992	01.01.1993	25.06.1994	16.10.1994	1.1.1995
Sweden	01.07.1991	31.07.1992	01.01.1993	25.06.1994	13.11.1994	1.1.1995
Fifth Enlargement						
Gr.CyprusS.	04.07.1990	30.06.1993	30.03.1998	16.04.2003	14.07.2003	1.5.2004
Malta	16.07.1990	17.12.1999	15.02.2000	16.04.2003	08.03.2003	1.5.2004
Hungary	31.01.1994	16.07.1997	30.03.1998	16.04.2003	12.04.2003	1.5.2004
Poland	05.04.1994	16.07.1997	30.03.1998	16.04.2003	08.06.2003	1.5.2004
Slovakia	27.06.1995	16.07.1997	15.02.2000	16.04.2003	17.05.2003	1.5.2004
Latvia	27.10.1995	16.07.1997	15.02.2000	16.04.2003	20.09.2003	1.5.2004
Estonia	27.11.1995	16.07.1997	30.03.1998	16.04.2003	14.09.2003	1.5.2004
Lithuania	12.12.1995	16.07.1997	15.02.2000	16.04.2003	11.05.2003	1.5.2004
Czech Rep.	17.01.1996	16.07.1997	30.03.1998	16.04.2003	14.06.2003	1.5.2004
Slovenia	10.06.1996	16.07.1997	30.03.1998	16.04.2003	23.03.2003	1.5.2004
Candidates						
Turkey	14.04.1987	19.12.1989	...	...	...	...
Romania	22.06.1995	16.07.1997	15.02.2000	...	...	...
Bulgaria	14.12.1995	16.07.1997	15.02.2000	...	...	...
Croatia	21.02.2003	20.04.2004	...	...	...	...
Applicant Countries						
Macedonia	22.04.2004	...	...	...	...	...

Source: Murat Kavalalı, *Avrupa Birliği'nin Genişleme Süreci: AB'nin Merkezi Doğu Avrupa ve Batı Balkan Ülkeleri İle İlişkileri*, Ankara: AB ile İlişkiler Genel Müdürlüğü, Ekim 2005, p. 9.

Eastern Enlargement

Eastern enlargement came on to the agenda of the EU in the wake of 1989's peaceful revolutions in Central and Eastern Europe.⁹ In June 1988, a joint EC–CMEA (Council for Mutual Economic Assistance) declaration established official relations between the EC and the Soviet bloc. The joint declaration was followed by the negotiation of bilateral Trade and Co–operation Agreements (TCAs), a standard economic instrument used by the European Community in its relations with third countries, with Hungary in 1988 and Poland and the USSR in 1989. TCAs were extended to the other CMEA countries of central and eastern Europe in 1990.¹⁰

The fall of the Berlin Wall on 9 November 1989 marked the disintegration of the entire Communist bloc in the East. This event was the starting point for the process

⁹ John O'Brennan "Bringing Geopolitics Back In: Exploring the Security Dimension of the 2004 Eastern Enlargement of the European Union", *Cambridge Review of International Affairs*, Vol: 19, No: 1, (March 2006), p. 1. O'Brennan continues by stating that "Security and geopolitics mattered to the decision taken by the EU to embark on expansion in the early 1990s, and thereafter security issues remained prominent in enlargement debates".

¹⁰ *Chronology of the Fifth Enlargement in Detail*, explanatory note, London: Foreign and Commonwealth Office of the United Kingdom, date of access: 24 May 2006, URL: www.fco.gov.uk/files/kfile/FCO_BEU_5th%20Enlargement%20Chronology%20Detail,o.pdf, p. 2.

of European reunification. The disintegration of the Communist bloc led to an assertion that the centre of the European Union shifted to the east of Brussels.¹¹ Immediately after the collapse of communism around 1990, the European Union supported the democratisation process in the former communist countries and provided technical and financial assistance as they introduced market economies.¹² It removed long-standing import quotas on a number of products, extended the Generalised System of Preferences and, over the next few years, concluded Trade and Co-operation Agreements (with Bulgaria, the former Czechoslovakia, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovenia).¹³ In response to the fall of Berlin Wall, the European Council, meeting in Strasbourg in December 1989, also declared that the European Community was willing to implement closer forms of co-operation with the former eastern bloc countries.

Also in December 1989, the EC introduced the PHARE¹⁴ programme; an instrument geared specifically to the needs of the central and east European countries. The Phare programme was the Union's first concrete response to help the ex-communist countries make the transition to multi-party democracies and liberalised economies.¹⁵ It was intended to help these countries rebuild their economies. Originally, it concerned only Poland and Hungary but then it became the EU's biggest single tool

¹¹ Dinan, loc. cit.

¹² *More Unity and More Diversity ...*, op. cit., p. 3.

¹³ *Enlargement of the European Union—An Historic Opportunity*, Brussels: European Commission, Enlargement Directorate-General, 2003, p. 6.

¹⁴ The PHARE (Programme of Community aid to the countries of Central and Eastern Europe) programme is one of the three pre-accession instruments financed by the European Union to assist the applicant countries of Central and Eastern Europe in their preparations for joining the European Union. PHARE's objectives are 1) strengthening public administrations and institutions to function effectively inside the European Union; 2) promoting convergence with the European Union's extensive legislation (the *acquis communautaire*) and reduce the need for transition periods; and 3) promoting Economic and Social Cohesion. (European Commission, Directorate-General of Enlargement web site, date of access: 12 May 2006, URL: <http://ec.europa.eu/comm/enlargement/pas/phare/index.htm>)

Phare has been the main financial instrument of the pre-accession strategy for the Central and Eastern European countries (CEECs) which have applied for membership of the European Union.

New forms of pre-accession aid have been added to that already provided by PHARE, i.e.: 1) structural measures to bring the level of environmental protection and of transport infrastructure development in the applicant countries closer to that of the European Union (ISPA); 2) aid to agriculture (SAPARD). Although the Phare programme was originally reserved for the countries of Central and Eastern Europe, it is set to be extended to the applicant countries of the western Balkans. As from 1 January 2005, Croatia should be eligible for a pre-accession strategy offering Phare, ISPA and SAPARD funding. (*SCADPlus Glossary*, Brussels: European Commission, last updated: May 2005, date of access: 12 May 2006, URL for downloadable: http://europa.eu.int/scadplus/glossary/index_en.htm, p. 116.)

¹⁵ *More Unity and More Diversity...* op. cit., p. 10.

for pre-accession support and was gradually extended to cover ten Central and Eastern European countries (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia).

In its Copenhagen Summit of June 1993, the European Council declared that ‘the associated countries of Central and Eastern Europe that so desire shall become members of the Union’. The European Council declared that those countries of Central and Eastern Europe that wanted to become full members of the EU would be admitted as soon as they were able to assume the obligations of membership by satisfying the requisite political and economic conditions. It set out the economic and political conditions, known as the “Copenhagen criteria”, that a candidate country must fulfil in order to join the Union.

The “*Copenhagen criteria*” require that the candidate country must have achieved: 1) Stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; 2) The existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces with the Union; and 3) The ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union.

The Corfu European Council, in June 1994, requested that the Commission and Council draft a strategy to prepare the countries of Central and Eastern Europe for accession. The Council also suggested that the next round of enlargement should involve Cyprus and Malta, given the progress made by both countries in preparation for accession.

To prepare for EU membership, the candidate countries first signed *Europe Agreements* or *Association Agreements*.¹⁶ The Europe agreements¹⁷ (signed with the

¹⁶ Under the “Europe Agreements” which were signed with ten countries of Central and Eastern Europe, an Association Council was established between the European Union and each of its partners, in the framework of which the original package deal laid down in the Agreement is gradually being extended and updated. These Association Councils act, as it were, as institutional satellites of the European Union. The EU institutions, as yet unencumbered by the direct participation of the candidate countries, continue to develop new regulatory policies, the content of which is then transposed to the applicant countries either by means of decisions of the Association Council or simply through their voluntary reception of the *acquis communautaire* (the laws and policies of the EU). This situation, in which the European Union can unilaterally define (and constantly modify) the body of rules which the applicant states have to accept, will come to an end with the conclusion of the accession negotiations when the applicants, or at least some of them, join the Union. (Bruno de Witte, “Anticipating the Institutional Consequences of Expanded Membership of the European Union”, *International Political Science Review*, Vol: 23, No: 3, (September 2002), pp. 236–237)

Central and Eastern European Countries, namely Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia), which were more comprehensive than the TCAs, were to provide the framework for pre-accession bilateral relations between the EU and its partner countries in Central and Eastern Europe. Since 1994, for each country with which a Europe Agreement is in force, there has been a cycle of annual meetings of the Association Council (ministerial level) and the Association Committee (high-level civil service) as well as frequent multidisciplinary sub-committee meetings (technical level).¹⁸ These European Agreements also gave the signatory parties a status of partnership (which means that they are potential EU Member States) and comprised both the political and the economical relations.¹⁹ They were concluded for an indefinite period and included a number of features: 1) a political aspect, providing for bilateral and multilateral consultations on any questions of common interest; 2) a trade aspect, with the objective of setting up a free trade area; 3) economic, cultural and financial co-operation; 4) alignment of legislation, particularly on intellectual property and competition rules.²⁰ The Association agreements were signed with Turkey, Cyprus and Malta. These Agreements covered trade-related issues and various other areas of co-operation. They aimed progressively to establish a customs union between the European Community and each of the countries concerned. For Cyprus and Malta, progress towards a customs union was taken up in the framework of the accession negotiations.²¹ These Association agreements with Malta and Cyprus were similar to Europe Agreements; however, they did not include provision for political dialogue between the signatories. Such dialogue

¹⁷ The agreements were negotiated under Article 238 of the Treaty and, although they did not contain explicit commitments to EU membership, they were designed to pave the way for the eventual accession of the countries concerned. (*Chronology of the Fifth...*, loc. cit.)

¹⁸ *Enlargement of the European Union...* op. cit., p. 12.

¹⁹ Dinan, op. cit., p. 463.

²⁰ *SCADPlus Glossary*, op. cit., p.62. ("Under the Europe Agreements, trade between the EU and the countries of Central and Eastern Europe grew rapidly, not least because these countries reoriented their trade away from the markets of the former Soviet Union's Council for Mutual Economic Assistance. As their single largest source of trade, assistance and investment, the EU soon became the main economic partner for the countries of the region. Indeed, as early as 1994, the EU had become the most important market for exports originating in the region, absorbing more than half of the total." *More Unity and More Diversity...*, op. cit., p. 8)

²¹ *Enlargement of the European Union...* op. cit., p. 13. (In the case of Turkey, this objective was achieved in 1995, with the entry into force of the Customs Union Agreement)

takes place on the basis of a specific decision of the General Affairs Council for Cyprus and Malta.²²

TABLE 3.2. The Europe and Association Agreements:

Country	Agreement Type	Date of Signature	Entry into Force
Cyprus	Association	19 December 1972	June 1973
Malta	Association	5 December 1970	April 1971
Bulgaria	Europe	8 March 1993	February 1995
Czech Republic	Europe	4 October 1993	February 1995
Estonia	Europe	12 th June 1995	February 1998
Hungary	Europe	16 December 1991	February 1994
Latvia	Europe	12 th June 1995	February 1998
Lithuania	Europe	12 th June 1995	February 1998
Poland	Europe	16 December 1991	February 1994
Romania	Europe	1 February 1993	February 1995
Slovakia	Europe	4 October 1993	February 1995
Slovenia	Europe	15 June 1996	February 1998

Source: *Chronology of the Fifth Enlargement in Detail*, explanatory note, London: Foreign and Commonwealth Office of the United Kingdom, URL: www.fco.gov.uk/files/kfile/FCO_BEU_5th%20Enlargement%20Chronology%20Detail,o.pdf, p. 2.

The EU supported their work to adopt the Community's rules through its *pre-accession strategy*. On the basis of the Europe Agreements, in 1993 the Commission proposed that there should be a 'structured dialogue' between the associated countries and the institutions of the Union in the form of meetings at which the different partners could consult each other. The pre-accession strategy gave them financial assistance for developing their institutions, infrastructure and economies. It aimed to provide assistance and promote investment in the candidate countries especially in the environment, transport infrastructure and agricultural modernisation. It also included bilateral trade agreements, political dialogue and mechanisms for bringing their laws and legal systems closer into line with those in the EU before accession and enlargement. **In December 1994 the Essen European Council** defined a pre-accession strategy to prepare the countries of Central and Eastern Europe for EU membership. This pre-accession strategy was based on: 1) deepening relations between the associated countries, the Member States and the institutions of the Union (strengthening the structured dialogue); 2) implementation of the Europe Agreements; 3) adaptation of the financial assistance provided by PHARE.

²² In the case of Turkey, such dialogue takes place on the basis of specific Association Council resolutions and the conclusions of the Helsinki European Council.

In its Madrid Summit in December 1995, the European Council underlined that the membership criteria also require that the candidate country must have created the conditions for its integration through the adjustment of its administrative structure. (While it is important that European Community legislation is transposed into national legislation, it is even more important that the legislation is implemented effectively through appropriate administrative and judicial structures). The conclusions of the Madrid European Council also requested that the Commission submit its opinions on each of the candidate's applications as soon as possible after the Intergovernmental Conference, which was eventually concluded at Amsterdam in June 1997 and also called the Commission to prepare a detailed analysis of what enlargement would mean for the EU.

Agenda 2000 is an action programme adopted by the Commission on 15 July 1997 as an official response to requests by the Madrid European Council in December 1995 that it present a general document on enlargement and the reform of the common policies and a communication on the Union's future financial framework after 31 December 1999. The opinions of the Commission on each of the candidate applications were also published as part of the Commission's Agenda 2000 proposals, designed to prepare the EU for enlargement. The Commission's Opinions evaluated the situation of each country in relation to the accession criteria. The Commission took into account information provided by the candidate countries themselves; assessments made by the Member States; European Parliament reports and resolutions; the work of other international organisations and international financial institutions; and progress made under the Europe Agreements.²³ However, these opinions were not only an assessment of the performance of each country up until that year, but also a forward-looking analysis of expected progress.²⁴

²³ *Enlargement of the European Union...* op. cit., p. 9.

²⁴ Using the Copenhagen Criteria as a starting point, Agenda 2000 re-defines the conditions of membership. It is important to emphasise that the membership cannot be evaluated only within the *acquis communitaire* anymore. In this context, besides the current and potential *acquis communitaire*, Copenhagen criteria, Common Foreign and Security Policy, Co-operation in the Fields of Justice and Home Affairs, and lastly capacity to reach the aims of Economic and Monetary Union present an integrity to which the candidate countries must now pay attention. (Murat Kavalalı, *Avrupa Birliği'nin Genişleme Süreci: AB'nin Merkezi Doğu Avrupa ve Batı Balkan Ülkeleri İle İlişkileri*, Ankara: Devlet Planlama Teşkilatı, AB ile İlişkiler Genel Müdürlüğü, Ekim 2005 p. 20)

Agenda 2000 tackles all the questions facing the Union at the beginning of the 21. century. It discussed both the priorities of the negotiations with the candidate countries, important issues in the adoption of *acquis communautaire* by the candidate countries, and the reforms necessary in the EU policies and EU institutions within the potential future enlargements of the Union.²⁵ The Commission's opinions on the countries applied for Union membership were also attached to the Agenda 2000.

Agenda 2000 is in three parts: 1) the first addresses the question of the European Union's internal operation, particularly the reform of the common agricultural policy and of the policy of economic and social cohesion. It also contains recommendations on how to face the challenge of enlargement in the best possible conditions and proposes putting in place a new financial framework for the period 2000–06; 2) the second proposes a reinforced pre-accession strategy, incorporating two new elements: the partnership for accession and extended participation of the applicant countries in Community programmes and the mechanisms for applying the Community *acquis communautaire*; 3) the third consists of a study on the impact of the effects of enlargement on European Union policies.²⁶

These priorities were fleshed out in some twenty legislative proposals put forward by the European Commission in 1998. The Berlin European Council reached an overall political agreement on the legislative package in 1999 with the result that the measures were adopted the same year. They cover four closely linked areas for the period 2000 to 2006: 1) reform of the common agricultural policy, 2) reform of the structural policy, 3) pre-accession instruments, 4) financial framework.

In its Luxembourg Summit in December 1997, the European Council launched the process that will make enlargement possible. It launched the EU enlargement process, in which “each of the applicant States would proceed at its own rate, depending on its degree of preparedness”. The Luxembourg European Council decided on an enhanced pre-accession strategy for the ten candidate countries of Central and Eastern Europe, with a specific strategy for Cyprus. Following Malta's reactivation of its application for membership in October 1998, a specific pre-accession strategy was

²⁵ Dinan, *op. cit.*, p. 465.

²⁶ SCADPlus Glossary, *op. cit.*, p. 10.

developed also for Malta.²⁷ The reinforced pre-accession strategy for the ten Central and Eastern European applicant countries was based on: 1) the Europe Agreements; 2) the accession partnerships and the national programmes for the adoption of the *acquis communautaire*; 3) participation in certain Community programmes, agencies and committees. Pre-accession strategies for Cyprus and Malta were based on: 1) the association agreements; 2) the accession partnerships and the national programmes for the adoption of the *acquis communautaire*; 3) participation in Community programmes, agencies and committees; 4) special pre-accession aid. A special pre-accession strategy towards Turkey was also developed in 1998.²⁸

On the basis of the recommendations of the European Commission, the 1997 Luxembourg European Council decided to launch an ‘overall enlargement process’ for all countries wishing to join the EU, which encompasses 1) the European Conference, which brings together the countries aspiring to join the EU. The Conference is a multilateral forum for discussing issues of common interest, such as foreign and security policy, justice and home affairs, regional co-operation or economic matters and 2) the accession process which was launched in Brussels on 30 March 1998 and encompasses all ten Central and Eastern European countries, Cyprus, Malta and Turkey.

The European Conference, which was agreed on by the 1997 Luxembourg European Council, was a multilateral forum bringing together the member states, the candidate countries and the European Commission. Its membership gradually extended beyond these participants (e.g. the European Parliament President attended the inaugural meeting and Switzerland was later invited as an ‘elected member’)²⁹. The objective of

²⁷ *Enlargement of the European Union...* op. cit., p. 10.

²⁸ The EU’s pre-accession strategy towards Turkey builds on the European Strategy, which was developed in 1998. In March 1998, the European Commission adopted its first operational proposals for this strategy. They covered the deepening of the Customs Union, the extension of the Customs Union to the agricultural and services sectors and the strengthening of co-operation in several other fields. The participation in Community programmes and agencies was also foreseen. In line with the Helsinki conclusions, the pre-accession strategy for Turkey encompasses: 1) Association Agreement and Customs Union Agreement; 2) Enhanced political dialogue; 3) Accession Partnership and National Programme for the Adoption of the *Acquis* (NPAA); 4) Specific assistance under a single financial framework; as from 2004, assistance will be financed under the Union’s budget for “pre-accession expenditure”; 5) Participation in European Community programmes and agencies. (*Enlargement of the European Union...*, *ibid.*, p. 11)

²⁹ Besides these members, the Nice European Council in December 2000 concluded that the Balkan countries covered by the stabilisation and association process and the EFTA countries be invited to attend as prospective members. With a view to strengthening the Union’s relationship with its near neighbours,

the European Conference was to provide a forum for discussion of issues of common interest, such as foreign and security policy, justice and home affairs, regional co-operation and economic matters.

TABLE 3.3. Dates of Applications for EU Membership, Council Considerations and Commission Opinions

<i>Country</i>	<i>Application</i>	<i>Council Consideration</i>	<i>Commission Opinion</i>
Bulgaria	14 December 1995	29 January 1996	15 July 1997
Cyprus	4 July 1990	17 September 1990	30 June 1993
Czech Republic	17 January 1996	29 January 1996	15 July 1997
Estonia	28 November 1995	4 December 1995	15 July 1997
Hungary	31 March 1994	18 April 1994	15 July 1997
Latvia	27 October 1995	17 July 1995	15 July 1997
Lithuania	8 December 1995	29 January 1996	15 July 1997
Malta	16 July 1990	17 September 1990	30 June 1993
Poland	5 April 1994	18 April 1994	15 July 1997
Romania	22 June 1995	17 July 1995	15 July 1997
Slovakia	27 June 1995	17 July 1995	15 July 1997
Slovenia	10 June 1996	29 January 1996	15 July 1997

Source: *Chronology of the Fifth Enlargement in Detail*, explanatory note, London: Foreign and Commonwealth Office of the United Kingdom, URL: www.fco.gov.uk/files/kfile/FCO_BEU_5th%20Enlargement%20Chronology%20Detail,o.pdf, p.3.

The formal ‘accession process’ was launched at a meeting of the foreign ministers of the member states and all the candidate countries on 30 March 1998, held in Brussels. On the following day, 31 March 1998, a series of bilateral intergovernmental conferences were held in Brussels to open accession negotiations with Cyprus, Hungary, Poland, Estonia, the Czech Republic and Slovenia (These countries had been given the green light to start accession negotiations at the December 1997 Luxembourg European Council). Slovakia did not join the group because it failed to meet the political criteria for membership. At the European Council in Helsinki in December 1999, it was decided to open negotiations with a further six countries (Bulgaria, Latvia, Lithuania, Malta, Romania and Slovakia) and these negotiations commenced on 15 February 2000. The bilateral intergovernmental conferences with each candidate country were held in Brussels on 15 February 2000.

the Gothenburg European Council announced that Ukraine and Moldavia would also be invited to join the

TABLE 3.4. Opening of Negotiations:

<i>Country</i>	<i>Opening of Negotiations</i>
Bulgaria	15 February 2000
Cyprus	31 March 1998
Czech Republic	31 March 1998
Estonia	31 March 1998
Hungary	31 March 1998
Latvia	15 February 2000
Lithuania	15 February 2000
Malta	15 February 2000
Poland	31 March 1998
Romania	15 February 2000
Slovakia	15 February 2000
Slovenia	31 March 1998

The main principles behind the accession negotiations are fourfold. Firstly, the negotiations focus specifically on the terms under which candidates adopt, implement and enforce the *acquis communautaire*. Secondly, transitional arrangements may be possible, but these must be limited in scope and duration and have a not so significant impact on competition or the functioning of the internal market. In addition the candidate countries must accompanied by a plan with clearly defined stages for the application of the *acquis communautaire* (National Programs by each candidates must be prepared). Third principle in the negotiations is the concept of differentiation. The decision to enter into negotiations simultaneously with a group of countries does not imply that these negotiations are to be concluded at the same time. Accession negotiations were based on the principle of “differentiation”, which means each country’s progresses at its own pace according to its level of preparation for accession. The length of the negotiations therefore varied according to each country’s progress. The negotiations with the candidate countries are conducted individually; the pace of each negotiation depends on the degree of preparation by each candidate country and the complexity of the issues to be resolved. Finally, there is the principle of catching up. The European Council’s opening the negotiations with the second group of countries in December 1999 stipulated that candidates which had been brought into the negotiating process as the second wave of the fifth enlargement had the possibility to catch up within a reasonable period of time with those candidates which had been brought into the negotiation process as the first wave of the fifth enlargement, if they have made

Conference.

sufficient progress in their preparations. This means that each candidate was judged on its own merits and successes.³⁰

In its Helsinki Summit in December 1999, the European Council included Turkey in this process as well by officially declaring it as a candidate.

The Nice European Council, held in December 2000, welcomed and approved the strategy paper, which was published by the Commission on 8 November 2000. The purpose of the strategy paper was to set out a roadmap to ensure that the EU would be ready to receive new member states from the end of 2002.

In June 2001, at Gothenburg, the European Council affirmed that the objective was to complete accession negotiations by the end of 2002 with those countries that would be ready to join.

The Laeken Council was held in December 2001 and the conclusions of the Laeken European Council declared that the accession process was irreversible and stressed the EU's determination to bring the negotiations with those countries ready to join to a close by the end of 2002. In line with the declaration made at Nice, the Council also decided to convene a Convention on the future of the Union, chaired by Valéry Giscard d'Estaing, to prepare for the forthcoming IGC in 2003/04. The Council declared that the candidate countries would take part in the Convention and would be represented in the same way as the member states, although they would not be able to block any consensus, which may emerge among the member states.

In 9 October 2002, less than 13 years after the break-up of the Soviet Union and the end of the Cold War, the Commission recommended to the European Council that the accession negotiations which was started with Poland, Hungary, Estonia, Czech Republic, Slovenia, Cyprus, Romania, Slovakia, Lithuania, Latvia, Bulgaria and Latvia to be concluded.

³⁰ At the Nice European Council in December 2000, a further element to the negotiation process was introduced, that of the "roadmap" proposed by the Commission. The objective of the roadmap was to bring the negotiation process forward, and ensure that all parties to the negotiations commit themselves to a realistic timetable. In concrete terms, the Union undertook to present common negotiating positions and to deal with related requests for transitional periods on individual negotiating chapters in accordance with an agreed timetable. The roadmap adheres to the guiding principles of differentiation and catching up. Chapters may be closed before the envisaged timing, to the extent the level of preparedness of the candidate country in question so permits. The Gothenburg European Council in June 2001 reaffirmed the roadmap as the framework for the successful completion of the accession negotiations. At the Seville European Council in June 2002, the roadmap adopted at Nice was given further credit for enabling the

The Copenhagen European Council of December 2002 endorsed the recommendations made by the Commission and found that 10 of the 13 candidate countries (Cyprus, Estonia, Hungary, Poland, the Czech Republic, Slovenia, Latvia, Lithuania, Malta and Slovakia) fulfilled the conditions necessary for joining the union. It set 1 May 2004 as the accession date and also adjusted the financial arrangements for enlargement during the 2004–2006 period (previously fixed by the Agenda 2000 agreement). The Council also agreed that Bulgaria and Romania should be welcomed as EU members in 2007³¹ and suggested that a decision on Turkey could be made, on the basis of a Commission opinion, at the December 2004 European Council.³²

On 9 April 2003, the European Parliament gave its assent to the accession of the ten acceding states.

The Treaty of Accession was signed by the Heads of State or Government and the Foreign Affairs Ministers for the 15 Member States and the 10 Acceding States in Athens on 16 April 2003.

The Accession Treaty included provisions for the institutional involvement of the accession states during the period between the signature of the Treaty on 16 April 2003 and accession on 1 May 2004. However, the accession states would not be able to vote until they became full EU members on 1 May 2004.³³

After signature, the Accession Treaty is submitted to the Member States and to each acceding country concerned for ratification by them in accordance with their own constitutional procedures. In several of the acceding countries, this entails the holding

accession negotiations to move forward in the areas of agriculture, regional policy, financial and budgetary provisions, and institutions.

³¹ The Brussels European Council of 16–17 December 2004 officially recognised this with a view to welcoming the two countries as new Member States on 1 January 2007. The European Commission drafted a report on the results of the accession negotiations in February 2005 along with a positive opinion on accession of Bulgaria and Romania. The Accession Treaty on the EU's sixth enlargement round was signed by the EU Member States and Bulgaria and Romania in Luxembourg on 25 April 2005. Accession is expected for January 2007, but could be delayed by one year if the countries were found not to keep up the agreed preparations. The Accession Treaty is presently undergoing ratification in the EU's Member States.

³² On 6 October 2004 the European Commission presented a positive Recommendation of the European Commission on Turkey's progress towards accession to the Council and the European Parliament in which it said that it considered that Turkey sufficiently fulfilled the political criteria and it recommended that accession negotiations be opened. On the basis of this recommendation the European Council, meeting in Brussels on 16–17 December 2004 decided that accession negotiations with Turkey should be started on 3 October 2005. Negotiations were eventually launched on that date and they will follow a Negotiating Framework drafted by the European Commission in October 2005.

³³ *Chronology of the Fifth Enlargement in Detail*, op. cit., p. 7.

of a referendum on the subject of EU membership. In the acceding countries where there is no constitutional obligation, advisory referenda are being organised. When the ratification process has been concluded and the Treaty takes effect, the candidate becomes a Member State. Cyprus was the only acceding country not to hold a referendum on whether to accept accession.

TABLE 3.5. Enlargement Referenda in the Candidate Countries:

<i>Country</i>	<i>Date</i>	<i>Result</i>
Malta	8 March 2003	53.65% in favour / 46.35% against (Turnout: 91%)
Slovenia	23 March 2003	89.19% in favour / 10.31% against (Turnout: 60.29%)
Hungary	12 April 2003	83.76% in favour / 16.24% against (Turnout: 45.62%)
Lithuania	10/11 May 2003	89.95% in favour / 8.82% against (Turnout: 63.7%)
Slovakia	16/17 May 2003	92.46% in favour / 6.20% against (Turnout: 52.15%)
Poland	7/8 June 2003	77.45% in favour / 22.55% against (Turnout: 58.85%)
Czech Republic	13/14 June 2003	77.33% in favour / 22.67% against (Turnout: 55.21%)
Estonia	14 September 2003	66.92% in favour / 33.08% against (Turnout: 64%)
Latvia	20 September 2003	67% in favour / 32.3% against (Turnout: 72.53%)
Cyprus	No Referendum	No Referendum

Source: *Chronology of the Fifth Enlargement in Detail*, explanatory note, London, Foreign and Commonwealth Office of the United Kingdom, URL: www.fco.gov.uk/files/kfile/FCO_BEU_5th%20Enlargement%20Chronology%20Detail,o.pdf, p. 8.

The accession date, subject to ratification of the Treaty in the 15 member states and the 10 acceding states, was set for 1 May 2004. Without any trouble during the ratification process, the ten acceding states became full members on 1 May 2004.³⁴

³⁴ On the first day of May 2004, enlargement of the EU will officially take place and ten new countries and 75 million people will join the European Union. On the same day, Saturday 1 May, there will be an extraordinary plenary session of the European Parliament in order to ratify the appointment of the new Commissioners from these ten countries. Just two days after the ten countries join, on 3–6 May, the last Plenary session in the current term of office of the European Parliament will be held in Strasbourg. For two months the European Parliament will be closed due to election campaigning. (*A Brief Overview Of The Institutional Changes Taking Place In The European Union During The Coming Year*, Brussels: ADS Insight, June 2003, p. 4)

TABLE 3.6. Seats in the European Parliament Before and After the Fifth Enlargement:

<i>MEMBER STATES</i>	<i>SEATS until 01.05.04</i>	<i>SEATS EU-25 (2004–2009)</i>	<i>SEATS EU-27</i>	<i>EU-25 SEAT% UNDER NICE</i>	<i>% of EU-25 Population *(1)</i>
Germany	99	99	99	13.52%	18.17%
United Kingdom	87	78	72	10.66%	13.18%
France	87	78	72	10.66%	13.06%
Italy	87	78	72	10.66%	12.75%
Spain	64	54	50	7.38%	8.89%
Poland	–	54	50	7.38%	8.53%
Romania	–	–	33	–	–
Netherlands	31	27	25	3.69%	3.54%
Greece	25	24	22	3.28%	2.33%
Portugal	25	24	22	3.28%	2.27%
Belgium	25	24	22	3.28%	2.27%
Czech Republic	–	24	20	3.28%	2.27%
Hungary	–	24	20	3.28%	2.25%
Sweden	22	19	18	2.60%	1.96%
Austria	21	18	17	2.46%	1.79%
Bulgaria	–	–	17	–	–
Slovakia	–	14	13	1.91%	1.19%
Denmark	16	14	13	1.91%	1.18%
Finland	16	14	13	1.91%	1.14%
Ireland	15	13	12	1.78%	0.85%
Lithuania	–	13	12	1.78%	0.77%
Latvia	–	9	8	1.23%	0.52%
Slovenia	–	7	7	0.96%	0.44%
Estonia	–	6	6	0.82%	0.30%
Cyprus	–	6	6	0.82%	0.17%
Luxembourg	6	6	6	0.82%	0.10%
Malta	–	5	5	0.68%	0.09%
TOTAL	626	732	732	100%	100%

Note: the draft Constitution as proposed by the Convention foresees a total number of 736 MEPs

(1)* Based on Eurostat 2001 population figures, except for Italy, UK, Cyprus, Estonia and Romania (2000 figures) and Greece (1999 figures)

Source: Annex II of the Memo/04/61: Press Release from the European Commission Enlargement and institutional changes, Brussels: 16 March 2004.

NOTE: Table gives a comprehensive overview of the following situation:

From 1 May 2004 to June 2004

The Parliaments of the ten accession countries appoint their representatives in the European Parliament from 1 May until the first session of the newly elected EP, according to national procedure. The number of seats allocated to each new Member State by the Accession Treaty for this short transition period is exactly the same as the number of seats foreseen for each country for the 2004–2009 legislature.

After the June 2004 elections

Elections will be held on 10–13 June in all 25 Member States to elect a new Parliament. The total number of seats is set at 732. Each Member State receives the number of seats allocated to it by the Nice Treaty. For the 2004–2009 legislature, the number of seats within the total of 732 and foreseen by the Nice Treaty for Bulgaria and Romania are distributed pro rata among the 25 Member States according to the Nice Treaty.

3.1.1. GENERAL INFORMATION ABOUT THE NEW MEMBER STATES³⁵

Under this title, general information about 10 new Member States of the European Union will be provided. This information will cover certain facts (such as the area, population, capital city, languages, currency, major political parties, government type, head of state and/or head of government, foreign minister, GDP, GDP per head and annual growth), a brief historical background, administrative divisions, information on the executive branch and on the legislative branch, and the accession process which they have experienced.

a) Greek Cyprus Side (EU Member State under the name of Republic of Cyprus)

Facts

Official Name: Republic of Cyprus

Area: 9,250 sq km (3,572 sq mi). 3,355 sq km are controlled by the Turkish Republic of Northern Cyprus (TRNC)

Population: 749,200 (2005). According to the Greek Cypriot Side, the total population living in territories under its control is 705,500 (2002). The population in the north is estimated at around 200,000, of which 87,000 are Turkish Cypriots and the remaining are Turks originating from mainland Turkey.

Capital city: Nicosia (Lefkosia / Lefkosa)

Languages: Greek, Turkish, English

Currency: Cyprus pound (C£=100 cents). (Turkish Lira in the 'TRNC')

Major Political Parties: Progressive Party of the Working People (AKEL), Democratic Rally (DISY), Democratic Party (DIKO), United Democratic Union of Cyprus (KISOS), Social Democratic Movement (KISOS)

³⁵ The information under this title was compiled from the following resources:

1) European Sources online, Country Profiles of the European Union, date of access: 10 June 2006, URL: <http://www.europeansources.info/search/goCountry.do>,
2) European Commission, Enlargement Directorate-General, Enlargement Archives, date of access: 10 June 2006, URL: http://www.ec.europa.eu/comm/enlargement/arch_countries/index_en.htm,
3) CIA World Fact Book, 2006 edition, date of access: 10 June 2006, URL: <http://www.cia.gov/cia/publications/factbook/>.

'TRNC' political parties: National Unity Party (UBP); Democratic Party (DP); Communal Liberation Party (TKP); Republican Turkish Party (CTP).

Government: Presidential Republic.

Head of State or Government: President Tassos Papadopoulos (DIKO)

Foreign Minister: George Iacovou (Independent)

GDP: €12.5bn (2004)

GDP per head (PPS, EU25=100): 83.3 (2004)

Annual growth: 3.8% (2004)

Overview

The island of Cyprus is divided into two areas: Greek Cyprus Side (which is officially recognised as the Republic of Cyprus) in the south and the Turkish Republic of Northern Cyprus (TRNC) in the northern third of the island. The TRNC was formed in 1974 but is not recognised internationally.

Administrative divisions: 6 districts; Famagusta, Kyrenia, Larnaca, Limassol, Nicosia, Paphos (Turkish Cypriot area's administrative divisions include Kyrenia, all but a small part of Famagusta, and small parts of Lefkosia (Nicosia) and Larnaca).

Executive branch: The head of government and state is President Tassos Papadopoulos since 1 March 2003.³⁶ The President is elected by popular vote for a five-year term; election was last held on 16 February 2003.³⁷

Legislative branch: The House of Representatives (Vouli Antiprosopon) exercises the legislative power. Since the withdrawal of the Turkish Cypriots from the Republic's institutions (1963), the House of Representatives has functioned only with Greek Cypriots parliamentarians. There are 80 seats; 56 assigned to the Greek Cypriots, 24 to Turkish Cypriots in the House of Representatives which is supposed to be the legislative body of the united Cyprus. But only those seats assigned to Greek Cypriots are filled and members are elected by popular vote to serve five-year terms. The elections was last held on 27 May 2001 (next to be held on 21 May 2006).

³⁶ Post of vice president is currently vacant; under the 1960 constitution, the post is reserved for a Turkish Cypriot.

³⁷ Mehmet Ali Talat is the president of north Cyprus since 24 April 2005, after the presidential elections on 17 April 2005.

TABLE 3.7. Representation of the Political Parties in the Parliament of Greek Cyprus Side

<i>Political Parties</i>	<i>Elections May 2001 %</i>	<i>Seats</i>
DISY Democratic Rally (PPE affiliated)	34.01	19
AKEL Progressive Workers P. (former Communists)	34.71	20
DIKO Democratic Party (centre right)	14.83	9
KISOS Social Democrats (PES affiliated)	6.51	4
New Horizons (centre)	3.00	1
EDI United Democrats (liberal)	2.59	1
ADIK (centre right)	2.15	1
Green Party (green)	1.98	1

The Accession Process

The EU and Cyprus signed an Association Agreement in December 1972 that was complemented by a Protocol concluded in 1987. It constitutes the legal framework for current EU–Cyprus relations.

On 3 July 1990 the Greek Cypriot Side government submitted an application for the accession of the whole of the island to the European Union, despite protests from the TRNC. A Joint Parliamentary Committee (JPC), consisting of members of the European Parliament and of the Chamber of Representatives of Cyprus, was set up in 1991.

In 1993 the Commission concluded that the application was made in the name of the whole island. However, negotiations were conducted without the participation of the TRNC.³⁸

On 6 March 1995, the General Affairs Council Conclusion confirmed Cyprus's suitability for membership and established that accession negotiations with Cyprus would start 6 months after the end of the Intergovernmental Conference. The European Council in Luxembourg (1997) also confirmed that accession negotiations would begin in spring 1998. The accession negotiations started in March 1998 and were completed in December 2002. Substantial accession negotiations, particularly on the adoption and implementation of the EU legislation began in November 1998 and were concluded at the Copenhagen European Council in December 2002. The accession negotiations

³⁸ At Helsinki in December 1999 the EU's Member States agreed that a political settlement of the Cyprus dispute was not a precondition of the country's admission to the European Union. Intense efforts by both the United Nations and the European Union in recent years to solve the Cypriot dispute was proved to be void. The European Council in Brussels of March 2003 regretted that the efforts of the United Nations Secretary General to find a comprehensive settlement of the Cyprus problem have failed. The European Council reaffirms its decisions taken at Copenhagen where it confirmed that Cyprus would be admitted as new Member State to the European Union on 1 May 2004 and underlined its strong preference for accession by a united Cyprus.

included 29 sectorial chapters, the chapter on ‘institutions’ and on the chapter ‘miscellaneous’. Transitional arrangements have been agreed upon in nine chapters. In parallel the European Commission drew up each autumn a Regular Report on the progress of each of the candidate countries on the way towards accession.

On 16 April 2003 the Accession Treaty was signed in Athens paving the way for Greek Cyprus Side becoming Member State of the European Union as from 1 May 2004.³⁹

b) Czech Republic

Facts

Official Name: Czech Republic / Ceska Republika

Area: 78,866 sq km

Population: 10.2 million (2005). About two thirds live in town, and a third in the country. 94% are Czech, 3% Slovak, and the rest are mainly Polish, German, Roma, and Hungarian.

Capital City: Prague

Languages: Czech

Currency: Czech Crown (CZK)

Major political parties: Czech Social Democrat Party (CSSD); Civic Democratic Party (ODS); Communist Party of Bohemia and Moravia (KSCM); Christian and Democratic Union (KDU–CSL); Freedom Union (US–DEU)

Government: Parliamentary Democracy

Head of State: President Václav Klaus (ODS)

Head of Government: Prime Minister Jiri Paroubek (CSSD)

Foreign Minister: Cyril Svoboda (KDU–CSL)

GDP: €86.8bn (2004)

GDP per capita (PPS, EU–25=100): 70.4 (2004)

Annual Growth: 4.4% (2004)

Overview

Following the First World War, the closely related Czechs and Slovaks of the former Austro–Hungarian Empire merged to form Czechoslovakia. During the inter-war years, the new country's leaders were frequently preoccupied with meeting the demands of other ethnic minorities within the republic, most notably the Sudeten Germans and the Ruthenians (Ukrainians). After World War II, a truncated Czechoslovakia fell within the Soviet sphere of influence. With the collapse of Soviet authority in 1989, Czechoslovakia regained its freedom through a peaceful 'Velvet Revolution'. Czechoslovakia was re-established as a free and independent country with the election of Václav Havel as President in December 1989. Less than three years later, the Czech Republic came into being on 1 January 1993 after the Czech and Slovak parliaments passed a resolution in October 1992 creating two separate countries.

Administrative divisions: 13 regions: Jihocesky Kraj, Jihomoravsky Kraj, Karlovarsky Kraj, Kralovehradecky Kraj, Liberecky Kraj, Moravskoslezsky Kraj, Olomoucky Kraj, Pardubicky Kraj, Plzensky Kraj, Stredocesky Kraj, Ustecky Kraj, Vysocina, Zlinsky Kraj

Executive branch: Chief of state is President Vaclav Klaus (since 7 March 2003). Head of government is Prime Minister Jiri Paroubek (since 25 April 2005), Deputy Prime Ministers are Zdenek Skromach (since 4 August 2004), Jiri Havel (since 2 January 2006), Pavel Nemecek (since 4 August 2004), Milan Simonovsky (since 4 August 2004). Cabinet is appointed by the president on the recommendation of the prime minister. President is elected by Parliament for a five-year term; last successful election was held on 28 February 2003 (after earlier elections held on 15 and 24 January 2003 were inconclusive; next election to be held in January 2008). Prime minister is appointed by the president.

Legislative branch: Bicameral Parliament (Parlament) consists of the Senate (Senat of 81 seats whose members are elected by popular vote to serve six-year terms and one-third of which is elected every two years) and the Chamber of Deputies (Poslanecka Snemovna of 200 seats whose members are elected by popular vote to serve four-year terms). Elections for Senate was last held in two rounds 5–6 November

³⁹ A specific protocol on Cyprus is attached to the Accession Treaty which foresees that in the absence of a settlement, the application of the *acquis* shall be suspended to the northern part of the island until the

and 12–13 November 2004 (next to be held on November 2006). Elections for Chamber of Deputies was last held on 2–3 June 2006 (next to be held by June 2010).

TABLE 3.8. Representation of the Political Parties in the Senate and the Chamber of Deputies of the Czech Republic

<i>Senate</i>		<i>Chamber of Deputies</i>		
<i>Party</i>	<i>Seats</i>	<i>Party</i>	<i>%</i>	<i>Seats</i>
ODS	37	ODS	35.4%	81
KDU–CSL	14	CSSD	32.3%	74
Open Democracy	13	KSCM	12.8%	26
CSSD	7	KDU–CSL	7.2%	13
Caucus Open Democracy	7	Greens	6.3%	6
Independents	3	other	6%	

The Accession Process

The Europe Association Agreement which had been signed between Czechoslovakia and the European Union in 1991 had to be renegotiated and the Association Agreement with the Czech Republic came into effect on 1 February 1995. A year later the country submitted a formal application for membership of the EU.

The European Commission responded with the publication of its opinion on 15 July 1997, which found that the Czech Republic satisfied the Copenhagen criteria. The Commission concluded that there were no substantial problems in the way of Czech membership (60 per cent of Czech trade was already with the Union), and recommended that negotiations with the Czech Republic should begin in 1998. (The following year the country became a member of NATO.)

With one of the highest standards of living of all Central and Eastern European countries, the Czech Republic was one of the forerunners amongst its neighbours during this round of enlargement negotiations.

After signing the accession treaty in Athens on 16 April 2003 the Czech Republic became a full member of the EU on 1 May 2004.

c) Estonia

Facts

Official Name: Republic of Estonia / Eesti Vabariik

Area: 45,227 sq km

Council decides unanimously otherwise, on the basis of a proposal by the Commission.

Population: 1.35 million (2005) 80% citizens of Estonia, 7% citizens of other countries and 13% stateless. Also Estonians (67.9%), Russians (25.6%), Ukrainians (2.1%), Belorussians (1.2%), Finns (0.9%), others (2.3%)

Capital City: Tallinn

Languages: Estonian (the official language), Russian

Currency: Kroon

Major political parties: Estonian Centre Party (K); Union for the Republic–Res Publica (RP); Estonian Reform Party (ER); Estonian People’s Union (ERL); Fatherland Union (IL); Social Democratic Party (SDE)

Government: Parliamentary Democracy

President: President Arnold Rüütel (ERL)

Head of Government: Prime Minister Andrus Ansip (RE)

Foreign Minister: Urmas Paet (RE)

GDP: €9.0bn (2004)

GDP per capita (PPS, EU25=100): 51.3 (2004)

Annual Growth: 7.8% (2004)

Overview

The independent Republic of Estonia was born in the aftermath of the First World War in 1918 (after centuries of Danish, Swedish, German, and Russian rule), when it broke away from the Russian empire. The Proclamation of Independence was followed by the War of Independence in 1918–1920. Estonia survived for twenty years as an independent country largely on the basis of the export of farm produce, while it attempted to establish its identity as a nation. But the outbreak of World War II disturbed the peaceful development of the country, which was subsequently occupied by the Soviet Union (1940–41, 1944–1991) and Nazi Germany (1941–1944). A resurgence of Estonian national identity began in the late 1980s. The most visible (but peaceful) protests occurred in 1988 when large numbers of Estonians came together to sing national songs in the so-called ‘singing revolution’. It was held as a subject state until November 1989, when the Estonian Supreme Soviet declared the annexation illegal. Following the attempted coup in Moscow in August 1991, Estonia unilaterally declared the restoration of its independence, and was quickly recognised by other countries. A new constitution was elaborated on the basis of the principles of a

parliamentary republic. On 28 June 1992 the constitution was approved in a referendum, and was subsequently enforced on 3 July 1992.

Administrative divisions: 15 counties (and their administrative center name is stated in parantheses): Harjumaa (Tallinn), Hiiumaa (Kardla), Ida–Virumaa (Johvi), Jarvamaa (Paide), Joge vamaa (Jogeva), Laanemaa (Haapsalu), Laane–Virumaa (Rakvere), Parnumaa (Parnu), Polvamaa (Polva), Rapl amaa (Rapla), Saaremaa (Kuressaare), Tartumaa (Tartu), Valgamaa (Valga), Viljandimaa (Viljandi), Vorumaa (Voru)

Executive branch: Chief of state is President Arnold Ruutel (since 8 October 2001). Head of government is Prime Minister Andrus Ansip (since 12 April 2005). Council of Ministers is appointed by the prime minister and approved by Parliament. President is elected by Parliament for a five–year term; if a candidate does not secure two–thirds of the votes after three rounds of balloting in the Parliament, then an electoral assembly (made up of Parliament plus members of local governments) elects the president, choosing between the two candidates with the largest percentage of votes. Election was last held on 21 September 2001 (next to be held in the fall of 2006). Prime minister is nominated by the president and approved by Parliament.

Legislative branch: Unicameral Parliament (Riigikogu) consists of 101 seats whose members are elected by popular vote to serve four–year terms. Last election was held on 2 March 2003 (next to be held in March 2007).

TABLE 3.9. Representation of the Political Parties in the Parliament of Estonia:

<i>Parties</i>	<i>percentage</i>	<i>Seats</i>
Center Party of Estonia	25.4%	20
Res Publica	24.6%	26
Estonian Reform Party	17.7%	19
Estonian People’s Union	13%	13
Pro Patria Union (Fatherland League)	7.3%	7
People’s Party Moodukad	7%	6
non–affiliated (Social Liberals and independents)		10

The Accession Process

Estonia submitted its application to accede to the EU in November 1995.

Europe Agreement (the association agreement between the European Communities and its member states and the Republic of Estonia) was concluded on 12 June 1995 and entered into force on 1 February 1998. A free trade agreement which was

incorporated into the Europe Agreement was concluded on 18 July 1994 and entered into force on 1 January 1995.

The 1997 Luxembourg European Council agreed to start negotiations in March 1998.

The negotiations were concluded at Copenhagen in December 2002. More information on the negotiations can be found [here](#).

The draft Accession Treaty was approved by the Estonian Government on 8 April 2002. President Arnold Rüütel and Foreign Minister Kristiina Ojuland participated in the signing of the Treaty in Athens on 16 April 2003.

A referendum on Estonia's entry into the EU was held on 14 September 2003. The ballot carried first of all the text of the new "Third Act" to the Constitution, establishing legal basis for accession. It was followed by the question: "Do you support accession to the European Union and adoption of a law of amendments to the constitution of the Republic of Estonia?" and two answers: "Yes" and "No". Turnout was 64.02% and 66.84% of the voters supported EU accession. The Parliament ratified the Accession Treaty by simple majority.

Following the signing of the accession treaty in Athens on 16 April 2003 and the ratification procedure, Estonia joined the European Union along with nine other countries on 1 May 2004.

d) Hungary

Facts

Official Name: Republic of Hungary / Magyar Koztarsasag

Area: 93,030 sq km

Population: 10.1 million (2005) 63.7% urban population, 36.3% rural population. Also Hungarian (96,6%) and 13 officially recognised and registered minorities: German, Gypsies, Croats, Slovaks, Romanians, Bulgarians, Greeks, Polish, Armenian, Ruthens, Serbs, Ukrainian, Slovenian.

Capital City: Budapest

Languages: Hungarian 98.2%, other 1.8%

Currency: Forint

Major political parties: Hungarian Socialist Party (MSZP), Hungarian Citizens' Union (MPSZ); Hungarian Democratic Forum (MPF); Union of Free Democrats (SzDSz)

Government: Unicameral Parliamentary Democracy

Head of State: President László Sólyom (independent)

Head of Government: Prime Minister Ferenc Gyurcsány (MSZP)

Foreign Minister: Ferenc Somogyi (independent)

GDP: €81.1bn (2004)

GDP per capita (PPS, EU-25=100): 60.2 (2003)

Annual Growth: 4.6% (2004)

Overview

After the World War I and the defeat as an ally of Germany, the Habsburg Empire and the multiethnic Hungarian state fall apart. In 1919, Bela Kun proclaimed the Communist Hungarian Republic of Councils.

Hungary was occupied by the German Wehrmacht in March 1944. Following unsuccessful attempts to leave the alliance with Germany, Regent Horthy was forced to resign and Ferenc Szálasi's fascist Arrow-Cross movement, with substantial German help, took over the power. In 1946, the Peoples' Republic of Hungary was proclaimed. As with many countries in Central and Eastern Europe, Hungary fell under the domination of the Soviet Union at the end of World War II. A Revolution against the communist regime was crushed in 1956. Despite this uprising in 1956, Soviet-backed rule continued until 1989, when the Soviet empire collapsed and the national Assembly declared the country an independent democratic state.

The Central Committee of the Hungarian Social Workers Party agreed on transition to a multi party system if the new organisations accept the leadership of the Party in 1986. Free, multi-party parliamentary elections were held in Hungary for the first time in 43 years, with a turnout of 70% on 25 March 1990. And on 3 August 1990, Arpád Göncz was elected President of the Republic of Hungary by Parliament. The last Soviet soldiers left the country in 1991.

Administrative divisions: 19 counties (Bacs-Kiskun, Baranya, Bekes, Borsod-Abauj-Zemplen, Csongrad, Fejer, Gyor-Moson-Sopron, Hajdu-Bihar, Heves, Jasz-Nagykun-Szolnok, Komarom-Esztergom, Nograd, Pest, Somogy, Szabolcs-Szatmar-

Bereg, Tolna, Vas, Veszprem, Zala), 20 urban counties (Bekescsaba, Debrecen, Dunaujvaros, Eger, Gyor, Hodmezovasarhely, Kaposvar, Kecskemet, Miskolc, Nagykanizsa, Nyiregyhaza, Pecs, Sopron, Szeged, Szekesfehervar, Szolnok, Szombathely, Tatabanya, Veszprem, Zalaegerszeg).

Executive branch: Chief of state is Laszlo Solyom (since 5 August 2005) and head of government is Prime Minister Ferenc Gyurcsany (since 29 September 2004). Council of Ministers is elected by the National Assembly on the recommendation of the president. President is elected by the National Assembly for a five-year term (to be elected, the president must win two-thirds of legislative vote in the first two rounds or a simple majority in the third round) and the election was last held on 6–7 June 2005 (next to be held by June 2010). Prime minister is elected by the National Assembly on the recommendation of the president and the election was last held on 29 September 2004.

Legislative branch: Unicameral National Assembly (Orszaggyules) of 386 seats whose members are elected by popular vote under a system of proportional and direct representation to serve four-year terms has the legislative power. The last election was held on 9 and 23 April 2006 (next to be held in April 2010). 5% or more of the vote is required for parliamentary representation in the first round.

TABLE 3.10. Representation of the Political Parties in the National Assembly of Hungary:

<i>Parties</i>	<i>percentage</i>	<i>seats</i>
MSzP	43.2%	190
Fidesz–KDNP	42%	141 and 23
SzDSz	6.5%	20
MDF	5%	11
other	3.3%;	1

The Accession Process

Hungary concluded an Association Agreement with the European Communities in December 1991, which has been in force since 1 February 1994. The Agreement covers trade-related issues, political dialogue, legal approximation and other areas of co-operation, including industry, environment, transport and customs and aims at progressively establishing a free-trade area between the EU and Hungary.

Hungary submitted its application for membership in the European Union on 31 March 1994. Hungary was the first country of the region to formally apply for EU membership.

At the Luxembourg European Council in December 1997 it was finally decided to launch the accession negotiations with six of the applicant countries, among them Hungary.

The negotiations with Hungary were launched on 30 March 1998. (The negotiating process has been accompanied by regular meetings of a number of bodies under the Europe Agreement, such as the Association Council and the Association Committee, the EP–Hungary Joint Parliamentary Committee. These provide the occasion to review progress in Hungary’s preparations for accession, notably in the light of the Accession Partnership priorities, and in bilateral relations under the Europe Agreement. In addition, a system of eight sub–committees was established as a forum for technical discussions.)

In December 2000, the European Council in Nice endorsed a ‘roadmap’ for the completion of the negotiations, including a calendar for dealing with all topics (so-called ‘chapters’) over three Presidencies from the beginning of 2001 to mid–2002. The intention was to enable the fulfilment of the European Council’s determination (stated at Laeken in December 2001) to bring the accession negotiations with the candidate countries that are ready to a successful conclusion by the end of 2002, so that those countries can take part in the European Parliament elections in June 2004 as members following ratification of the accession treaty by the European Parliament and the Parliaments of the 15 Member States and of the candidate country.

On 9 October 2002, the Commission considered that 10 candidate countries including Hungary will have fulfilled the economic and *acquis* criteria and will be ready for membership from the beginning of 2004, bearing in mind the progress achieved by these countries, the track record in implementing their commitments, and taking into account their preparatory work in progress. The Copenhagen European Council which was held in December 2002 endorsed the recommendations of the Commission and it was decided that the accession negotiations were concluded with 10 candidate countries, including Hungary.

In early December 2003, an agreement was reached between the Parliamentary parties to hold the Referendum on accession on 12 April 2003, four days before the Accession Treaty will be signed in Athens. Hungary will thus be the third new Member State holding the Referendum after Malta and Slovenia. Around 84% of the Hungarian population voted in favour of EU accession, while the participation was rather low with less than 46%. The final text of the Accession Treaty was agreed in early February 2003.

The Prime Minister and the Foreign Minister signed the Accession Treaty in a solemn ceremony in Athens on 16 April 2003, and the President of the Republic signed the Hungarian law promulgating the Accession Treaty.

e) Latvia

Facts

Official Name: Republic of Latvia / Latvijas Republika

Area: 64,100 sq km

Population: 2.3 million (2005) Distribution 69 % urban population, 31 % rural population. Also Latvian origin 58.2%, Russian origin 29.2%, other origins (Belarussian, Ukrainian, Polish, Lithuanian, others)

Capital City: Riga

Languages: Latvian (state language), Russian

Currency: Lat

Major political parties: New Era (JL); People's Party (TP); People's Harmony Party (TSP); Latvia's First Party (LPP); Centre Party–Latvian Peasants Union (LZS); Alliance Fatherland and Freedom (TB/LNNK); Equal Rights Movement (LS); Latvian Socialist Party (LSP); Latvian Green Party (LZP)

Government: Parliamentary Democracy

Head of State: President Vaira Vike–Freiberga

Head of Government: Prime Minister Aigars Kalvitis (TP)

Foreign Minister: Artis Pabriks (TP)

GDP: €11.2bn (2004)

GDP per capita (PPS, EU25=100): 42.9 (2004)

Annual Growth: 9.8% (2004)

Overview

In November 1918, after the end of World War I, Latvia proclaimed its independence which was recognised in a peace treaty with the Soviet Union in August 1920. In October 1939, Soviet troops arrived in Latvia, and as of June 1940, the country was effectively occupied. A year later, Nazi Germany took over until 1944–1945 when the Soviet regime was restored and Latvia was annexed by the USSR. During both occupations, many people were deported or fled, and economic structures were destroyed. Later on, With the new policies and openness introduced by Mr Gorbachev, the Soviet Republics, including Latvia, obtained i.a some economic autonomy and Latvian identity gradually manifested itself again.

Finally in August 1991, Latvia regained its independence. This was followed by the installation of democracy and of a market economy. An intensive co-operation emerged with democratic nations, including and foremost European Countries and the European Union.

Administrative divisions: 26 counties (Aizkraukles Rajons, Aluksnes Rajons, Balvu Rajons, Bauskas Rajons, Cesu Rajons, Daugavpils Rajons, Dobeles Rajons, Gulbenes Rajons, Jekabpils Rajons, Jelgavas Rajons, Kraslavas Rajons, Kuldigas Rajons, Liepajas Rajons, Limbazu Rajons, Ludzas Rajons, Madonas Rajons, Ogres Rajons, Preilu Rajons, Rezeknes Rajons, Rigas Rajons, Saldus Rajons, Talsu Rajons, Tukuma Rajons, Valkas Rajons, Valmieras Rajons, Ventspils Rajons,) and seven municipalities (Daugavpils, Jelgava, Jurmala, Liepaja, Rezekne, Riga, Ventspils)

Executive branch: Chief of state is President Vaira Vike-Freiberga (since 8 July 1999). Head of government is Prime Minister Aigars Kalvitis (since 2 December 2004). Council of Ministers is nominated by the prime minister and appointed by the Parliament. President is elected by Parliament for a four-year term; and the election was last held on 20 June 2003 (next to be held by June 2007). Prime minister is appointed by the president.

Legislative branch: Unicameral Parliament (Saeima) of 100 seats whose members are elected by direct, popular vote to serve four-year terms has the legislative powers. Last election was held on 5 October 2002 (next to be held on 7 October 2006).

TABLE 3.11. Representation of the Political Parties in the Parliament of Latvia:

<i>parties</i>	<i>percentage</i>	<i>seats</i>
JL	23.9%	24
PCTVL	19%	6
TP	16.6%	20
ZZS	9.4%	12
First Party	9.5%	
TB/LNNK	5.4%;	7
LPP		14
TSP		8
LSP		5
Independents		4

The Accession Process

The Trade and commercial and economic co-operation agreement negotiated between the European Community and Latvia entered into force in March 1993. With reference to commitments taken in the Conference for Co-operation and Security in Europe (i.a. Helsinki Final Act; Charter of Paris for a New Europe), the agreement included a clause on the respect of democracy and of human rights.

Free Trade Agreement entered into force in January 1995. It included the reciprocal abolition of both tariffs and quantitative trade restrictions for all goods, except for most agricultural products which are subject to a preferential treatment. The abolition of barriers was “asymmetric” meaning that the EU introduced its concessions earlier than Latvia. As of January 1995, almost all EU trade restrictions were abolished; Latvia had four years to achieve this. The agreement also included the introduction by Latvia of competition rules, including state aid legislation, similar to those applying in the EU, as well as the enforcement structures.

Latvia submitted an application for membership of the European Union on 27 October 1995.

The European Agreement was signed in June 1995 and entered into force in February 1998. In addition to the trade and trade-related dispositions of the Free Trade Agreement, this association agreement provided for reciprocal liberalisation of trade in most services, for opening of public procurement markets, for “national treatment” of enterprises for their establishment and operations in the territory of the other party to the Agreement, and for economic, financial and cultural co-operation. An Association Council (ministers), an Association Committee (high officials) and its sub-committees, and a Parliamentary Association committee were established to manage the

implementation of the Agreement. Additional protocols to the Europe Agreement were also concluded.

Commission gave its opinion on Latvia's application for EU membership in July 1997. It concluded that accession negotiations should be opened as soon as Latvia had made sufficient progress in satisfying the conditions of membership. The conclusion was endorsed at the European Council in December 1997.

The European Commission had initially turned down the Latvian application but following concerted efforts by the Latvian government, including the adoption of the National Programme for the Adoption of the Acquis (NPAA) on 28 March 1998, EU Member States decided to start accession talks with Latvia in February 2000.

Bilateral screening of the acquis started in March 1999 for the technical examination of Latvia's position vis-à-vis the body of the EU legislation rules and practices.

The Commission adopted the "Accession Partnership" which sets out the priorities for Latvia's EU accession preparation and brought together all the different forms of EU support within a single framework in October 1999. It was revised in February 2000, and a new "Accession Partnership" was adopted in November 2001.

Formal EU accession negotiations were opened in February 2000 and concluded at the European Council in Copenhagen in December 2002.

The Accession Treaty with Latvia was signed in Athens on 16 April 2003 and the country became a full member of the EU on 1 May 2004.

Latvia put forth a referendum on EU accession in September 2003 and the people voted 69% favour of the accession.

f) Lithuania

Facts

Official Name: Republic of Lithuania / Lietuvos Respublika

Area: 65,200 sq km

Population: 3.4 million (2005) 83% ethnic Lithuanians; 6.7% of Polish origin; 6.3% of Russian origin

Capital City: Vilnius

Languages: Lithuanian (state language), Russian

Currency: Litas

Major political parties: Labour Party (DP); Fatherland Union (TS); Lithuanian Social Democratic Party (LSDP); Liberal and Centre Union (LiCS); Liberal Democratic Party (LDP); New Union–Social Liberals (NS); Peasants' and New Democracy Union (VNDS)

Government: Parliamentary Democracy

Head of State: President Valdas Adamkus

Head of Government: Prime Minister Algirdas Brazauskas (LSDP)

Foreign Minister: Antanas Valionis (independent)

GDP: €18.1bn (2004)

GDP per capita (PPS, EU25=100): 47.9 (2003)

Annual Growth: 7.0% (2004)

Overview

On 16 February 1918, the State of Lithuania was restored (now February 16 is the main national holiday of Lithuania) but Vilnius, then in the hands of Poland, ceased to be the capital in favour of Kaunas. Parliamentary democracy did not survive long and an authoritarian regime was established in 1926 by Antanas Smetona.

After the outbreak of the Second World War, Lithuania was occupied three times: in 1940 by the USSR as a consequence of the Molotov–Ribbentrop pact of 1939, in 1941 by Nazi Germany and by the USSR again in 1944 (an occupation which lasted until 1990).

The 1985 Gorbachev's 'Perestroika' had a crucial impact in Lithuania and its liberalisation process, the 'Singing Revolution'. In June 1988, the first organised opposition to the Communist Party, the Sajudis, was founded and participated in elections to the Congress of Peoples' Deputies, the highest body of the Soviet administration. On 24 February 1990, Sajudis won 106 seats out of a total of 114 in the local Supreme Council elections: the Council restored Lithuania's independence on 11 March 1991. Moscow refused to accept this vote and attempted, on 13 January 1991 while the world's attention was focused on the Iraqi war, to overthrow Lithuania's legitimate Government. The crackdown, carried out by armed forces against unarmed citizens, resulted in 14 deaths at the now historical TV tower. Lithuania, which was the

first Baltic State to restore independence, paved the way for a peaceful and bloodless restoration process in Latvia and Estonia.

Administrative divisions: 10 counties: Alytaus, Kauno, Klaipedos, Marijampoles, Panevezio, Siauliu, Taurages, Telsiu, Utenos, Vilniaus.

Executive branch: Chief of state is President Valdas Adamkus (since 12 July 2004). Head of government is Prime Minister Zigmantas Balcytis (since 1 June 2006). Council of Ministers is appointed by the president on the nomination of the prime minister. President is elected by popular vote for a five-year term and election was last held on 13 and 27 June 2004 (next to be held June 2009). Prime minister is appointed by the president on the approval of the Parliament.

Legislative branch: Unicameral Parliament (Seimas) of 141 seats has the legislative power. 71 members are directly elected by popular vote, 70 are elected by proportional representation; members serve four-year terms. Elections was last held on 10 and 24 October 2004 (next to be held in October 2008).

TABLE 3.12. Representation of the Political Parties in the Parliament of Lithuania:

<i>parties</i>	<i>percentage</i>	<i>seats</i>
Labor	28.6%	39
Working for Lithuania (Social Democrats and Social Liberals)	20.7%	22 and 10
TS 14.6%, For Order and Justice (Liberal Democrats and Lithuanian People's Union)	11.4%	10 and 9
Liberal and Center Union	9.1%	8
Farmers and New Democracy Union	6.6%	10
Other	9%	7

The Accession Process

Official relations and co-operation between Lithuania and the European Community started on 27 August 1991 when the European Community recognised the independence of Lithuania. On 11 May 1992, Lithuania and the European Community signed the Agreement on Trade and Commercial and Economic Co-operation, which came into force on 1 February 1993, and adopted the Declaration on a Political Dialogue between the EC and the Republic of Lithuania.

On 18 July 1994, a Free Trade Agreement between the EU and Lithuania was signed. At the end of the same year, i.e. on 16 December 1994, negotiations on the Europe Agreement started, ending in April the following year. The Europe Agreement, which forms the basis of trade relations between the EU and the candidate countries and

aims to bring down barriers to trade, was signed on 12 June 1995, and came into force on 1 February 1998.

The Europe Agreement replaced the Agreement on Free Trade and Trade-Related Matters, and changed the Agreement on Trade and Commercial and Economic Co-operation. Critically, it recognised Lithuania's aspiration to become a member of the European Union and created conditions for Lithuania's participation in the Pre-accession Strategy for Candidate Countries. It also provides for regulations, according to which movement of goods, services, capital and persons is being liberalised, as well as regulations on co-operation in law harmonisation, finance, environmental protection, culture and other areas.

On 8 December 1995 the Government of the Republic of Lithuania submitted an official membership application.

In its July 1997 Opinion, the Commission noted that, on the basis of current levels of readiness, only the Czech Republic, Estonia, Hungary, Poland and Slovenia would be ready for EU membership within five years. After the European Commission issued its opinion on the application, an Accession Partnership with Lithuania was adopted on 25 March 1998. The Partnership sets priority areas for reform to help Lithuania prepare for accession.

In December 1999, European leaders agreed at the Helsinki European Council to start accession talks with Lithuania in February 2000. On 15 February 2000, Lithuania started negotiations for EU membership

These negotiations were concluded at the Copenhagen European Council on 13 December 2002.

The Accession Treaty was signed in Athens on 16 April 2003, paving the way for Lithuania to become a full EU member on 1 May 2004.

The referendum on EU accession was held on 11 May 2003.

g) Malta

Facts

Official Name: Republic of Malta / Repubblika ta' Malta

Area: 316 sq km

Population: 403,000 (2005) 89% urban

Capital City: Valletta

Languages: Maltese, English

Currency: Maltese Lira (Lm)

Major political parties: Nationalist Party (PN); Malta Labour Party (MLP)

Government: Parliamentary democracy

Head of State: President Edward Fenech-Adami (NP)

Head of Government: Prime Minister Lawrence Gonzi (PN)

Foreign Minister: Michael Frendo (PN)

GDP: €4.3bn (2004)

GDP per capita (PPS, EU25=100): 69.2 (2004)

Annual Growth: 0.1% (2004)

Overview

Great Britain formally acquired possession of Malta in 1814. The island supported the United Kingdom through both World Wars and remained in the Commonwealth when it became independent in 1964. A decade later Malta became a republic. Since about the mid-1980s, the island has transformed itself into a freight transshipment point, a financial centre, and a tourist destination.

Administrative divisions: None.

Executive branch: Chief of state is President Edward Fenech Adami (since 4 April 2004). Head of government is Prime Minister Lawrence Gonzi (since 23 March 2004). Cabinet is appointed by the president on the advice of the prime minister. President is elected by the House of Representatives for a five-year term and election was last held on 29 March 2004 (next to be held by April 2009). Following legislative elections, the leader of the majority party or leader of a majority coalition is usually appointed prime minister by the president for a five-year term; the deputy prime minister is appointed by the president on the advice of the prime minister

Legislative branch: Unicameral House of Representatives of usually 65 seats has the legislative power. Additional seats are given to the party with the largest popular vote to ensure a legislative majority. Members are elected by popular vote on the basis of proportional representation to serve five-year terms. Elections was last held on 12 April 2003 (next to be held by August 2008).

TABLE 3.13. Representation of the Political Parties in the House of Representatives of Malta:

Parties	percentage	Seats
PN	51.7%	34
MLP	47.6%	31
AD	0.7%	

The Accession Process

Diplomatic relations between the European Union and Malta were established as early as 1970, when an Association Agreement which was signed and created a customs union between the two parties, entered into force in April 1971. It constituted the legal framework for EU–Malta relations and provided for the creation of a customs union in two five–years stages.

Malta applied for membership to the EU on 16 July 1990 and the European Commission adopted a positive opinion in June 1993. However, the process of Malta’s accession was halted with the election of a new government in October 1996 under the leadership of Prime Minister Sant, who decided to freeze his country’s application for EU membership.

On 10 September 1998, after new elections and with a new government in place, Malta informed the Council of its wish to re–activate its application for membership of the European Union.

Accession negotiations officially started with Malta in March 2000 during the Portuguese Presidency, and were concluded at the Copenhagen European Council on 13 December 2002.

Following the signing of the Accession Treaty in Athens on 16 April 2003, Malta became the EU’s smallest Member State on 1 May 2004.

h) Poland

Facts

Official Name: Republic of Poland / Rzeczpospolita Polska

Area: 312,000 sq. km

Population: 38.2 million (2005) 98% are ethnic Poles. Poland recognises 13 national or ethnic minorities some of which are German (0.4%), Belarusian (0.1%), Ukrainian (0.1%), and unspecified 2.7%

Capital City: Warsaw

Languages: Polish

Currency: Zloty

Major political parties: Law and Justice (PiS); Civic Platform (PO); Self-defence (SO); Alliance of the Democratic Left (SLD); League of Polish Families (LPR); Polish People's Party (PSL)

Government: Bicameral parliamentary democracy

Head of State: President Lech Kaczynski (PiS)

Head of Government: Prime Minister Kazimierz Marcinkiewicz (PiS)

Minister of Foreign Affairs: Stefan Meller

GDP: €203.7bn (2004)

GDP per capita (PPS, EU-25=100): 48.9 (2004)

Annual Growth: 5.3% (2004)

Overview

The country gained independence in 1918 for only 20 years and then overrun by Germany and the Soviet Union in World War II. It became a Soviet satellite state following the war, but its government was comparatively tolerant and progressive. Labour turmoil in 1980 led to the formation of the independent trade union 'Solidarity' that over time became a political force and by 1990 had swept parliamentary elections and the presidency. Poland played an important role in triggering the eventual breakdown of Communism in Central and Eastern Europe. In the Solidarity Movement and the Round Table negotiations during the late 1980s.

In 1989 the first partially free elections in Poland's post-war history concluded the Solidarity movement's ten-year struggle for freedom and resulted in the defeat of Poland's communist rulers.

Administrative divisions: 16 provinces (Dolnoslaskie, Kujawsko-Pomorskie, Lodzkie, Lubelskie, Lubuskie, Malopolskie, Mazowieckie, Opolskie, Podkarpackie, Podlaskie, Pomorskie, Slaskie, Swietokrzyskie, Warminsko-Mazurskie, Wielkopolskie, Zachodniopomorskie).

Executive branch: Chief of state is President Lech Kaczynski (since 23 December 2005). Head of government is Prime Minister Kazimierz Marcinkiewicz (since 31 October 2005) and Deputy Prime Ministers are Ludwik Dorn (since 23 November 2005), Zyta Gilowska (since 7 January 2006), Roman Giertych (since 5 May

2006), Andrzej Lepper (since 5 May 2006). Council of Ministers is responsible to the prime minister and the Sejm. Prime minister proposes, president appoints, and the Sejm approves the Council of Ministers. President is elected by popular vote for a five-year term and election was last held on 9 and 23 October 2005 (next to be held October 2010). Prime minister and deputy prime ministers is appointed by the president and confirmed by the Sejm.

Legislative branch: Bicameral legislature consists of an upper house, the Senate (Senat) of 100 seats whose members are elected by a majority vote on a provincial basis to serve four-year terms and a lower house (Sejm) of 460 seats whose members are elected under a complex system of proportional representation to serve four-year terms. The designation of National Assembly or Zgromadzenie Narodowe is only used on those rare occasions when the two houses meet jointly. Last election for Senat was held on 25 September 2005 (next to be held by September 2009) and last election for Sejm elections was last held on 25 September 2005 (next to be held by September 2009).

TABLE 3. 14. Representation of the Political Parties in the Senate and the Lower House of Poland:

<i>Parties</i>	<i>Senat</i>		<i>Sejm</i>	
	<i>seats</i>	<i>percentage</i>	<i>seats</i>	<i>percentage</i>
PiS	49	27%	155	
PO	34	24.1%	133	
LPR	7	8%	34	
SO	3	11.4%	56	
PSL	2	7%	25	
SDL		11.3%	55	
independents	5	11.2%		
German minorities (two seats are assigned to ethnic minority parties in the Sejm only)			2	

The Accession Process

The first diplomatic relations between the European Union and Poland were already established in 1988, with the signing of a Trade and Economic Co-operation Agreement. In the same year, the Council of Ministers agreed to launch the PHARE programme of assistance for Hungary and Poland.

In 1991, an Association Agreement was signed, aimed at establishing a free trade area over a period of 10 years and instituting a permanent dialogue at the highest governmental levels.

On 5 April 1994, Poland applied for EU membership and accession negotiations began in March 1998, with the most difficult issues being Polish state aid to industry and the impact of the accession on the EU's Common Agricultural Policy–CAP.

Accession talks were concluded at the Copenhagen European Council on 13 December 2002.

The Accession Treaty was signed with Poland on 16 April 2003 at the Athens European Council and Poland became a EU member state after the ratification of the treaty according its domestic law.

i) Slovakia

Facts

Official Name: Slovak Republic / Slovenska Republika

Area: 49,000 sq km

Population: 5.4 million (2005). Slovak (85.8%), Hungarian (9.7%), Roma (1.7%)

Capital City: Bratislava

Language(s): Slovak (official), Hungarian

Currency: Slovak Crown (Koruna) (£1=SK 55)

Major political parties: Movement for a Democratic Slovakia (HzDS); Slovak Democratic and Christian Union (SDKU); Direction (SMER); Hungarian Coalition Party (MK); Christian Democratic Movement (KDH); Alliance of New Citizen (ANO); Communist Party of Slovakia (KSS)

Government: Republic

Head of State: President Ivan Gasparovic

Prime Minister/Premier: Prime Minister Mikulás Dzurinda (SDKU)

Foreign Minister: Eduard Kukan (SDKU)

GDP: €33.1bn (2004)

GDP per capita (PPS, EU–25=100): 51.9 (2004)

Annual Growth: 5.5% (2004)

Overview

In 1918 the Slovaks joined the closely related Czechs to form Czechoslovakia. Following the chaos of World War II, Czechoslovakia became a Communist nation

within Soviet-ruled Eastern Europe. Soviet influence collapsed in 1989 and Czechoslovakia once more became free.

The Slovaks and the Czechs agreed to separate peacefully on 1 January 1993. Following the dissolution of Czechoslovakia into the Czech and Slovak Republics, the existing agreements between the European Community and the former Czechoslovak Republic had to be renegotiated. An Association Agreement with the Slovak Republic was signed on 4 October 1993 and entered into force on 1 February 1995, with the aim of providing an appropriate framework to support the Slovak Republic's gradual integration into the Union.

Administrative divisions: 8 regions (Banskobystricky, Bratislavsky, Kosicky, Nitriansky, Presovsky, Trenciansky, Trnavsky, Zilinsky).

Executive branch: Chief of state is President Ivan Gasparovic (since 15 June 2004). Head of government is Prime Minister Mikulas Dzurinda (since 30 October 1998) and Deputy Prime Ministers are Ivan Miklos and Pal Csaky (since 30 October 1998); Deputy Prime Ministers Daniel Lipsic and Jirko Malcharek (since October 2005). Cabinet is appointed by the president on the recommendation of the prime minister. President is elected by direct, popular vote for a five-year term and last election was held on 3 April and 17 April 2004 (next to be held by April 2009). Following National Council elections, the leader of the majority party or the leader of a majority coalition is usually appointed prime minister by the president

Legislative branch: Unicameral National Council of the Slovak Republic (Narodna Rada Slovenskej Republiky) of 150 seats whose members are elected on the basis of proportional representation to serve four-year terms has the legislative power. Election was last held on 20–21 September 2002 (next to be held on 17 June 2006).

TABLE 3. 15. Representation of the Political Parties in the National Council of Slovakia:

<i>Parties</i>	<i>percentage</i>	<i>Seats</i>
HZDS-LS	19.5%	
SDKU	15.1%	23
Smer	13.5%	27
SMK	11.2%	20
KDH	8.3%	15
ANO	8%	10
KSS	6.3%	9

The Accession Process

Slovakia's official request for accession to the European Union was presented on 27 June 1995 and two years later the European Commission issued its opinion on Slovakia's membership application, declaring that Slovakia did not fulfill in a satisfying manner the political conditions set out by the European Council in Copenhagen.

However, after the publication of the first Progress Report on 4 November 1998, the European Commission proposed to conclude an Accession Partnership agreement with Slovakia to strengthen their relationship.

At the end of 1999, the Council decided to start accession talks with Slovakia in February 2000 and following concerted efforts by the Slovakian government, accession negotiations were formally concluded with Slovakia at the Copenhagen European Council on 13 December 2002.

The Accession Treaty was signed on 16 April 2003 at the Athens European Council and Slovakia became a full EU member on 1 May 2004.

j) Slovenia

Facts

Official Name: Republic of Slovenia / Republika Slovenija

Area: 20,273 sq km

Population: 2.0 million (2005)

Capital City: Ljubljana

Languages: Slovene; in nationally mixed areas also Italian and Hungarian

Currency: Tolar

Major political parties: Slovenian Democratic Party (SDS); Liberal Democracy of Slovenia (LDS); United List of Social Democrats (ZLSD); New Slovenia–Christian People's Party (NSI); Slovenian People's Party (SLS); Slovenian National Party (SNS); Democratic Pensioners' Party of Slovenia (DeSUS)

Government: Parliamentary Democracy

Head of State: President Janez Drnovsek (LDS)

Head of Government: Prime Minister Janez Jansa (SDS)

Foreign Minister: Dimitrij Rupel (SDS)

GDP: €26.1bn (2004)

GDP per capita (PPS, EU-25=100): 79.2 (2004)

Annual Growth: 4.2% (2004)

Overview

The most northerly of the former Yugoslav republics, Slovenia has faced repeated attempts at annexation, division and invasion since the collapse of the Austro-Hungarian empire in World War I.

After World War I it was absorbed in the Kingdom of the Serbs, Croats, and Slovenes (renamed the Kingdom of Yugoslavia in 1929). Then in 1941, during World War II, Germany, Hungary, and Italy divided the territory among themselves. In spite of forced transfers of populations during the war, since 1945 most Slovenes have lived in the Slovenian republic, which in 1947 also acquired Slovenian-speaking districts on the Adriatic Sea (in Istria) from Italy.

Slovenia declared its independence from Yugoslavia in June 1991, and after defeating the Serb-dominated Yugoslav People's Army in a ten-day war, it quickly won international recognition. It had been the most liberal republic within the former Yugoslav federation, and always the most prosperous region, and it has made a smooth transition towards pluralist democracy and a market economy.

Slovenia held the first multiparty elections in Yugoslavia since World War II in April 1990. The winning coalition called for independence, and nearly 90 percent of Slovenia's population voted for independence in a referendum in December 1990.

In 1991, the country issued a declaration of independence amidst fears of Serbian domination as Yugoslavia broke up.

Administrative divisions: 182 municipalities (Ajdovscina, Beltinci, Benedikt, Bistrica ob Sotli, Bled, Bloke, Bohinj, Borovnica, Bovec, Braslovce, Brda, Brezice, Brezovica, Cankova, Cerklje na Gorenjskem, Cerknica, Cerkno, Cerkvenjak, Crensovci, Crna na Koroskem, Crnomelj, Destrižnik, Divaca, Dobje, Dobropolje, Dobrna, Dobrova-Horjul-Polhov Gradec, Dobrovnik-Dobronak, Dolenjske Toplice, Dol pri Ljubljani, Domzale, Dornava, Dravograd, Duplek, Gorenja Vas-Poljane, Gorisnica, Gornja Radgona, Gornji Grad, Gornji Petrovci, Grad, Grosuplje, Hajdina, Hoce-Slivnica, Hodos-Hodos, Horjul, Hrastnik, Hrpelje-Kozina, Idrija, Ig, Ilirska Bistrica, Ivančna Gorica, Izola-Isola, Jesenice, Jezersko, Jursinci, Kamnik, Kanal, Kidricevo, Kobarid, Kobilje, Kocevje, Komen, Komenda, Kostel, Kozje, Kranjska Gora, Krizevci, Krsko,

Kungota, Kuzma, Lasko, Lenart, Lendava–Lendva, Litija, Ljubno, Ljutomer, Logatec, Loska Dolina, Loski Potok, Lovrenc na Pohorju, Luce, Lukovica, Majsterk, Markovci, Medvode, Menges, Metlika, Mezica, Miklavz na Dravskem Polju, Miren–Kostanjevica, Mirna Pec, Mislinja, Moravce, Moravske Toplice, Mozirje, Muta, Naklo, Nazarje, Odranci, Oplotnica, Ormoz, Osilnica, Pesnica, Piran–Pirano, Pivka, Podcetrtek, Podlehnik, Podvelka, Polzela, Postojna, Prebold, Preddvor, Prevalje, Puconci, Race–Fram, Radece, Radenci, Radlje ob Dravi, Radovljica, Ravne na Koroskem, Razkrižje, Ribnica, Ribnica na Pohorju, Rogasovci, Rogaska Slatina, Rogatec, Ruse, Salovci, Selnica ob Dravi, Semic, Sempeter–Vrtojba, Sencur, Sentilj, Sentjerne, Sentjur pri Celju, Sevnica, Sezana, Skocjan, Skofja Loka, Skofljica, Slovenska Bistrica, Slovenske Konjice, Smarje pri Jelsah, Smartno ob Paki, Smartno pri Litiji, Sodrazica, Solcava, Sostanj, Starse, Store, Sveta Ana, Sveti Andraz v Slovenskih Goricah, Sveti Jurij, Tabor, Tisina, Tolmin, Trbovlje, Trebnje, Trnovska Vas, Trzic, Trzin, Turnisce, Velika Polana, Velike Lasce, Verzej, Videm, Vipava, Vitanje, Vodice, Vojnik, Vransko, Vrhnika, Vuzenica, Zagorje ob Savi, Zalec, Zavrc, Zelezniki, Zetale, Ziri, Zirovnica, Zuzemberk, Zrece) and 11 urban municipalities (Celje, Koper–Capodistria, Kranj, Ljubljana, Maribor, Murska Sobota, Nova Gorica, Novo Mesto, Ptuj, Slovenj Gradec, Velenje) (there may be 45 more municipalities)

Executive branch: Chief of state is President Janez Drnovsek (since 22 December 2002). Head of government is Prime Minister Janez Jansa (since 9 November 2004). Council of Ministers is nominated by the prime minister and elected by the National Assembly. President is elected by popular vote for a five–year term and last election was held on 10 November and 1 December 2002 (next to be held in the fall of 2007). Following National Assembly elections, the leader of the majority party or the leader of a majority coalition is usually nominated to become prime minister by the president and elected by the National Assembly. Election for National Assembly was last held on 9 November 2004 (next National Assembly elections to be held in October 2008).

Legislative branch: Bicameral Parliament consist of a National Assembly (Drzavni Zbor) of 90 seats (40 are directly elected and 50 are selected on a proportional basis. The numbers of directly elected and proportionally elected seats varies with each election; members are elected by popular vote to serve four–year terms) and the

National Council (Drzavni Svet) of 40 seats (this is primarily an advisory body with limited legislative powers; it may propose laws, ask to review any National Assembly decisions, and call national referenda; members—representing social, economic, professional, and local interests—are indirectly elected to five-year terms by an electoral college). Election for National Assembly was last held on 3 October 2004 (next to be held in October 2008).

TABLE 3. 16. Representation of the Political parties in the National Assembly of Slovakia:

<i>parties</i>	<i>percentage</i>	<i>seats</i>
SDS	29.1%	29
LDS	22.8%	23
ZLSD	10.2%	10
NSi	9%	9
SLS	6.8%	7
SNS	6.3%	6
DeSUS	4.1%	4
other	11.7%	
Hungarian and Italian minorities		1 each

The Accession Process

The country was formally recognised by the European Union in January 1992 and a Co-operation Agreement two parties entered into force on 1 September 1993.

It signed an Association Agreement with the EU in 1996 covering trade issues, political dialogue and co-operation in a number of areas. A Europe agreement was signed on 10 June 1996, the same day as Slovenia submitted an official request for accession to the European Union. An Interim Agreement implementing the trade provisions of the Europe Agreement entered into force in January 1997. The Europe Agreement entered into force in February 1999.

The Commission Opinion was issued in 1997 and Slovenia started negotiations in March 1998. In the negotiations Slovenia requested and was granted a very limited number of transitional periods—this proves that Slovenia is already well prepared for implementing the *acquis*. Negotiations with Slovenia were concluded in December 2002 in the Copenhagen Summit.

One year later, the European Commission issued its opinion on Slovenia's membership application and accession talks with Slovenia began in the spring of 1998.

A referendum on EU accession was held on March 23, 2003, and 90% voted in favour of accession to the EU (the turnout was 60%).

3.2. EUROPEAN PARLIAMENT ELECTIONS 2004

European Parliament Elections in General

The founding Treaties⁴⁰ had provided for the possibility of election by direct universal suffrage. On 17 May 1960, the European Parliamentary Assembly approved a *resolution for the adoption of a draft agreement on the election of the Assembly by direct universal suffrage*. The draft was forwarded to the Councils of the European Communities, but no further action was taken. During the time in which the draft was pending for a Council decision, the Members of the Parliament (MEPs) were designated by the national parliaments, in accordance with the procedure laid down by each Member State.

On the basis of the agreement reached at the 1974 Paris Summit and of a new draft agreement forwarded to it by the European Parliament, the Council adopted the decision relating to *the Act concerning the election of the representatives of the Assembly by direct universal suffrage on 20 September 1976*. The first elections for 410 MEPs took place on 7 and 10 June 1979.⁴¹ In reality, these were not ‘European’ elections but national elections held to elect MEPs.⁴²

The accession of Greece in 1981 and of Spain and Portugal in 1986 increased the number of seats, but did not change the allocation of the seats for the older Member States.⁴³

The Council adopted a decision amending the 1976 Act on 1 February 1993 in order to implement the conclusions of the December 1992 Edinburgh European Council relating to the allocation of seats in the European Parliament. The Decision amending the 1976 Act was implemented during the 1994 June elections.⁴⁴

⁴⁰ Article 138 of the EEC Treaty, Article 21 of the ECSC Treaty and Article 108 of the Euratom Treaty establishing the European Atomic Energy Community (EAEC).

⁴¹ The allocation of seats in the Parliament after the 1979 election was as follows: Belgium 24 seats, Denmark 16 seats, Germany 81 seats, France 81 seats, Ireland 15 seats, Italy 81 seats, Luxembourg 6 seats, Netherlands 25 seats, and United Kingdom 87 seats.

⁴² Christiaan Ziccardi, *An Analysis of the European Parliament's electoral arrangements*, Dissertation for the degree of Master in European Politics and Policies, Leuven: Katholieke Universiteit Leuven, Academic Year 2004–2005, p. 4.

⁴³ Greece was allocated 25, Spain 60 and Portugal 24 seats.

⁴⁴ With the Decision concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976, amended by Council Decision of 1993 and amended by the Act of Accession of Austria, Finland and Sweden, the allocation of the seats in the European Parliament was as follows: Belgium 25 seats, Denmark 16 seats, Germany 99 seats, Greece 25; Spain 64 seats, France 87

The Nice Treaty provided for a new allocation of seats for the European Parliament⁴⁵, with the prospect of 2004 enlargement.⁴⁶ The number of seats allocated to the Member States went from 626 to 535. To this number was added the number of representatives of the ten new Member States resulting from the Treaty of Accession signed in Athens on 16 April 2003 (These new representatives were observed in the European Parliament during the time in which their countries were candidates to the membership of the European Union and before 16 April 2003. They became MEPs when their countries became Members of the European Union with the Accession Treaties). With the Article 11 of the Treaty of Accession, with effect from the start of the 2004–2009 term, new seats were allocated to the new Member States. The number of representatives to be elected in each Member State in European Parliament elections 2004 was therefore increased pro rata.⁴⁷ In this way, the total number of seats reached the maximum threshold of 732 and the number of seats per Member State was no higher than that provided for in the 1999 to 2004 term.

TABLE 3. 17. Direct Elections To The European Parliament (1979–2004):

Date	Event	No. of Member States	Member States	No. of Seats
June 1979	First election	9	DE, FR, IT, BE, NL, LU, UK, IE, DK	410
October 1981	European elections in Greece following its accession in 1981			24
June 1984	Second election	10	9 + EL	434
June 1987	European election in Greece following its accession in 1986			60
July 1987	European elections in Portugal following its accession in 1986			24
June 1989	Third election	12	10 + ES, PT	518

seats, Ireland 15 seats, Italy 87 seats, Luxembourg 6 seats, Netherlands 31 seats, Austria 21 seats, Portugal 25 seats, Finland 16 seats, Sweden 22 seats, and United Kingdom 87 seats.

⁴⁵ Article 190(2) of the Treaty EC and 108(2) of the Euratom Treaty (as amended by Article 2 of the Protocol on the enlargement of the European Union),

⁴⁶ With effect from the start of the 2004–2009 term, the number of representatives elected in each Member State was as follows: Belgium 22 seats, Denmark 13 seats, Germany 99 seats, Greece 22 seats, Spain 50 seats, France 72 seats, Ireland 12 seats, Italy 72; Luxembourg 6 seats, Netherlands 25 seats, Austria 17 seats, Portugal 22 seats, Finland 13 seats, Sweden 18 seats, The United Kingdom 72 seats.

⁴⁷ The number of representatives elected in each Member State in European Parliament Elections 2004 was as follows: Belgium 24 seats, The Czech Republic 24 seats, Denmark 14 seats, Germany 99 seats, Estonia 6 seats, Greece 24 seats, Spain 54 seats, France 78 seats, Ireland 13 seats, Italy 78 seats, Cyprus 6 seats, Latvia 9 seats, Lithuania 13 seats, Luxembourg 6 seats, Hungary 24 seats, Malta 5 seats, Netherlands 27 seats, Austria 18 seats, Poland 54 seats, Portugal 24 seats, Slovenia 7 seats, Slovakia 14 seats, Finland 14 seats, Sweden 19 seats, The United Kingdom 78 seats.

TABLE 3.17. (Continue)

June 1994	Fourth election	12		567
October 1995	European elections in Sweden following its accession in 1995			22
October 1995	European election in Austria following its accession in 1995			21
October 1995	European elections in Finland following its accession in 1995			16
June 1999	Fifth election	15	12 + SE, AT, FI	626
June 2004	Sixth election	25	15 + CY, EE, HU, LV, LT, MT, PL, CZ, SK, SI	732

Source: Centre Virtuel de la Connaissance sur l'Europe (CVCE). Date of access : 20 May 2006, URL: <http://www.ena.lu?lang=2&doc=12911>

TABLE 3. 18. Rates Of Participation In European Elections (1979–2004):

	1979 (%)	1981 (%)	1984 (%)	1987 (%)	1989 (%)	1994 (%)	1995 (%)	1996 (%)	1999 (%)	2004 (%)
Germany	65.7		56.8		62.3	60.00			45.2	43
France	60.7		56.7		48.7	52.7			46.8	42.76
Belgium	91.4		92.2		90.7	90.7			91	90.81
Italy	84.9		83.4		81.5	74.8			70.8	73.1
Luxembourg	88.9		88.8		87.4	88.5			87.3	89
Netherlands	57.8		50.6		47.2	35.6			30	39.3
United Kingdom	32.2		32.6		36.2	36.4			24	38.83
Ireland	63.6		47.6		68.3	44			50.2	58.8
Denmark	47.8		52.4		46.2	52.9			50.5	47.9
Greece		78.6	77.2		79.9	71.2			75.3	63.22
Spain				68.9	54.6	59.1			63	45.1
Portugal				72.4	51.2	35.5			40	38.6
Sweden							41.6		38.8	37.8
Austria								67.7	49.4	42.43
Finland								60.3	31.4	39.4
Czech Republic										28.32
Estonia										26.83
Cyprus										71.19
Latvia										41.34
Lithuania										48.38
Hungary										38.5
Malta										82.37
Poland										20.87
Slovenia										28.3
Slovakia										16.96
EU	63.0	/	61.0	/	58.5	56.8	/	/	49.8	45.7

Source: EUROPARL–European elections 10–13 June 2004. [ON–LINE]. [Brussels]: European Parliament, date of modification: 10 August 2004, date of access: 10 May 2006, URL: <http://www.ena.lu?lang=2&doc=5487>

TABLE 3. 19. Changes in the Distribution of Seats in the European Parliament:

	Common Assembly of the ECSC	European Parliamentary Assembly	The European Parliament						
			1952 ¹	1958 ²	1973 ³	1979 ⁴	1981 ⁵	1986 ⁶	1994 ⁷	1995^{8}	2004^{9}
Belgium	10	14	14	24	24	24	25	25	24
Czech Republic									24
Denmark			10	16	16	16	16	16	14
Germany	18	36	36	81	81	81	99	99	99
Estonia									6
Greece					24	24	25	25	24
Spain						60	64	64	54
France	18	36	36	81	81	81	87	87	78
Ireland			10	15	15	15	15	15	13
Italy	18	36	36	81	81	81	87	87	78
Cyprus									6
Latvia									9
Lithuania									13
Luxembourg	4	6	6	6	6	6	6	6	6
Hungary									24
Malta									5
Netherlands	10	14	14	25	25	25	31	31	27
Austria								21	18
Poland									54
Portugal					24	24	25	25	24
Slovenia									7
Slovakia									14
Finland								16	14
Sweden								22	19
United Kingdom			36	81	81	81	87	87	78
Total	78	142	198	410	434	518	567	626	732

Notes:

1) Legal Basis: Article 21 of the ECSC Treaty (1951)

2) Legal Basis: Article 138 of the EEC Treaty (1957)

3) Legal Basis: Article 138 of the EEC Treaty, modified by the Act of Accession of Denmark, Ireland and the United Kingdom (1972)

4) Legal Basis: Article 2 of the Act concerning the election of the representatives to Parliament by direct universal suffrage (1976)

5) Legal Basis: Article 2 of the 1976 Act, modified by the Act of Accession of Greece (1979)

6) Legal Basis: Article 2 of the 1976 Act, modified by the Act of Accession of Spain and Portugal (1985)

7) Legal Basis: Article 2 of the 1976 Act, modified by Council Decision 93/81/Euratom, ECSC, EEC (1983)

8) Legal Basis: Article 2 of the 1976 Act, modified by the Act of Accession of Austria, Finland and Sweden

9) Legal Basis: Article 2 of the 1976 Act, modified by the Act of Accession of Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (2003)

Towards a Uniform Electoral Procedure

Although the founding Treaties put forth a need of a uniform electoral procedure in all of the Member States⁴⁸, the elections to the European Parliament by direct universal suffrage have always been governed by the electoral legislation of each individual Member State. Current moves towards the establishment of a uniform procedure can be seen as a continuation of the increasing establishment of the European Parliament as a fully-functioning legislature, a process which has been marked by developments such as the election of Parliament by direct universal suffrage from 1979 onwards, the granting of legislative co-decision powers by the Maastricht Treaty, and granting of the right to veto the passing of the Community budget and the approval of the European Commissioners.⁴⁹ Pressure for a uniform procedure can also be put down to the desire to bring about the changes in time for the 2004 elections and the entrance of the Applicant Countries to the Union, whose accession will command a great deal of Council's time and effort, most likely meaning that Council's consideration of uniform procedures would slip further from the agenda.⁵⁰ These moves towards a uniform electoral procedure are also considered as the efforts to find a way to increase the turnout rates which steadily goes downward (by appealing more EU citizens to vote in the European Parliament elections) and to create a stronger European Parliament which may become a central point of representative democracy within the European Union in the future.

Certainly in the early days of drawing up proposals on a uniform procedure, the main proposition was that governments and their politicians would only agree to such a procedure if it followed their national electoral procedures.⁵¹ But this was not the case. There have been many attempts and calls done for the introduction of a uniform procedure, starting even before the direct elections of the representatives of the European Parliament. *Various reports* (Patijn Report in 1975, Seitlinger Report in 1982,

⁴⁸ Article 190(4) of the EC Treaty: The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States. The Council shall, acting unanimously after obtaining the assent of the European Parliament, which shall act by a majority of its component members, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

⁴⁹ Simon McGee (ed), *Electoral Systems in Europe: An Overview*, Brussels: European Centre for Parliamentary Research and Documentation (ECPRD), 2000, p.52.

⁵⁰ McGee *ibid.* p. 53.

the Bocklet report in 1986, De Gucht Report in 1993, and Anastassopoulos Report in 1998) were prepared but no concrete result was achieved. The Intergovernmental Conference in October 1996, however, saw an increased willingness on the part of Member States to make progress. In the lead-up to the conference, Parliament repeatedly called on the Member States to implement Article 138 of the Treaty, and although no direct action was taken on this, a consensus very quickly formed around the proposal for a reference in the Treaty to ‘principles common to’ all Member States.⁵² As a result of the Parliament’s efforts, the Treaty adopted in Amsterdam included the following addition to *Article 138 (now, Article 190)*: ‘The European Parliament shall draw up a proposal for elections by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States’. This addition made to the Article indicates that the differences among the electoral systems of the Member States are respected and that, rather than a complete harmonisation of the electoral procedures in all of the Member States, a more flexible electoral procedure having the fundamental common principles (system of proportional representation, direct universal suffrage, possibility for a minimal threshold for distributing seats) is more likely to be accepted both by the Member States and by the institutions of the European Union.

Since 1999, all Member States have been using *a system of proportional representation*; although the differences still exist with regard to the number of constituencies and whether or not there is a minimum threshold for the allocation of seats or a preferential vote. *The voting age* is 18 in all the Member States. Citizens of the Union residing in a Member State of which they are not nationals *have the right to vote and to stand as a candidate* in elections to the European Parliament in the Member State, in which they reside, under the same conditions as nationals of that State. However, the electoral systems of the Member States differ with regard to the concept of residence. The conditions governing eligibility to stand as a candidate in the election differ in the Member States, apart from the fact that the individual must be a national of a EU Member State. There are also differences among the Member States with regard to the right to vote for citizens living abroad. These differences in the electoral procedures

⁵¹ Ziccardi, loc. cit.

⁵² McGee op. cit., p. 55.

of the Member States will be dealt with in depth under the subtitle “The Results of the European Parliament Elections in the Member States”.

Having regard to Articles 190 of the EC Treaty, the European Parliament has drawn up a draft to facilitate election by direct universal suffrage in accordance with a uniform procedure in all the Member States or in accordance with the principles common to all the Member States. In order to facilitate election by direct universal suffrage in accordance with the principles common to all the Member States, ***Council Decision of 25 June 2002 amended the Act of 20 September 1976***. For the first time ever, EU legislation would provide harmonised elements for the elections to the EP.⁵³ However, this Council Decision of 25 June 2002⁵⁴ leaves Member States free to apply their national provisions where the aspects are not governed the Act, without, on the whole, threatening the proportional character of the voting system.

These common principles may be summarised as follows: vote by a system of proportional representation, whether by list or by single transferable vote; direct universal suffrage, free and secret; possibility for a minimal threshold for distributing seats to be set which, at the national level, may not exceed 5 % of the votes cast.

It took the EU ***more than forty years*** to implement the provisions of Article 190 of EC Treaty. This happened over two time periods, from 1958 to the first EP elections in 1979, was a period in which most of the efforts undertaken were mainly concerned with the bringing about of direct elections to the EP. In these efforts, the uniform procedure was only a topic of a second order. Most politicians decided that there was still plenty of time to bring about the uniform procedure after the first concern, i.e. direct elections, would have been addressed. In the second period, from 1979 until Council Act of 2002, the EP embarked on a mission to achieve a uniform electoral procedure, not hindered anymore by the issue of direct elections but strengthened by its

⁵³ Ziccardi, loc. cit.

⁵⁴ The main provisions of the 2002 legislation can be summarised quite clearly and simply: 1) that EP elections shall be by a proportional representation electoral system, using either a list system or the single transferable vote (STV); 2) that there is scope for Member States to adopt some form of preferential voting, but this is not a requirement; 3) that Member States shall be free to establish constituencies, providing that these do not affect the proportional nature of the voting system; 4) that a legal minimum threshold for representation of parties may be set, though it should not exceed 5 per cent; 5) that, subject to the provisions of the Act, there is scope for national legislation to take account of the specific situation of a Member State, but this cannot affect the proportional nature of the electoral system. (David M. Farrell and Roger Scully, “Electing the European Parliament: How Uniform are ‘Uniform’ Electoral Systems?”, *Journal of Common Market Studies*, Vol: 43, No: 5, (December 2005), p. 970)

newly acquired legitimacy. At the end of journey, elections are now being held not through a uniform procedure but in accordance with principles common to all Members States, a rather peculiar development, to say the least.⁵⁵

As a last note, one of the central elements of a uniform electoral system is to be approximate equality between the number of people per seat in each country of the European Union. However, this is balanced by the need to ensure that smaller countries have adequate representation. The Parliament have weighted representation according to Member State.⁵⁶ In Parliament, the weighting is more proportional to population, but still with an advantage to the small countries.

3.2.1. EUROPEAN PARLIAMENT ELECTIONS 2004–GENERAL INFORMATION

Elections to the European Parliament were held from 10 June 2004 to 13 June 2004 in the 25 member states of the European Union, using varying election days according to local custom. Approximately **343.657.800 people were eligible to vote**, the second-largest democratic electorate in the world after India. It was the biggest transnational direct election in history⁵⁷, and the 10 new member states elected their MEPs for the first time. The new Parliament consists of 732 Members of the European Parliament (MEPs).

With **a turnout of just over 45%**, the sixth direct elections to the European Parliament proved a considerable embarrassment to Europe's political classes. One of the biggest disappointments was the low level of participation in the new Member States, where on average only 26.4% of those registered to vote did so.⁵⁸ It remains a

⁵⁵ Ziccardi, loc. cit.

⁵⁶ Eren Kıcıık, *How the European Parliament is Elected*, M.A. Thesis, Istanbul: Marmara University, European Community Institute, 2001, p. 20. Corbett and et al. states that, "Luxembourg has one MEP per 77.000 population, and Malta one per 79.000 whereas Germany has one per 832.000. Compared to the pre-enlargement Parliament, this discrepancy has declined considerably, but others have opened up among some of the smaller countries. Slovenia, for example, has only one more MEP than Luxembourg, and a Slovene MEP represents almost four times more people than his or her Luxembourg or Maltese equivalent." (Richard Corbett, Francis Jacobs, and Micheal Shackleton, *The European Parliament*, sixth edition, London: John Harper Publishing, 2005, p. 26)

⁵⁷ Simon Hix and Micheal Marsh, *Predicting the Future–The Next European Parliament*, Brussels: Burson–Marsteller, 2004, p. 3.

⁵⁸ Eric Davies, "European Parliament Election, 10–13 June 2004: Results and analysis" Ann Arbor: ProQuest Information and Learning, 2004, date of publication: 12 August 2004, date of access: 20 April 2006, URL: <http://www.europeansources.info/search/popDocById.do?ItemID=066/0000488>. "In almost all member states, European Parliament elections are mid-term contests and viewed by voters, parties and

contradiction that turnout at European elections has been in constant decline since the introduction of direct elections to the European Parliament (EP) in 1979, while the Parliament as an institution has gradually become more powerful and is now a real legislator.⁵⁹ One of the reasons for this might be the fact that most European citizens are still unconvinced that the Parliament matters and that they know little, if anything, about the MEPs at all. One of the most striking feature of the 2004 European elections is that turnout varied greatly between European countries. Nine-tenths of electors went to the polls in Belgium and Luxembourg and more than two-thirds voted in three more countries. In seven countries turnout was higher than the average in elections for the president of the United States since World War II. However, less than one-third of the electorate bothered to vote in the Czech Republic, Estonia, Poland, Slovenia and Slovakia.⁶⁰ Another striking feature of the 2004 European elections is that there is a big 'Euro-Gap'. Turnout in the EP election of 2004 was in most countries much lower than turnout at the latest election for the national Parliament. In Austria, the Netherlands and Sweden, half or more of those who voted at the latest national election did not participate in the election of MEPs, and the same was true in five of the EU's new member states. The biggest Euro-Gap was registered in Slovakia, where 70 per cent had turned out to vote in a bitterly contested national parliamentary election in 2002, but only 17 per cent voted in 2004 to elect Slovakia's MEPs.⁶¹ Third striking feature is that turnout has been falling at each successive European Parliament election. When the first popular election was held in 1979, turnout was 63 per cent. By 1999 it had fallen to below half of the European electorate, and in 2004 it was down by more than 17 percentage points from the level of 1979.

The European Parliament elections of 2004 were the first to be held in the newly enlarged EU of 25 member states. Despite its extensive powers, the composition of the

the media as considerably less important than national general elections. ... Voters behave differently in European elections than they would if they were voting in national elections held at the same time. Governing party supporters will be less likely to vote at all, as they feel comfortable with their party in power. Among those who do vote, some people will switch to the main opposition party, to punish the government, or to smaller parties (such as green, extremist, or regionalist parties), to highlight the issues that concern them. While they might not vote for these parties normally, some voters see European elections as an opportunity to voice their concerns on national issues". (Hix and Marsh, *op. cit.*, pp. 3-4)

⁵⁹ *A European Parliament Really Closer to the People*, Brussels: Ideas Factory Europe, December 2004, p.2.

⁶⁰ Richard Rose, *Europe Expands, Turnout Falls: The Significance Of The 2004 European Parliament Election*, Stockholm: International Institute for Democracy and Electoral Assistance, 2004, pp. 4-6.

new Parliament, just as its predecessors, was determined by 25 *second-order national campaigns*.⁶² If any of the campaigns focused on European questions, this concerned only the contest between Euroscepticism and pro-integrationism, over which Parliament has no power, rather than on policy questions, such as the budget and the vast bulk of European regulation, over which the Parliament does have power.⁶³ In other words, it can be said that the 2004 European Parliament elections were not “European” elections, but rather separate elections in each of the 25 Member States organised according to nationally determined electoral rules and behavioural patterns. From the start, the elections appeared to have suffered from a lack of focus and political significance in order to mobilise voters.⁶⁴ The campaign was decentralised, mostly low-key affairs, in which a relatively small number of voters selected among national parties and leaders on the basis of national issues. The only visible “European” aspect of these

⁶¹ Rose, *ibid.*

⁶² The classic view of European elections, which is oft-repeated in textbooks on EU politics, is that these elections are ‘second-order national contests’. As this phrase suggests, this conception of European Parliament elections has two elements: (1) they are ‘national’ contests rather than ‘European’ contests; and (2) they are less important than the main national contests (national general elections) and are hence ‘second-order’. (Simon Hix, *Understanding European Parliament Elections: Punishment or Protest?*, paper prepared for presentation at the Ninth Biennial International Conference of the European Union Studies Association, Austin, Texas, 31 March–2 April 2005, p. 3). Also, “The second order effect in European Elections is often said to reflect the fact that voters use these elections less to vote on European issues, but to express their opinion about the policy performance of their current national government”. (Philip Manow, *National Vote Intention and European Voting Behavior, 1979–2004: Second Order Election Effects, Election Timing, Government Approval and the Europeanization of European Elections*, Cologne: Max Planck Institute for the Study of Societies, 2005, p. 8)

⁶³ Giacomo Benedetto, *2004 European Parliament Election Briefing No: 22 The European Election Results and the European Parliament of 2004*, Brighton: European Parties, Elections, and Referendums Network (EPERN), Sussex European Institute, June 2004, pp. 12–15.

⁶⁴ “Parties in government at the national level tend to lose vote shares in EP-elections as compared to the last domestic electoral contest; small and ideologically more extreme parties tend to gain vote shares. These losses and gains seem to be more pronounced when the European election is held in the middle of the domestic legislative term (mid-term effect). Although some voters use European elections to vote on European issues, most seem to want to send an electoral signal to the central political players within their national political arena. Since electoral rules, election dates, the set of parties that compete for votes, and –most importantly– what is at stake politically differ between national and European elections, voting behavior differs as well. Especially, whereas national general elections establish the national executive (first order elections), in EP-elections and other so-called second order elections less seems at stake. Voters therefore just might care less (lower turnout) or they might vote differently because they do not need to worry about the consequences of their vote for (domestic) government formation, or about possibly ‘wasting’ it. It is also plausible to assume that differences in election outcomes reflect different incentive structures that voters face in domestic and European (or other second order) elections. Since in EP-elections government formation is not at stake, voters may feel freer to express their sincere preference, in particular the fear of a possibly ‘wasted vote’ should play less of a role in their considerations”. (Manow, *op. cit.*, pp. 3–9)

elections was the fact that the winners were elected to a uniquely supranational European Parliament.⁶⁵

A survey realised before the European Parliament elections 2004 by EPIN (European Policy Institute Network) states that “the election for the European Parliament appears in many respects less like one European-wide election than like 25 parallel elections in each of the EU member states.” According to the findings of this survey, “different trends emerging in different countries in the principal aspects of the elections: namely campaign issues, likely voter turn-out, the kinds of candidates whose names will appear on the slates and the eventual outcome”. The survey points out that “In the European election campaign, *five issues that are widely discussed in a large number of member states*: 1) Turkey’s prospects for membership of the EU; 2) The draft European Constitution; 3) (national) foreign policy & security questions; 4) social policy and unemployment/economic policy; and 5) national interests and national benefits from the European Union.” According to the survey in question, “One major conclusion to be drawn from these observations are that the European Parliamentary elections remain –as in the past years– to a high degree ‘*second-class national contests*’ where campaigns are dominated by distinctly domestic perceptions and problems. However, a certain convergence of the different national campaigns can be observed in social and economic policy as well as in constitutional matters and foreign and security policy. Unfortunately these are policies where the European Parliament has only a very limited say, so that the actual choices that the voters are offered remain of minor importance for EU policy-making in these areas. In contrast, the debate about the ‘democratic deficit’ and the perceived threat of an unaccountable centralised bureaucracy are areas where the European parliamentarians could make a difference, but in comparison with the 1999 campaign (which followed in the wake of the resignation of the Santer Commission), this campaign theme has declined in importance in most member states.”⁶⁶

⁶⁵ Kenneth Chan, *Central and Eastern Europe in the 2004 European Parliament Elections A Not So European Event*, Brighton: Sussex European Institute, 2004, p. 18.

⁶⁶ Sebastian Kurpas, Marco Incerti, and Ben Crum, *Preview of the 2004 European Parliament Elections–Results of an EPIN Survey of National Experts*, Brighton: European Policy Institute Network (EPIN), Sussex European Institute, May 2004, p. 2.

The survey mentioned above also points out that “*the selection of candidates for the European Parliament is still the exclusive prerogative of national parties with little to no European co-ordination*. For that reason, we find that national balances between political forces (and powerful figures) generally play an important role. Furthermore, the list of candidates for the European Parliament has only been made public in most member states rather close to the date of the elections.” According to the survey, “The European elections are often portrayed as a pipeline for talented young politicians who can fortify themselves in Brussels before returning to the forum that matters (the national one) or as a reward for senior political figures who are sent to Strasbourg/Brussels at the end of their distinguished careers. Overall the impression is that ‘new talent’ is more likely to be brought in from the northern European states, whereas the experienced ‘old hands’ tend to come from southern member states. The new member states obviously cannot line up experienced members of the house, but they are taking things seriously and are fielding an impressive array of politicians who have held (or in some cases are holding) a variety of ministerial posts. Thus, the new countries confirm the high esteem with which they had already shown they hold European politics with the appointment of the observer MEPs.”⁶⁷

Before evaluating the results of the EP elections 2004 in general across the EU, a few words can be said about the previous EP elections and a comparison can be made.

As for the left, the Socialist (Party of European Socialists–PES) group suffered a further electoral setback, compared to 1999, falling from 28.8 to 27.3 percent of the seats. The British Labour Party and German Social Democrats incurred the most notable losses, although these were partially offset by significant gains on the part of the French Socialists. The Socialists from Spain, Portugal, the Netherlands, Austria, Denmark, and Estonia also performed well. Unlike some of the other groups, the PES did not gain new member parties from the new member states, besides those that had already affiliated for some years to the transnational federation of the PES. The losses of the Greens were mostly offset by their gains in Germany. A serious decline was the loss of most of the group’s regionalist party members from Wales, Galicia, the Basque Country, and Flanders, although the decision by the MEP elected from the Russian ethnic party in Latvia to join the regionalists provided the Greens with their only MEP from the new

⁶⁷ Chan, *ibid.*

member states. The EUL suffered significant losses in France, Spain, and Greece. The EUL group made gains in Germany, the Czech Republic, Italy, and the Netherlands. Cyprus provided the EUL with its only MEPs from a government party. Turning to the groups of the centre and the right, the EPP was by far the largest group, retaining the same share of seats at 37 percent as in the previous Parliament. Its small drop in MEPs from the EU15, above all among the British Conservatives, was offset by a good performance of its member parties in the new member states. This rendered the group more heterogeneous, with a relative decline of West Europeans and notably the Christian Democrats, replaced by Central and East European national conservatives, representing 19 parties in 10 states. While the combined share of the left wing groups fell from 43 to 39 percent, with the EPP retaining its share, but with a likely drop in internal cohesion, the gains in 2004 were made by the Liberals in the centre and, to a more limited degree, by the hard Eurosceptics on the right. The European Liberal Democratic and Reformist group (ELDR) changed its name to the Alliance of Liberals and Democrats for Europe (ALDE), in respect to its new centrist members whose backgrounds were not necessarily Liberal. The British Liberal Democrats made a small gain, matched by the decline of the governing Liberal parties in Belgium, the Netherlands, and Denmark. However, the significant gains were made by the German FDP, which re-entered the Parliament with seven MEPs after an absence of 10 years, and by the decision of two new parties to join the group: the Lithuanian Labour Party with five MEPs and Polish Freedom Union with four MEPs. The first elections for a much larger European Parliament of 732 members, across 25 states with a population over 450 million did not result in an institution whose party group composition was much different from that of the previous Parliament. The EPP and UEN groups retained the same share of seats, though with EPP losses in Western Europe were matched by gains in the new member states, further diluting its Christian Democratic core. The UEN, on the other hand, became more homogeneous as a group for non-federalist, national-conservatives, without a significant presence of hard Eurosceptics. The winners of the 2004 elections, both in terms of votes and then changing alliances, were the Liberals, who increased their seats and attracted new parties, some of which defected from the EPP. Despite this gain, the new ALDE group found itself isolated and replaced by the PES as the preferred partner of the EPP group. Another, but more

marginal gain of 2.5 percent, was made by the IND/DEM group, whose hardened scepticism was matched by a drift towards harder right wing positions, on account of its British and Polish members.⁶⁸

TABLE 3. 20. MEPs By Member State And Political Group (Sixth Parliamentary Term):

Political Group => Country	EEP – ED	PES	ALDE	GREENS/ EFA	EUL/ NGL	IND/ DEM	UEN	IND	Total
Belgium	6	7	6	2				3	24
Czech Republic	14	2			6	1		1	24
Denmark	1	5	4	1	1	1	1		14
Germany	49	23	7	13	7				99
Estonia	1	3	2						6
Greece	11	8			4	1			24
Spain	24	24	2	3	1				54
France	17	31	11	6	3	3		7	78
Ireland	5	1	1		1	1	4		13
Italy	24	14	13	2	7	4	9	5	78
Cyprus	3		1		2				6
Latvia	3		1	1			4		9
Lithuania	2	2	7				2		13
Luxembourg	3	1	1	1					6
Hungary	13	9	2						24
Malta	2	3							5
Netherlands	7	7	5	4	2	2			27
Austria	6	7	1	2				2	18
Poland	16	10	4			7	10	7	54
Portugal	9	12			3				24
Slovenia	4	1	2						7
Slovakia	8	3						3	14
Finland	4	3	5	1	1				14
Sweden	5	5	3	1	2	3			19
United Kingdom	27	19	12	5	1	10		4	78
Total	264	200	90	42	41	33	30	32	732

Source: European Parliament web site, date of access 16 April 2006, URL:
<http://www.europarl.eu.int/members/expert.do?language=en&redirection>

3.2.2. THE RESULTS OF THE EUROPEAN PARLIAMENT ELECTIONS 2004 IN THE MEMBER STATES

a) Belgium

Elections to the European Parliament were held in Belgium on 13 June 2004; on the same day with the elections for Flemish Council, Walloon Regional Council, Council of the Brussels Region and Council of the German-speaking Community.

⁶⁸ Benedito op. cit., pp. 4–7.

(a) Electoral System and Distribution of Seats

Electoral system in Belgium is proportional representation on the basis of four constituencies (Flanders, Wallonia, the German-speaking region and the Brussels region) and three electoral colleges.

TABLE 3.21. Electoral Colleges (and Constituencies) in Belgium:

Electoral College (and Constituency)	Seats
Dutch-speaking electoral college (Flanders + Brussels)	14
French-speaking college (Wallonia + Brussels),	9
German-speaking college.	1

(b) Incompatibilities

In addition to those laid down in the 1976 Act on Elections to the European Parliament, the position of Member of the European Parliament is incompatible with national public office or membership of a federal or regional executive and with the office of mayor, alderman or chairman of the OCMW / CPAS (social aid centre) of a municipality with more than 50 000 inhabitants.

(c) Entitlement to Vote

According to the Belgian law, all Belgian citizens aged 18 or over and in full possession of their voting rights are entitled to vote. All EU citizens who meet the same conditions may vote. Belgians residents abroad who are aged 18 or over and in full possession of their voting rights and who apply to vote by post for Belgian lists are entitled to vote. Voting is compulsory for all voters registered on electoral rolls.

(d) Eligibility to Stand for Elections

Belgian laws stipulate that anyone registered on a Belgian electoral roll for European Parliament elections may stand for election. Candidates must be aged 21 or over and enjoy their civil and political rights. Candidates must be French-, Dutch- or German-speakers, depending on the college for which they stand.

(e) Results of the Election

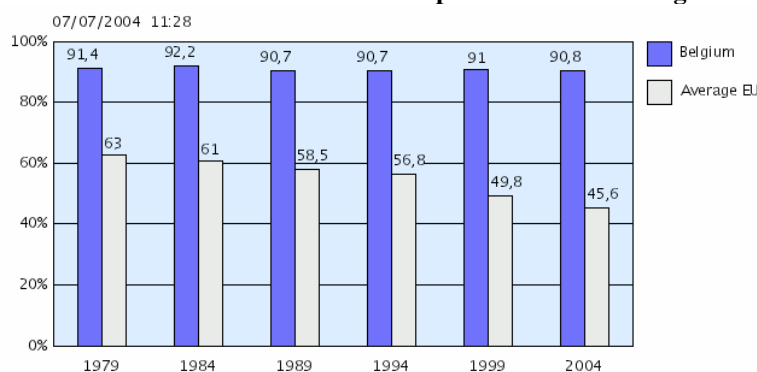
The elections produced little overall change in the distribution of seats in the European Parliament among Belgium's many political parties. "The ruling Liberal-Socialist government posted modest gains, winning a combined 13 seats, a gain of 2.

The opposition Christian Democrats won 4 seats, a gain of 1, and the Flemish Bloc took 3, also a gain of 1”⁶⁹.

(f) *Turnout Rate*

Turnout in a country which has compulsory voting was 90.08%, the highest in the EU.⁷⁰

FIGURE 3.1. Turnout Trends at European Elections in Belgium: ⁷¹



(g) *Results according to the Parties*⁷²

TABLE 3.22. 2004 European Elections Results According to the Parties in Belgium:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Parti Socialiste	PES	13.6	1	4
Christen-Democratisch & Vlaams	EPP-ED	17.4	1	4
Vlaams Blok	Other	14.3	1	3
Sociaal Progressief Alternatief + SPIRIT	PES	11.0	1	3
Vlaamse Liberalen en Democraten	ELDR	13.6	0	3
Mouvement Réformateur	EPP-ED	10.5	0	3
Cologistes Confédérés pour l'Organisation de Luttes Originales	Greens	3.8	-2	1
GROEN!	Greens	4.9	-2	1
Centre Démocrate Humaniste	EPP-ED	5.7	0	1
Christlich Soziale Partei-Europäische Volkspartei	EPP-ED	0.2	0	1
Other		4.9		
Electorate: 7,343,466			Seats: 24	

⁶⁹ Adam Mellows-Facer, Richard Cracknell, and Jessica Yonwin, *European Parliament elections 2004*, Research Paper 04/50, London: Social and General Statistic Section, House of Commons Library, 23 June 2004, p. 60.

⁷⁰ The BBC News Vote EU 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/2.stm>

⁷¹ European elections 10-13 June web site, date of access: 26 April 2006: URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/be/turnout_country.html.

⁷² Mellows-Facer, loc. cit. And also Belgium Federal Portal: European Parliament 2004: Detailed Analysis, date of access: 26 April 2006, URL: http://polling2004.belgium.be/en/eur/results/results_start.html, date of access: 26 April 2006)

b) Czech Republic

The first elections to the European Parliament after the EU accession were held in the Czech Republic on 11 and 12 June 2004.

(a) Electoral System and Distribution of Seats

For elections to the European Parliament, the Czech Republic is treated as a single constituency. In the elections, proportional representation is used. Lists gaining less than 5 % of the total votes cast are not considered to entitle to parliamentary representation.

(b) Incompatibilities

In Czech Republic, an MEP may not be a member of the government, president, ombudsman, judge, public prosecutor, Member of Parliament or senator of the Czech Republic.

(c) Entitlement to Vote

According to the country's law, any EU citizen aged 18 or over on the second polling day at the latest with full voting rights in their Member State of origin is entitled to vote. Citizens other than Czech Republic citizens must be registered as resident for at least 45 days.

(d) Eligibility to Stand for Elections

In order to stand for election as a MEP, the candidate must be a EU citizen aged 21 mainly resident in the Czech Republic with full eligibility rights in their Member State of origin. Other EU citizens may stand for election if they have been registered as resident for at least 45 days.

(e) Results of the Elections

The ruling Czech Social Democratic Party suffered a heavy defeat, losing ground to both the conservative Civic Democratic Party and the Communist Party of Bohemia and Moravia. "The Czech Republic's opposition Civic Democratic Party, which campaigned against giving up too many powers to the EU, were the clear victors of these elections, picking up nine of the nation's 24 European seats. The results were a blow to the three-party-governing coalition of Prime Minister Vladimir Spidla, whose Social Democratic Party, polling less than 9% of the vote, picked up just two seats.

Coalition partner the Christian Democrats took 9.57%, also translating into just two seats. The Freedom Union, the third coalition member, did not win a seat.”⁷³

(f) Turnout Rate

Turnout at 29% was one of the lowest in the EU.⁷⁴

*(g) Results according to the Parties*⁷⁵

TABLE 3.23. 2004 European Election Results According to the Parties in Czech Republic:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Obcanska Demokraticka Strana	EPP-ED	30.0	-	9
Komunisticka Strana Cech a Moravy	EUL/NGL	20.3	-	6
Sdruzeni Nezavislych /Evropsti Demokrate	Other	11.0	-	3
Ceska Strana Socialne Demokraticka	PES	8.8	-	2
Krestanska Demokraticka Unie	EPP-ED	9.6	-	2
Nezavisli	Other	8.2	-	2
Other		12.1		
Electorate: 8,283,485			Seats: 24	

c) Denmark

Elections to the European Parliament were held in Denmark on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system for the European Parliament elections in Denmark is proportional representation with one nationwide constituency.⁷⁶ Voters may either vote for an entire list or indicate their preference for individual candidates from the lists. D’Hondt method is used for the allocation of seats. All votes cast in the various constituencies, both for lists and for individual candidates, are added together. The candidates thus obtaining the highest number of votes are elected.

(b) Incompatibilities

Aside from the Council decision of 25 June and 23 September 2002 amending the 1976 Act on Elections to the European Parliament, there are no national law determining any incompatibility with the Membership of the European Parliament.

⁷³ Mellows-Facer, *ibid.*, p. 61.

⁷⁴ BBC News Vote EU 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/4.stm>

⁷⁵ Mellows-Facer, *loc. cit.*

⁷⁶ The Faroe Islands and Greenland are not part of the EU.

(c) Entitlement to Vote

In Denmark, any EU citizen aged 18 or over who is permanently resident in Denmark has full voting rights in Danish elections. Voting is not compulsory. Danish citizens resident in an EU Member State who have not been deprived of their voting rights by legal decision in Denmark vote and postal voting is an option for them.

(d) Eligibility to Stand for Elections

As for the candidates for the elections, any EU citizen aged 18 or over and in full possession of his right to stand as a candidate in his Member State of origin is entitled to stand.

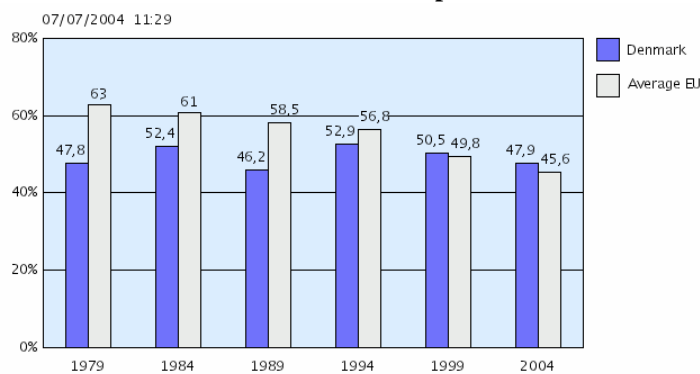
(e) Results of the Election

Despite Denmark's strong tradition of euroscepticism, these elections handed a clear victory to the country's main opposition party, the Social Democrats, who are supporters of EU integration.⁷⁷ The result is seen in part as a backlash against the ruling Liberal party's (Venstre) support for the war against Iraq. The party saw its share of the vote decline to 19 percent from 23 percent in 1999.⁷⁸

(f) Turnout Rate

The turnout rate in Denmark was 47.9%.

FIGURE 3.2. Turnout Trends at European Elections in Denmark:⁷⁹



⁷⁷ BBC News Vote 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/5.stm>

⁷⁸ Mellows-Facer, loc. cit.

⁷⁹ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/dk/turnout_country.html.

(g) Results according to the Parties⁸⁰

TABLE 3.24: 2004 European Election Results According to the Parties in Denmark:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Socialdemokratiet	PES	32.6	2	5
Venstre	ELDR	19.4	-1	3
Konservative Folkeparti	EPP-ED	11.3	0	1
JuniBevaegelsen	EDD	9.1	0	1
Socialistisk Folkeparti	EUL/NGL	8	0	1
Dansk Folkeparti	UEN	6.8	0	1
Radikale Venstre	ELDR	6.4	-1	1
FolkeBevaegelsen Mod	EU EUL/NGL	5.2	0	1
Other		1.2		
Electorate: 4,012,663			Seats: 14	

d) Germany

Elections to the European Parliament were held in Germany on 13 June 2004, on the same day with local government elections in Baden–Württemberg, Mecklenburg–West Pomerania, Rhineland–Palatinate, Saarland, Saxony, Saxony–Anhalt and regional elections in Thüringia.

(a) Electoral System and Distribution of Seats

Electoral system in Germany is proportional representation by means of “closed” lists. Parties or other political associations submit either a federal list (SPD, Greens, PDS, FDP) or lists at the level of the Länder (CDU and CSU).

To qualify for any seats in the EP, a party or political association must attract a minimum of 5% of the national vote to qualify for any seats. The seats are allocated at national level and following the Hare/Niemeyer method.

(b) Incompatibilities

In addition to those rules laid down in the 1976 Act on the Elections to the European Parliament, the Membership of the European Parliament is not compatible with the office of Member of the German Bundestag.

(c) Entitlement to Vote

As for the right to vote, all Germans aged 18 or over and who are resident of Germany or a EU member state, of any member state of the Council of Europe or of any other country provided they have been resident of this country for less than 25 years, and who are on a German electoral roll are entitled to vote. EU citizens aged 18 or over

⁸⁰ Mellows–Facer, loc. cit.

and in full possession of their voting rights in their Member State of origin are also entitled to vote. In Germany, there is no compulsory voting and postal vote.

(d) Eligibility to Stand for Elections

As for the right to stand for election, anyone who on polling day has been German for at least one year and who is aged 18 or over is entitled to stand for election. EU-citizens who on polling day are residents of Germany or usually reside in Germany and who are aged 18 or over are entitled to stand for election. They have to be in full possession of their right to stand as candidate in their Member State of origin.

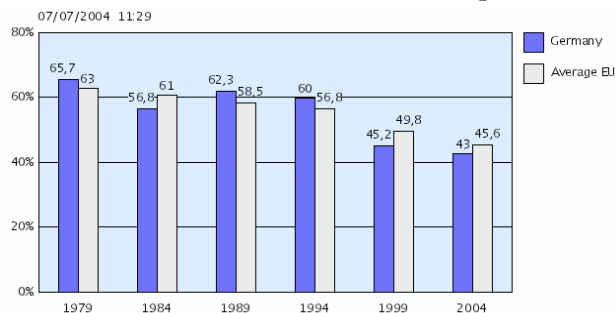
(e) Results of the Election

“Ruling Social Democrats suffered their worst poll results since World War II in these elections, picking up 21.5% of the vote. This compares with 44.5% for the opposition conservatives. The outcome has been attributed to the government’s controversial plans for welfare reform”⁸¹ More than half of this loss, however, went to other parties of the left, particularly the Greens. The votes of opposition conservative parties, the Christian Democratic Union and the Christian Social Union, also fell, though not as sharply as the SPD’s. The liberal Free Democratic Party improved its vote and gained representation. “Despite sharing government with the Social Democrats, the Greens do not appear to have been affected by the association, polling 12 percent compared with 6 percent in 1999, increasing their number by 6 MEPs.”⁸²

(f) Turnout Rate

The turnout rate of the 2004 European elections was 43% in Germany.

FIGURE 3.3. Turnout Trends in the European Elections in Germany: ⁸³



⁸¹ BBC News Vote EU 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/9.stm>.

⁸² Mellows-Facer, op. cit., p. 63.

⁸³ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/de/turnout_country.html.

(g) Results according to the Parties⁸⁴

TABLE 3.25. 2004 European Election Results According to the Parties in Germany:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Christlich–Demokratische Union	EPP–ED	36.5	–3	40
Socialdemokratische Partei Deutschlands	PES	21.5	–10	23
Bundnis 90/Die Grunen	Greens	11.9	6	13
Christlich Soziale Union	EPP–ED	8.0	–1	9
Freie Demokratische Partei	ELDR	6.1	7	7
Partei des Demokratischen Sozialismus	EUL/NGL	6.1	1	7
Other		9.9		
Electorate: 61,650,330			Seats: 99	

e) Estonia

Elections to the European Parliament were held in Estonia on 13 June 2004.

(a) Electoral System and Distribution of Seats

Election results in Estonia are determined based on the principle of proportionality. The whole country forms a single constituency. Mandates are distributed using the d'Hondt distribution method. Candidates can be nominated as candidate lists of political parties (closed party lists) or as independent candidates.

(b) Incompatibilities

In addition to the posts listed in the Article 7(2) of Decision and Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976, there are other posts and positions which are considered to be incompatible with the Membership of the European Parliament in Estonia. According to the Estonian law, members of the Riigikogu (Parliament of Estonia); the President of the Republic; members of the Government of the Republic; persons serving in offices appointed by the Riigikogu, the President of the Republic, the Government of the Republic, the Prime Minister or the head of a government agency or another state agency, except the chairman of a board if the appointment is made by the Riigikogu pursuant to law; the Chairman of the Board of the Bank of Estonia; regular members of the Defence Forces; a rural municipality or city mayor; members of a rural municipality or city council cannot be MEPs.

⁸⁴ Mellows–Facer, loc. cit.

(c) Entitlement to Vote

The right to vote includes every Estonian citizen who has attained 18 years of age by the day of the elections with the exemption of those who have been divested of his or her legal competence by a court. The right to vote includes also every European Union citizen who has attained 18 years of age by the day of the elections, who has right to vote in his or her home Member State and whose permanent residence is in Estonia.

(d) Eligibility to Stand for Elections

The right to be elected includes every Estonian and European Union citizen with the right to vote and who has attained 21 years of age. But the Regular Members of the Defence Forces have no rights to stand as candidates in elections to the European Parliament.

(e) Results of the Election

The biggest winner was the Social Democratic Party. “Estonia’s 14-month-old centre-right coalition government was sidelined as the small, pro-EU Social Democratic party seized three of the country’s six seats with 36.8% of the vote.”⁸⁵

(f) Turnout Rate

The voter turnout in Estonia was one of the lowest of all member countries at only 26.8%.

*(g) Results according to the Parties*⁸⁶

TABLE 3.26. 2004 European Election Results According to the Parties in Estonia:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Sotsiaaldemokraatlik Erakond (Social Democratic Party)	PES	36.8	–	3
Eesti Keskerakond (Centre Party)	ELDR	17.5	–	1
Eesti Reformierakond (Reform Party)	ELDR	12.2	–	1
Isamaaliit (Pro Patria Union)	EPP-ED	10.5	–	1
Other		23.0		
Electorate: 873,809			Seats: 6	

⁸⁵ BBC News Vote EU 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/6.stm>.

f) Greece

Elections to the European Parliament were held in Greece on 13 June 2004.

(a) Electoral System and Distribution of Seats

Electoral system in Greece is made up of a single constituency. Election of representatives to the European Parliament is by a strictly proportional system and by “closed” lists. Seats are allocated among all the lists of parties or coalitions of parties obtaining a minimum of 3% of the vote, in proportion to the number of votes obtained over the whole country.

(b) Incompatibilities

Persons holding posts listed at Article 56(1) and (4) of the Constitution⁸⁷ and members of the Greek Parliament are ineligible for running as a candidate in the EP elections. The procedure for resigning a post conferring ineligibility is governed by the provisions of the electoral laws.

In addition to the offices stipulated in the Act of 20 September 1976 of the Council of the European Communities, there are other offices which are incompatible with the office of MEP according to the Greek laws are the posts and offices listed at Article 57 of the Constitution⁸⁸ and Membership of the Greek Parliament.

⁸⁶ Mellows–Facer, *op. cit.*, p. 62.

⁸⁷ Article 56: (1) Salaried civil functionaries and servants or officers of the armed forces and the security corps, employees of local government agencies or other public law legal persons, mayors and community presidents, governors or chairmen of the boards of directors of public law legal persons or of public or municipal enterprises, notaries public, registrars of mortgages and transfers may neither stand for election nor be elected to Parliament if they have not resigned from the said offices prior to their nomination. Such resignations shall be valid upon written submission thereof. Military officers who have resigned may under no circumstances return to active service; the return of civil functionaries and servants to their posts is prohibited prior to the lapse of one year from their resignation. (2) Professors of institutions of university level are exempt from the restrictions of the preceding paragraph. The exercise of the duties of professor shall be suspended for the duration of the parliamentary term and the manner of replacement of professors elected to Parliament shall be specified by law. (3) Salaried civil servants, military officers on active service and officers of the security corps, employees of public law legal persons in general, and governors and employees of public and community enterprises or public welfare institutions may not stand for election nor be elected to Parliament in any election district in which they have served for more than three months in the three years preceding elections. Persons who have served as secretaries general of ministries during the last six months of the four–year parliamentary term shall be subject to the same restrictions. Persons nominated as State Deputies and the lower personnel of the central State services shall not be subject to the same restrictions. (4) Civil servants and the military in general, having undertaken the obligation by law to remain in service for a certain period of time, may not stand for election nor be elected to Parliament during the period of such obligation. (Hellenic Resources Network, *Constitutions of Greece*, date of access: 1 May 2006, URL: <http://www.hri.org/docs/constitutions.html>.)

⁸⁸ Article 57: (1) The duties of Members of Parliament shall be incompatible with the duties or the capacity of member of a board of directors, governor, general manager or their alternates, or those of employee of commercial company or enterprise enjoying special privileges or subsidies by the State, or to

(c) Entitlement to Vote

As for the right to vote, all EU nationals who are aged 18 or over and who have registered on the electoral roll of a municipality or local authority in Greece if they have not lost their voting rights may vote in the elections of MEPs in Greece. Anyone subject to a guardianship order under the provisions of the Civil Code or anyone with an irrevocable criminal conviction for one of crimes laid down by the criminal code or military criminal code does not have a right to vote in elections.

(d) Eligibility to Stand for Elections

All EU citizens aged 25 or over on polling day who have the right to stand as candidates are eligible.

(e) Results of the Election

The ruling New Democracy party made strong gains, while the opposition Panhellenic Socialist Movement made smaller gains, both at the expense of minor parties. “Greece’s ruling conservatives bucked the anti-government trend seen elsewhere in the union, winning 43% of the vote. This put them nine points ahead of their socialist rivals. Both parties are staunchly in favour of a more federal European Union.”⁸⁹

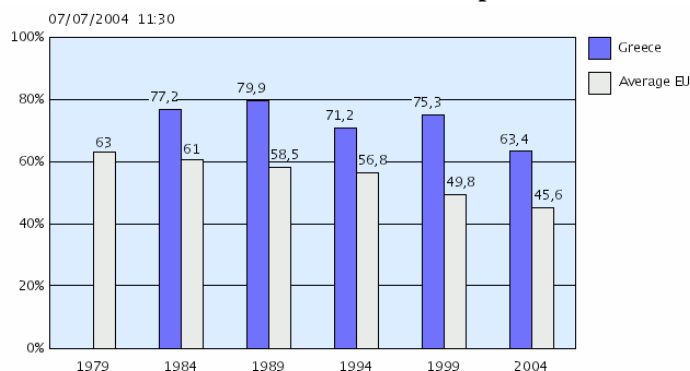
(f) Turnout Rate

Voter turnout was at 63%, down on the 1999 election, but still above the EU average.

which concession of public enterprise has been granted. (2) Members of Parliament falling within the provisions of the preceding paragraph must, within eight days of the day on which their election becomes final, state their choice between their parliamentary office and the above stated duties. Failing to make the said statement within the set limit, they shall forfeit their parliamentary office ipso jure. (3) Members of Parliament who accept any of the functions or duties specified in this or the preceding article as constituting a disqualification for parliamentary candidates or as incompatible with the parliamentary office shall forfeit that office ipso jure. (4) Members of Parliament may not undertake commissions, studies, or the execution of works for the State, local government agencies or other public law legal persons or of public or municipal enterprises or leases of public or municipal taxes or rent real estate owned by the aforementioned bodies or accept any form of concessions on such real estate. Violators of the provisions of the present paragraph shall forfeit their parliamentary office and related acts shall be null and void. Such acts shall also be null and void when concluded by commercial companies or enterprises in which the Member of Parliament acts as director or administrative or legal counsellor or if he participates as a partner with full or limited liability. (5) The manner of continuation or transfer or dissolution of contracts for the execution of works and studies specified in paragraph 4 and undertaken by a Member of Parliament before his election, shall be specified by law. (Hellenic Resources Network, Constitutions of Greece, date of access: 1 May 2006, URL: <http://www.hri.org/docs/constitutions.html>.)

⁸⁹ BBC News Vote EU 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/10.stm>.

FIGURE 3.4. Turnout Trends in the European Elections in Greece:⁹⁰



*(g) Results according to the Parties*⁹¹

TABLE 3.27. 2004 European Election Results According to the Parties in Greece:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Nea Dimokratia	EPP-ED	43.0	2	11
Panellinio Socialistiko Kinima	PES	34.0	0	8
Kommounistikó Komma Elladas	EUL/NGL	9.5	0	3
Synaspismós tis Rizospastikís Aristerás	EUL/NGL	4.2	-1	1
LA. O. S.	Other	4.1	1	1
Other		5.2	-2	
Electorate: 9,938,863			Seats: 24	

g) Spain

Elections to the European Parliament were held in Spain on 13 June 2004.

(a) Electoral System and Distribution of Seats

Electoral system in Spain is proportional representation at national level, with closed and ordered lists and allocation of seats are determined by d'Hondt system.

(b) Incompatibilities

In addition to the offices stipulated in the Act of 20 September 1976 of the Council of the European Communities, the office of Member of the European Parliament is incompatible with elected office in the Cortes (Spanish national parliament) or with the legislative assembly of one of the autonomous communities (Andalusia, Aragon, Asturias, Balearic Islands, Cantabria, Catalonia, Canaries, Castile-La Mancha, Castile and León, Estrémadura, Galicia, La Rioja, Madrid, Navarra, Basque country, Valencia, Murcia) or one of the autonomous cities (Ceuta and Melilla).

⁹⁰ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/el/turnout_country.html.

⁹¹ Mellows-Facer, op. cit., p. 63.

(c) Entitlement to Vote

Any EU citizen aged 18 or over and fully entitled to vote in his or her country of origin has the right to vote in Spain. Spanish nationals residing abroad are entitled to vote by post.

(d) Eligibility to Stand for Elections

Any EU citizen aged 18 years or over and fully entitled to stand for election in his or her country of origin has the right to stand for elections of EP.

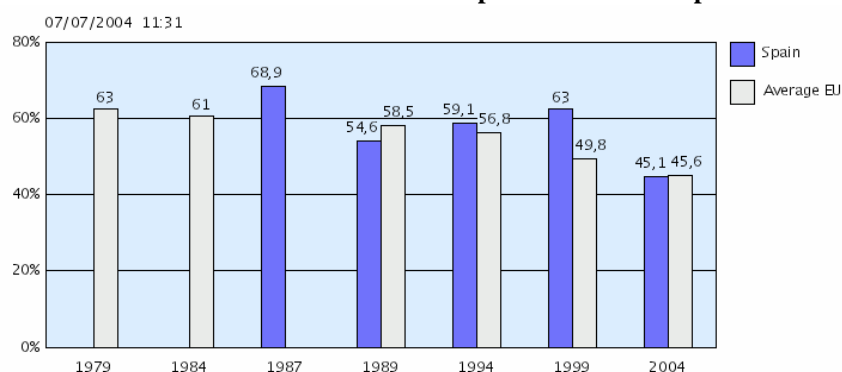
(e) Results of the Election

The governing Socialists repeated their general–election victory, but by a much narrower margin than opinion polls had predicted. Their list edged out the Popular Party by only two percentage points, winning 25 seats to the conservative opposition party’s 23.”⁹² The People’s Party lost three deputies due to the reduction in the total number of seats. The newcomer nationalist coalition GalEusCa won two seats. The other nationalist coalition, Europe of the Peoples, comparatively maintained its result and gained one seat.

(f) Turnout Rate

Turnout reached a record low of 46%—down from 77% for the general election in March and 63% in the last European elections.⁹³

FIGURE 3.5. Turnout Trends in the European Elections in Spain:⁹⁴



⁹² BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/23.stm>.

⁹³ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/23.stm>.

⁹⁴ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep–election/sites/en/results1306/countries/es/turnout_country.html.

(g) Results according to the Parties⁹⁵

TABLE 3. 28. 2004 European Election Results According to the Parties in Spain:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Partido Socialista Obrero Español	PES/Green	43.3	5	2
Partido Popular	EPP-ED	41.3	0	23
Galeusca (Convergencia I Unio, Bloque Nacionalista Gallego & Partido Nacionalista	ELDR/Green	5.2	0	3
Izquierda Unida	EUL/NGL	4.2	-1	2
Europa de los Pueblos	Greens	2.5	-1	1
Other		3.6		
Electorate: 33,623,394			Seats: 54	

h) France

Elections to the European Parliament were held in France on 13 June 2004.

(a) Electoral System and Distribution of Seats

The law has stipulated eight constituencies for the European election: (a) for metropolitan France, complete regions have been grouped into constituencies; (b) for the Overseas Territories, one constituency covers all the departments, territories and communities. The seats must be allocated between the constituencies in proportion to their population, using the largest remainder rule.

The elections were conducted in seven regional mainland constituencies, plus an eighth consisting of all Overseas Departments and Overseas Territories. The allocation of the seats according to the constituencies and departments is as follows:

TABLE 3.29. Constituencies in France

Constituency (Departements)	Seats
Nord-Ouest (Basse-Normandie, Haute-Normandie, Nord-Pas-de-Calais, Picardie)	12
Ouest (Brittany, Pays de la Loire, Poitou-Charentes)	10
Est (Alsace, Bourgogne, Champagne-Ardenne, Franche-Comté, Lorraine)	10
Sud-Ouest (Aquitaine, Languedoc-Roussillon, Midi-Pyrénées)	10
Sud-Est (Corsica, Provence-Alpes-Cote d'Azur, Rhône-Alpes)	13
Massif-Central-Centre (Auvergne, Centre, Limousin)	6
Île-de-France (Île-de-France)	14
outre-mer (Overseas Territoires) (French Polynesia, Guadeloupe, Guyane, Martinique, Mayotte, New Caledonia, Réunion, Saint Pierre and Miquelon, Wallis and Futuna)	3

The electoral system for each constituency is proportional representation, with closed lists and no preferential voting. As for the allocation of seats, the rule of the

⁹⁵ Mellows-Facer, op. cit., p. 69.

highest average applies. Lists, which do not obtain 5 % of the votes cast in the constituency, do not be allocated any seats.

(b) Incompatibilities

In addition to the offices stated in the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage, the other offices, which are incompatible with the office of Member of European Parliament according to the French laws, are the member of the Council on Monetary Policy of the Bank of France, magistrate or judge in the commercial courts, member of the Economic and Social Council, member of the Constitutional Council, regional councillor, councillor in the Corsican Assembly, general councillor, Paris councillor, municipal councillor in a local authority with 3500 or more inhabitants.

(c) Entitlement to Vote

All EU citizens aged 18 and over who are domiciled or long-term resident in France and have full voting rights in their country of origin are entitled to vote. Voting is not compulsory in France. French nationals living outside France may vote by travelling to France or by proxy but they cannot vote in the consulates for now. Although the Overseas Territories are not part of the EU but covered by association agreement, their inhabitants will take part in the election under the principle of the French law of indivisibility of the Republic.

(d) Eligibility to Stand for Elections

All citizens of EU Member States aged 23 or over who are domiciled or long-term resident in France and are fully entitled to stand as candidates in their country of origin are eligible to stand as a candidate for MEP offices.

(e) Results of the Election

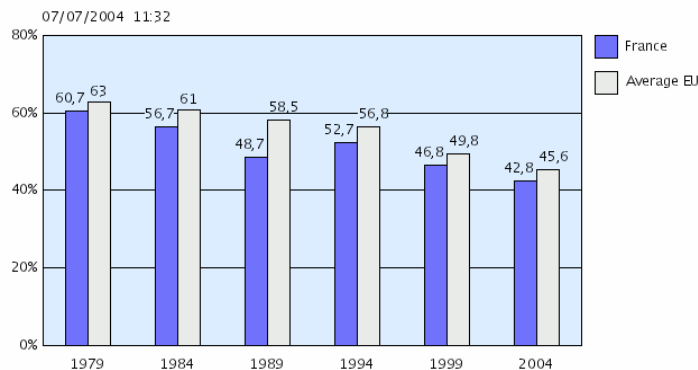
The opposition Socialist Party made substantial gains, although this was mainly at the expense of minor parties. The governing Union for a Popular Movement and Union for French Democracy also made gains. “The opposition Socialist Party emerged as the clear victors from Sunday’s election, taking 33 seats. However the results by no means signified a rout for President Jacques Chirac’s conservative UMP, nor its junior government partner, the Union for French Democracy—both of which improved their

share of the vote from the 1999 elections.”⁹⁶ “The far-right National Front also improved its standing, coming in fourth with 10 percent, up from 6 percent in 1999.”⁹⁷

(f) Turnout Rate

The turnout rate for the 2004 elections in France was 42,76%.

FIGURE 3.6. Turnout Trends in the European Elections in France: ⁹⁸



*(g) Results according to the Parties*⁹⁹

TABLE 3.30. 2004 European Election Results According to the Parties in France:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Parti Socialiste	PES	28.9	11	31
Union pour un Mouvement Populaire	EPP-ED	16.6	6	17
Union pour la Démocratie Française	EPP-ED	12.0	3	11
Front National	Other	9.8	2	7
Les Verts	Greens	7.4	-2	6
Mouvement pour la France	Other	8.8	3	3
Parti Communiste Français (+ independent)	EUL/NGL	6.6	-2	3
Other		9.9	-2	1
Electorate: 41,518,225			Seats: 78	

i) Ireland

The election for the European Parliament was held on 11 June 2004 in Ireland.

(a) Electoral System and Distribution of Seats

A Constituency Commission which was set up to examine how the European constituencies should be changed to take the reduction of Irish MEPs into account

⁹⁶ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/8.stm>.

⁹⁷ Mellows-Facer, op. cit., p. 63.

⁹⁸ European elections 10–13 June official web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/fr/turnout_country.html.

⁹⁹ Mellows-Facer, op. cit., p. 62.

recommended the reduction of a seat in each of the Leinster and Munster constituencies and the transfer of the population of County Clare from the Munster constituency to the Connacht–Ulster constituency. It also recommended that the constituencies be renamed as follows:

TABLE 3.31. Constituencies in Ireland:

Constituency	Seats
Dublin (the city and county of Dublin)	4
East (all Leinster counties except Dublin)	3
South (all Munster counties except Clare)	3
North–West (Clare, all Connacht counties and the three Ulster counties in the Republic)	3
Total	13

The Ireland, the Single Transferable Vote (STV) method is used. Candidates are listed on the ballot paper in alphabetical order. Each voter casts his/her vote for one candidate and in addition indicates in order of preference the candidate(s) to whom his/her vote is to be transferred if the candidate of his/her first or subsequent choice has already reached the quota or has obtained too few votes and has thus been eliminated. A candidate is elected once he or she has reached the quota. Any votes accruing to a candidate in excess of the quota are redistributed on a proportional basis among the remaining candidates in accordance with the preferences expressed by the voters.

(b) Incompatibilities

In addition to those laid down in the 1976 Act on Elections to the European Parliament, the Membership of the European Parliament is not compatible with the office of Judge or Comptroller and Auditor General. Persons who are elected to the European Parliament while holding the office of Attorney General, Chairman or Deputy Chairman of the Dáil or Seanad or Minister of State shall, on election to the Parliament, cease to hold that other office. Otherwise, Membership of the European Parliament is compatible with membership of the Dáil or Seanad. Members of the Dáil or Seanad, up to now, have been allowed by their parties to stand for the EP and, if elected, to hold a dual national/European mandate until the next national election at which point they were required by their party to relinquish their national mandate. Council Decision 2002/772/EC amending the 1976 Act concerning elections to the European Parliament came into force on 1 April 2004. The Decision states, “From the European Parliament elections in 2004, the office of member of the European Parliament shall be

incompatible with that of member of a national parliament”. But the Decision puts forward a derogation: Members of the Irish National Parliament who are elected to the European Parliament at a subsequent poll may have a dual mandate until the next election to the Irish National Parliament.

(c) Entitlement to Vote

In Ireland, all EU citizens aged 18 or over who are resident in Ireland and in full possession of their voting rights in their Member State of origin are entitled to vote. Irish citizens resident abroad are not entitled to a postal vote.

(d) Eligibility to Stand for Elections

Any EU citizen aged 21 or over who is resident in Ireland and in full possession of his/her right to stand as a candidate in his/her Member State of origin may stand for election in Ireland.

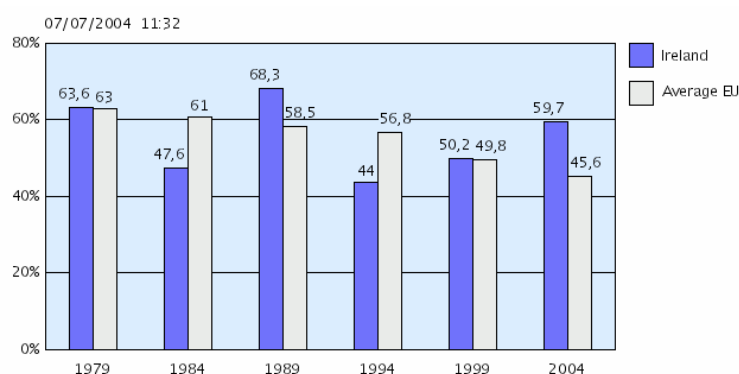
(e) Results of the Election

“Fianna Fail party suffered a major setback in the elections, losing two seats. It nonetheless remains the biggest group with 32% of the vote.”¹⁰⁰ “Sinn Fein won its first ever seats in the European Parliament. One of these is in Ireland, the other in Northern Ireland. The Greens and the former Independent MEP, Dana Rosemary Scallon, failed to be re-elected.”¹⁰¹

(f) Turnout Rate

Turnout for the 2004 European Parliament election was 60% in Ireland.

FIGURE 3.7. Turnout Trends in the European Elections in Ireland: ¹⁰²



¹⁰⁰ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/12.stm>

¹⁰¹ Mellows–Facer, op. cit., p. 65.

¹⁰² European elections 10–13 June web site, date of access: 26 April 2006, URL: <http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/ie/results/index.html>.

(g) Results according to the Parties¹⁰³

TABLE 3.32. 2004 European Election Results According to the Parties in Ireland:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Fine Gael	EPP-ED	27.8	1	5
Fianna Fail	UEN	29.5	-1	4
Independents	Other	8.7	1	2
Labour Party	PES	10.6	0	1
Sinn Fein	Other	11.1	1	1
Other		12.3	-2	
Electorate: 3,084,131			Seats: 13	

j) Italy

Elections to the European Parliament were held in Italy on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system in Italy is proportional representation in five electoral regions. Electors vote for a list and can also cast one preferential vote for an individual candidate on this list.

Seats are allocated to party lists on a national basis using an electoral quota, with the residue given to the lists with the largest excess over whole quotas. An electoral quota is then calculated for each list and used to allocate seats to each list in each of the five electoral regions.

TABLE 3.33. Electoral Regions in Italy:

Electoral Regions (Administrative Regions)	Seats
North-West (Aosta Valley, Liguria, Lombardy, Piedmont)	23
North-East (Emilia-Romagna, Friuli-Venezia Giulia, Trentino-South Tyrol, Veneto)	15
Central (Latium, Marche, Tuscany, Umbria)	16
Southern (Abruzzo, Apulia, Basilicata, Calabria, Campania, Molise)	17
Islands (Sardinia, Sicily)	7

(b) Incompatibilities

The provisions of the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage and the Council Decision of 25 June 2002 and 23 September 2002 amending the 1976 Act is valid for determining incompatibilities with the office of MEP.

¹⁰³ Mellows-Facer, loc. cit.

(c) Entitlement to Vote

All EU citizens aged 18 or over who have full voting rights in their Member of State of origin have the right to vote in the European Parliament elections in Italy. Italian citizens in another EU Member State can vote at consulates of their country.

(d) Eligibility to Stand for Elections

Any EU citizen aged 25 or over who has the full eligibility rights in their Member State of origin may stand for election in Italy.

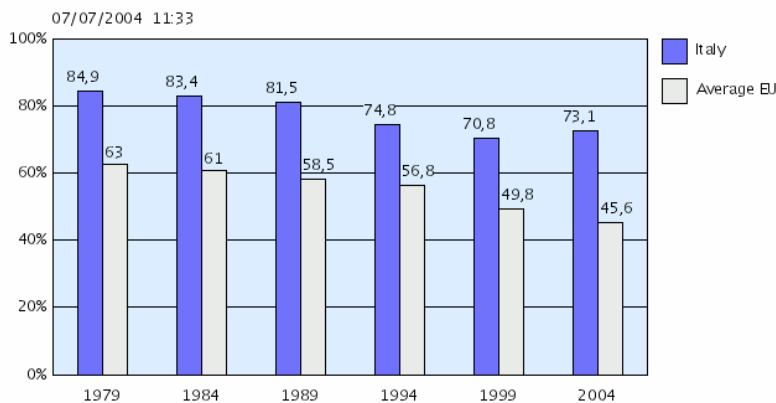
(e) Results of the Election

“Forza Italia party remained the most popular movement, but its support slumped from the last polls in 1999. Forza Italia’s three governing coalition partners nonetheless all made modest gains, while the left-wing opposition alliance, the Olive Tree, also marginally increased its share. Mr Berlusconi’s open support for the war against Iraq and US President George W Bush is seen as one reason why his own party’s share of the vote decreased, while that of his coalition partners increased.”¹⁰⁴

(f) Turnout Rate,

The turnout rate for 2004 European Parliament elections was 73% in Italy.

FIGURE 3.8. Turnout Trends in European Elections in Italy: ¹⁰⁵



¹⁰⁴ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/13.stm>.

¹⁰⁵ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/it/turnout_country.html.

(g) Results according to the Parties¹⁰⁶

TABLE 3.34. 2004 European Election Results According to the Parties in Italy:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Uniti Nell'Ulivo	Mixed	31.1	0	25
Forza Italia	EPP-ED	21.0	-4	16
Alleanza Nazionale	UEN	11.5	0	9
Sinistra Europea-Rifondazione Comunista	EUL/NGL	6.1	2	5
Unione Democratici dei Cristiani e dei Democratici di Centro	EPP-ED	5.9	1	5
Lega Nord	Other	5.0	1	4
Federazione dei Verdi	Greens	2.5	0	2
Lista Bonino	Other	2.3	-4	2
Comunisti Italiani	EUL/NGL	2.4	0	2
Societa' Civile di Pietro	ELDR	2.1	2	2
Socialisti Uniti Per L'Europa	ELDR	2.0	2	2
Unione Democratici Europei-Alleanza Popolare	EPP-ED	1.3	-1	1
Partito Pensionati	EPP-ED	1.1	0	1
Alternative Sociale	Other	1.2	0	1
Fiamma Tricolore	Other	0.7	1	1
Other		3.8		
Electorate: 49,309,064 Seats: 78				

k) Greek Cyprus Side¹⁰⁷

Elections to the European Parliament were held in Greek Cyprus Side on 13 June 2004. This was the first time Greek Cypriot voters had elected members of the European Parliament.

(a) Electoral System and Distribution of Seats

The electoral system in Greek Cyprus Side is proportional representation. As for the allocation of seats, the whole territory of the Republic of Cyprus shall constitute a single constituency.

(b) Incompatibilities

In addition to the offices listed in Article 7 of the Act (20.09.1976) on the election of representatives to the European Parliament by direct universal suffrage, the Constitution of Cyprus¹⁰⁸ prohibits that minister; Member of a Communal Chamber or

¹⁰⁶ Mellows-Facer, op. cit, p. 64.

¹⁰⁷ The Greek Cyprus Side became a Member State of the European Union as "The Republic of Cyprus". It is allocated six seats in the Parliament; four seats for Greek Cypriots and two for Turkish Cypriots. However, the seats allocated for the Turkish Cypriots is also taken by the Greek Cypriots, since there has not been unification realised on the island.

¹⁰⁸ Constitution of Cyprus, Appendix D, Part IV, Article 70: The office of a Representative shall be incompatible with that of a Minister or of a member of a Communal Chamber or of a member of any municipal council including a Mayor or of a member of the armed or security forces of the Republic or

member of any Municipal council including a Mayor; Member of the armed or security forces of the Republic or with a Public or Municipal office or, in the case of a Representative elected by the Turkish Community, of a religious functionary (din adami).

(c) Entitlement to Vote

All citizens of the Republic of Cyprus and all citizens of another Member State residing in the Republic who on the reference date are at least 18 years of age and have their habitual residence in the Republic for a period of at least six months have the right to vote in the EP elections. Voters and Community voters are to be entered on the respective electoral rolls by virtue of a special application form. Voting is compulsory but without penalties in case of failure to vote. There is no application of postal voting for the citizens abroad.

(d) Eligibility to Stand for Elections

As for the right to stand for election, the citizens of the Republic and nationals of other Member States of 25 years of age or older who have not been deprived of their right to vote on the reference date, who have not been convicted of a serious offence or moral obscenity, and have not been deprived of the right to stand as a candidate under a court decision as a result of any electoral offence, and who do not suffer from any mental disease rendering them incapable of fulfilling their duties as members of the European Parliament may stand as candidates.

(e) Results of the Election

“Cyprus joined the EU in May as a divided island, and these first European parliamentary elections showed continuing strong support for the rejection of a UN blueprint to reunify it. Four seats were won by parties that rejected the UN plan: two by the Communist Akel party, one by the Democratic Party of President Tassos Papadopoulos and one by the new For Europe party.”¹⁰⁹

with a public or municipal office or, in the case of a Representative elected by the Turkish Community, of a religious functionary (din adami). For the purposes of this Article “public office” means any office of profit in the service of the Republic or of a Communal Chamber the emoluments of which are under the control either of the Republic or of a Communal Chamber, and includes any office in any public corporation or public utility body. (“Constitution of Cyprus”, International Constitutional Law web site, date of access: 1 May 2006, URL: http://www.oefre.unibe.ch/law/icl/cy00000_.html.)

¹⁰⁹ Mellows–Facer, op. cit., p. 60.

(f) Turnout Rate

Turnout at over 70% was among the highest in the EU.¹¹⁰

(g) Results according to the Parties¹¹¹

TABLE 3.35. 2004 European Election Results in Greek Cyprus Side:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Dimocraticos Synagermos	EPP-ED	28.2	2	2
AKEL–Anorthotiko Komma Ergazomenou Laou	EUL/NGL	27.9	2	2
Dimokratiko Komma	ELDR	17.1	1	1
“For Europe”	Other	10.8	1	1
Other		16.0		
Electorate: 475,913			Seats: 6	

l) Latvia

The first European Parliament election in Latvia was held on 12 June 2004.

(a) Electoral System and Distribution of Seats

Electors votes for a list and can also cast a preferential vote for an individual candidate on this list or cross out the names of those candidates that they do not support. As for the allocation of seats, the Sainte–Laguë method (division by successive odd numbers) is used in Latvia.

(b) Incompatibilities

In addition to the offices listed in the Article 7 of the Act of 20 September 1976 on the election of representatives to the European Parliament by direct universal suffrage, there are other offices listed as incompatible with the membership of the European Parliament in Latvian laws. The persons holding these offices are State President, Members of National parliament (Saeima), Members of the Cabinet of Ministers, members of the cities councils, district councils or parishes’ councils. If one of these officials stands and gets elected as MEP, he/she may choose whether to go at the EP or not.

(c) Entitlement to Vote

Any EU citizen aged 18 or over has the right to vote in Latvia. Voting is not compulsory in the country. Latvians living abroad are entitled to vote by post.

¹¹⁰ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/3.stm>.

¹¹¹ Mellows–Facer, loc. cit.

(d) Eligibility to Stand for Elections

Any EU citizen aged 21 years or over who is a citizen of the Republic of Latvia or who is a EU citizen living in the Republic of Latvia can stand as a candidate in the EP elections.

(e) Results of the Election

“Only one party in the three-party governing coalition won a seat. The free-market opposition For Fatherland and Freedom party (Tevzemei un Brivibai/LNNK) was the big winner, taking 4 seats and just under 30 percent the vote. The conservative New Era party (Jaunais Laiks) won 2 seats.”¹¹²

(f) Turnout Rate

The voter turnout was 41.20%. It was higher than the turnout in most of other countries, which joined EU together with Latvia in 2004. But it was “far lower than the 72.53% turnout in a 2003 referendum on EU membership.”¹¹³

*(g) Results according to the Parties*¹¹⁴

TABLE 3.36. 2004 European Election Results According to the Parties in Latvia:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Tevzemei un Brivibai/LNNK	UEN	29.8	–	4
Jaunais Laiks	EPP–ED	19.7	–	2
Par Cilveka Tiesibam Vieneta Latvija	Greens	10.7	–	1
Tautas Partija	EPP–ED	6.7	–	1
Latvijas Cels	ELDR	6.5	–	1
Other		26.6		
Electorate: 1,394,969			Seats: 9	

m) Lithuania

Elections to the European Parliament were held in Lithuania on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system in Lithuania is proportional representation with preferential voting. A single multi-member constituency is formed of the territory of Lithuania for the elections of the European Parliament. As for the allocation of seats, lists gaining less than 5 % of the total votes cast are not entitled to parliamentary representation.

¹¹² Mellows–Facer, op. cit., p. 65.

¹¹³ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/14.stm>.

(b) Incompatibilities

In addition to the offices listed in the Article 7 of the Act of 20 September 1976 on the election of representatives to the European Parliament, the Lithuanian laws also stipulates that the membership of Seimas (Parliament) and/or of the Government of the Republic of Lithuania is incompatible with the membership of the European Parliament.

(c) Entitlement to Vote

The citizens of the Republic of Lithuania as well as citizens of EU Member States who are 18 years old have the right to vote. But the persons who have been declared legally incapable by a court cannot participate in elections. Lithuanian citizens and citizens of other EU Member States permanently residing in Lithuania are to be included into the Electoral Roll. Voters are included automatically into the Electoral Roll, on the basis of the Population Register. Voting is not compulsory in the country. The Lithuanians can vote by post for health reasons. Lithuanian citizens resident abroad can vote at consulates of their countries.

(d) Eligibility to Stand for Elections

Any EU citizen aged 21 years can stand as a candidate in the EP elections. A person is prohibited from standing as a candidate if by ‘reference date’ he/she has not served his/her sentence imposed by a court, if he is in the military or if the application of forced medical treatment measures, as established by a court, has not expired as well as if this person has been declared legally incapable by a court.

(e) Results of the Election

“A centre–left party backed by Russian–born millionaire Viktor Uspakich took the lion’s share of the vote, beating the governing Social Democrats into a distant second. The forthright Mr Uspakich, a member of Lithuania’s parliament, has promised to stand up for the country’s interests in Brussels, a message that apparently won over many poorer voters. Lithuanians were also voting to replace impeached President Rolandas Paksas –which could have been a factor in the relatively high turnout of just over 46%.”¹¹⁵

(f) Turnout Rate

Turnout rate for the 2004 elections in Lithuania was just over 46%

¹¹⁴ Mellows–Facer, loc. Cit.

(g) Results according to the Parties¹¹⁶

TABLE 3.37. 2004 European Election Results According to the Parties in Lithuania:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Darbo Partija (Labour Party)	Other	30.16	–	5
Lietuvos Socialdemokratu (Lithuanian Social Democrat Party)	PES	14.43	–	2
Tėvynės–Lietuvos Konservatoriai (Homeland Union: Conservatives, Political Prisoners etc)	EPP–ED	12.58	–	2
Liberalu ir Centro Sąjunga (Liberal and Centre Union)	ELDR	11.23	–	2
Valstieciū ir Naujosios Demokratijos (Union of Farmers' & New Democracy Party)	EPP–ED	7.41	–	1
Liberalu Demokratu Partija (Liberal Democratic Party)	ELDR	6.83	–	1
Other		17.4		
Electorate: 2,654,090			Seats: 13	

n) Luxembourg

Elections to the European Parliament were held in Luxembourg on 13 June 2004, on the same day with the national legislative elections.

(a) Electoral System and Distribution of Seats

Electoral system in Luxembourg is proportional representation on a national basis and the whole country forms a single constituency. The seats of the EP are allocated according to the d'Hondt method. Each voter has the same number of votes as the number of the seats (six). Panachage (cross-party voting) is permitted. A voter may vote en bloc for an entire list, vote for candidates from more than one list, or choose individual candidates from a particular list. Where a voter votes for an entire list consisting of fewer than six candidates, this list is credited with as many votes as it has candidates. No list may include more than twelve names.

(b) Incompatibilities

Apart from those posts and offices laid down Decision and Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976, amended by Council Decision of 25 June 2002 and 23 September 2002; there no offices considered being incompatible with the membership of the European Parliament in Luxembourg laws.

¹¹⁵ BBC News Vote Europe In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/15.stm>.

¹¹⁶ Mellows–Facer, op. cit., p. 66.

(c) Entitlement to Vote

In Luxembourg, in order to be entitled to vote, a citizen must be a Luxembourg national or national of another EU Member State; be at least 18 years old on the day of the elections; enjoy civil rights and not have been disenfranchised in their Member State of residence or of origin; (for Luxembourg nationals) be resident in the Grand Duchy of Luxembourg; or (for nationals of another EU Member State) be resident in the Grand Duchy and have lived there, at the time of registration on the electoral roll, for at least five years. Luxembourg nationals resident abroad may vote in European elections by post. Voting is compulsory for all voters on the electoral roll in Luxembourg.

(d) Eligibility to Stand for Elections

In order to be entitled to stand as a candidate in the European Parliament elections, a citizen must be a Luxembourg national or national of another EU Member State; enjoy civil rights and not have been disenfranchised in the Grand Duchy of Luxembourg or in their Member State of origin; be at least 18 years old on the day of the elections; (for Luxembourg nationals) be resident in the Grand Duchy of Luxembourg; or (for nationals of another EU Member State) be resident in the Grand Duchy and have lived there, at the time of submission of the list of candidates, for five years.

(e) Results of the Election

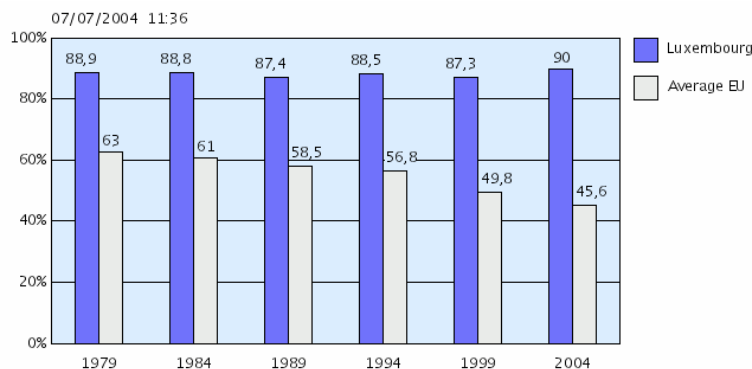
The ruling Christian Social People's Party polled strongly, while the opposition Luxembourg Socialist Workers' Party lost ground. "Unlike in many other countries, Luxembourg voters showed support for the governing (Christian Socialist) party, which received nearly 40 percent of the vote."¹¹⁷

(f) Turnout Rate

"Turnout was a very strong 85%, with national elections taking place at the same time as European polls—and voting being compulsory."¹¹⁸

¹¹⁷ Mellows–Facer, Adam, loc. cit.

FIGURE 3.9. Turnout Trends in the European Elections in Luxembourg: ¹¹⁹



(g) Results according to the Parties¹²⁰

TABLE 3.38. 2004 European Election Results According to the Parties in Luxembourg:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Chrëschtlech Sozial Vollekspartei	EPP-ED	37.2	1	3
LëtzeburgerSozialistesche Aarbechterpartei	PES	22.1	-1	1
Dei Greng	Greens	15.0	0	1
Demokratesch Partei Lëtzeburg	ELDR	14.9	0	1
Other		10.9		
Electorate: 343,800			Seats:6	

o) Hungary

Elections to the European Parliament were held in Hungary on 13 June 2004.

(a) Electoral System and Distribution of Seats

The election in Hungary is conducted in a proportional system, based on party lists. Only those party lists, which have obtained more than 5% of the total amount of valid votes, takes part in the allocation of mandates.

The seats are allocated according to the D'Hondt method. The country is considered as one constituency for the European Parliament elections.

(b) Incompatibilities

In addition to the clauses of the Act of 20 September 1976 concerning the election of the representatives of the European Parliament by direct universal suffrage, a

¹¹⁸ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/16.stm>.

¹¹⁹ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/lu/turnout_country.html.

¹²⁰ Mellows-Facer, op. cit. p. 66.

candidate for the office of MEP may not be the member of election bodies according to the Hungarian laws and may only stand for election in one Member State of the European Union.

(c) Entitlement of Vote

Every Hungarian, who reached the age of majority and has a residence in Hungary, has the right to vote, given that he/she is not excluded from this right. The list of voters is established for each settlement based on the data of the central register of personal data and addresses. Citizens of other European Union Member States, who have a residence in Hungary, have also the right to vote, if he/she meets the requirements for the Hungarian voters and asks for his inclusion in the list of voters. Voting is not compulsory in the country. Citizens of Hungary, who are abroad on the polling day may vote at the embassies, given that they asked for their inclusion to the register of voters at the diplomatic missions 30 days before the polling day at the latest.

(d) Eligibility to Stand for Elections

All voters have the right to stand for election as candidates. The candidate shall declare that he/she has the right to vote, and that he/she does not have a function, which is incompatible with the membership of the European Parliament, or in case he obtains a mandate, he resigns from that function. In order to register a candidate who is the citizen of an other European Union Member State, a certificate of the competent authorities of the Member State of which the candidate is a national, shall be attached, stating that he/she is eligible for election. The Act on the election of the members of the European Parliament does not lay down regulations concerning the incompatibilities. The legal status of the members of Parliament will be regulated by a separate act, which is currently under elaboration.

(e) Results of the Election

“Hungary’s conservative opposition of Fidesz and MDF picked up a total of 13 seats, against 11 for the ruling Socialist–Liberal coalition. As a result of the Hungarian elections, in which a 30–year–old gypsy was elected, Europe’s 5 million strong Roma community will for the first time be represented in the European parliament.”¹²¹

¹²¹ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/11.stm>.

(f) Turnout Rate

Turnout rate for the 2004 European Parliament election 2004 was 38.47%.

*(g) Results according to the Parties*¹²²

TABLE 3.39. 2004 European Election Results According to the Parties in Hungary:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Fidesz–Magyar Polgari Part	EPP–ED	47.4	–	12
Magyar Szocialista Part	PES	34.3	–	9
Szabad Demokraták Szövetsége	ELDR	7.7	–	2
Magyar Demokrata Forum	EPP–ED	5.3	–	1
Other		5.2		
Electorate: 8,046,247			Seats: 24	

p) Malta

Elections to the European Parliament were held in Malta on 13 June 2004; on the same day with the elections Local Councils in which one third of the Local Councils were elected.

(a) Electoral System and Distribution of Seats

The electoral system in the country is proportional representation by means of the single transferable vote. Malta constitutes one single electoral district. The seats for the EP are allocated according to the system of the single transferable vote.

(b) Incompatibilities

In addition to the clauses of the Act of 20 September 1976, the Maltese law puts forward that the Membership of House of Representatives, membership of Local Council in Malta or any other EU Member State is incompatible with the office of Member of European Parliament.

(c) Entitlement to Vote

Every person of 18 years of age or older whose name appears in the Electoral Register or in the European Union Electoral Register has the right to vote. No person is registered in the EU Electoral Register if he/she is interdicted or incapacitated for any mental infirmity by a court in a Member State, he/she is serving imprisonment exceeding twelve months, he/she is disqualified for registration as a voter by or under any law in Malta. Voting is not compulsory in Malta.

¹²² Mellows–Facer, op. cit., p. 64.

(d) Eligibility to Stand for Elections

Every person of 18 years of age or older is qualified to stand for election if he/she is registered as a voter in the Electoral Register or in the EU Electoral Register.

(e) Results of the Election

“The Maltese backed the opposition Labour party, which campaigned against EU membership in the run-up to the country’s March 2003 referendum on joining. In this election 48 percent supported the Labour party, while 40 percent backed the governing Nationalists.”¹²³

(f) Turnout Vote

“The smallest country in the European Union had among the highest voter turnout, at 82%.”¹²⁴

*(g) Results according to the Parties*¹²⁵

TABLE 3.40. 2004 European Election Results According to the Parties in Malta:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Malta Labour Party	PES	48.4	–	3
Nationalist Party	EPP–ED	39.8	–	2
Other		11.8		
Electorate: 304,283			Seats:5	

q) The Netherlands

Elections to the European Parliament were held in the Netherlands on 10 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system in the country is pure proportional representation on a national basis, without any threshold. The seats for the EP are allocated according to the d’Hondt method and preference voting.

(b) Incompatibilities

Together with the incompatibilities laid down in the 1976 Act on Elections to the European Parliament, there are other incompatibilities relating to the national parliament (Law of 13 December 1978, as amended by law of 24 June 1992).

¹²³ Mellows–Facer, *ibid.*, p. 67.

¹²⁴ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/17.stm>.

(c) Entitlement to Vote

All EU citizens aged 18 or over who are in full possession of their voting rights in their Member State of origin may vote in the EP elections in the Netherlands. Voting is not compulsory in the country. The Netherlands citizens resident abroad may vote by proxy or by post.

(d) Eligibility to Stand for Elections

Any EU citizen aged 18 or over who is in full possession of his right to stand as a candidate in his Member State of origin has the right to stand for election.

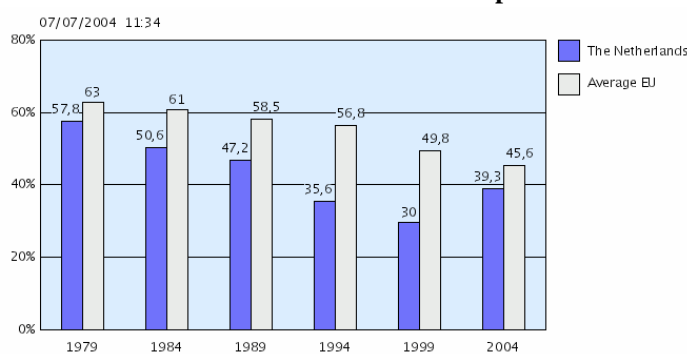
(e) Results of the Election

The ruling centre-right parties, the Christian Democratic Appeal and the People's Party for Freedom and Democracy polled poorly, while the opposition Labour Party and Socialist Party gained ground. "The ruling Christian Democrats lost a little ground apparently in the face of Dutch discomfort with the government's support for the war in Iraq. A new anti-war party, Transparent Europe, won 2 seats, while the Christian Democrats lost 1, leaving them level with the opposition Social Democrats."¹²⁶

(f) Turnout Rate

Turnout rate for the 2004 election was 39.9% in the Netherlands.

FIGURE 3.10. Turnout Trends in the European Elections in the Netherlands: ¹²⁷



¹²⁵ Mellows-Facer, op. cit., p. 66.

¹²⁶ Mellows-Facer, op. cit., p. 67.

¹²⁷ European elections 10-13 June web site, date of access 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/nl/turnout_country.html.

(g) *Results according to the Parties*¹²⁸

TABLE 3.41. 2004 European Election Results According to the Parties in the Netherlands:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Christen Democratisch Appel	EPP-DE	24.4	-1	7
Partij van de Arbeid	PES	23.6	2	7
Volkspartij voor Vrijheid en Democratie	ELDR	13.2	-1	4
Groen Links	Greens	7.4	-1	2
Socialistische Partij	EUL/NGL	7.0	1	2
ChristenUnie+Staatkundig Gereformeerde Partij	EDD	5.9	-1	2
Europa Transparant	Other	7.3	2	2
Democraten 66	ELDR	4.2	-1	1
Other		7.0		
Electorate: 11,855,330			Seats: 27	

r) Austria

Elections to the European Parliament were held in Austria on 13 June 2004.

(a) *Electoral System and Distribution of Seats*

The electoral system is proportional representation at national level (the country is considered as one constituency). Voters must vote for a list and may also vote for individual candidates on that list (preference voting). The seats for the EP are allocated according to the d'Hondt method. Any list, which has not obtained at least 4% of the total, is excluded from the allocation of seats.

(b) *Incompatibilities*

In addition to the incompatibilities laid down in the 1976 Act on Elections to the European Parliament; the office of MEP is incompatible with that of member of the Constitutional Court or the Administrative Court, director of a limited company, bank, commercial, industrial or private transport company, provincial credit establishment, medical insurance scheme or insurance company.

(c) *Entitlement to Vote*

All EU citizens having reached the age of 18 on the day of the European elections and being in full possession of their voting rights in their Member State of origin has right to vote in the elections. Voting is not compulsory in Austria. Austrians resident abroad may vote using polling cards.

¹²⁸ Mellows-Facer, loc. cit.

(d) Eligibility to Stand for Elections

Any EU citizen having reached the age of 19 on the day of the European elections and being in full possession of his right to stand for election in his Member State of origin has right to stand as a candidate in the election.

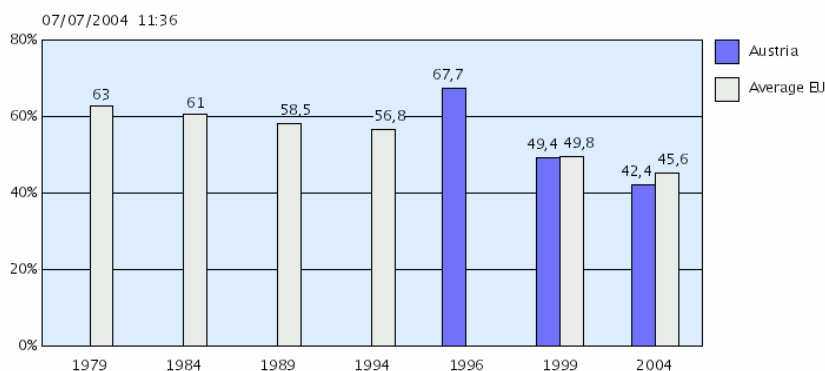
(e) Results of the Election

The parties of the left, the Austrian Social Democratic Party and the Greens, improved their share of the vote. The ruling conservative party, the Austrian People's Party, also improved its share, but this was at the expense of its coalition partner, the Austrian Freedom Party, whose vote dropped sharply. "The far-right Freedom Party's share of the vote slumped dramatically from 23.4% in the last election to 6.4%, losing the party four of the five seats it had previously held."¹²⁹

(f) Turnout Rate

Turnout rate for the 2004 European Parliament election was 42% in Austria.

FIGURE 3.11. Turnout Trends in the European Elections in Austria: ¹³⁰



*(g) Results according to the Parties*¹³¹

TABLE 3.42. 2004 European Election Results According to the Parties in Austria:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Sozialdemokratische Partei Österreichs	PES	33.3	1	7
Österreichische Volkspartei	EPP-ED	32.7	0	6
Die Grünen-Die Grüne Alternative	Greens	12.9	0	2
Hans-Peter Martin	Other	14.0	2	2
Freiheitliche Partei Österreichs	Other	6.3	-3	1
Other		0.8		
Electorate: 6,049,129			Seats: 18	

¹²⁹ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/1.stm>.

¹³⁰ European elections 10-13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/at/turnout_country.html.

¹³¹ Mellows-Facer, op. cit., p. 59.

s) Poland

Elections to the European Parliament were held in Poland on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system of Poland is proportional representation. As for the allocation of seats, votes are first counted in the whole country using the d'Hondt's method, determining lists with more than 5% support. Then mandates are attributed to single constituencies. Then, using the Hare Niemeyer's method (which takes into consideration the turnout), mandates are distributed to winning lists.

TABLE 3.43. Constituencies in Poland:
Constituencies and their geographical division
Constituency 1 (Pomorskie Voivodship)
Constituency 2 (Kujawsko –pomorskie Voivodship)
Constituency 3 (Podlaskie and Warminsko– Mazurskie Voivodship)
Constituency 4 City of Warsaw and part of the Mazowieckie Voivodship (powiats: grodziski, legionowski, nowodworski, otwocki, piaseczyński, pruszkowski, warszawski zachodni i wolominski))
Constituency 5 (The remaining part of the Mazowieckie Voivodship (powiats: ciechanowski, gostyniński, mławski, plocki, plonski, przasnyski, sierpacki, sochaczewski, zurominski, zyrardowski, bialobrzesci, grójecki, kozienicki, lipski, przysuski, radomski, szydlowiecki, zwolenski, garwolinski, losicki, makowski, minski, ostrolecki, ostrowski, pultuski, siedlecki, sokolowski, wegrowski, wyszkowski and the cities of Plock, Radom, Ostroleka and Siedlce))
Constituency 6 (Łódzkie Voivodship)
Constituency 7 (Wielkopolskie Voivodship)
Constituency 8 (Lubelskie Voivodship)
Constituency 9 (Podkarpackie Voivodship)
Constituency 10 (Malopolskie and Swietokrzyskie Voivodship)
Constituency 11 (Slaskie Voivodship)
Constituency 12 (Dolnoslaskie and Opolskie Voivodship)
Constituency 13 (Lubuskie and Zachodniopomorskie Voivodship)

(b) Incompatibilities

In addition to the incompatibilities laid down in the 1976 Act on Elections to the European Parliament; the office of MEP is incompatible with the SEJM or SENAT mandate, membership in the Council of Ministers (the Government), position of a Secretary of State.

(c) Entitlement to Vote

A person 18 years of age or older who has Polish citizenship or EU citizenship in case of permanent stay in Poland and if registered in the Voter Register has the right to vote in the EP elections. Voting is not compulsory in Poland.

(d) Eligibility to Stand for Elections

A person 21 years of age or older who has Polish or EU citizenship (permanent stay in Poland or any other EU member state for at least 5 years) and who does not have a public accusation for a crime committed deliberately may stand as a candidate for the office of MEP.

(e) Results of the Election

The elections resulted in a heavy defeat for the governing Alliance of the Democratic Left and Labor Union parties. The voters rejected the governing centre-left, dumping the Social Democrats into fifth place behind a number of right-wing and Eurosceptic parties.¹³² The most successful party was the Citizens Platform. Second place was taken by the strongly anti-EU League of Polish Families. The radical populist Self-Defense of the Polish Republic came fourth after the Law and Justice party.

(f) Turnout Rate

The % 20 turnout was the second lowest in the EU-25¹³³ and the lowest in any Polish election since the country threw off Communism in 1989.¹³⁴

*(g) Results according to the Parties*¹³⁵

TABLE 3.44. 2004 European Election Results According to the Parties in Poland:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Platforma Obywatelska	EPP-ED	24.1	-	15
Liga Polskich Rodzin	Other	15.9	-	10
Prawo i Sprawiedliwosc	UEN	12.7	-	7
Samoobrona	Other	10.8	-	6
Sojusz Lewicy Demokratycznej + Unia Pracy	PES	9.3	-	5
Unia Wolnisci	ELDR	7.3	-	4
Polskie Stronnictwo Ludowe	EPP-ED	6.3	-	4
Socjaldemokracja Polski	PES	5.3	-	3
Other		8.3		
Electorate: 29,374,800			Seats: 54	

t) Portugal

Elections to the European Parliament were held in Portugal on 13 June 2004.

¹³² BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/19.stm>.

¹³³ Mellows-Facer, op. cit., p. 67.

¹³⁴ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/19.stm>.

(a) Electoral System and Distribution of Seats

The electoral system in Portugal is ordered list system of proportional representation. The country is considered as single constituency for the elections of the European Parliament. The seats for the EP are allocated according to d'Hondt method.

(b) Incompatibilities

In addition to the incompatibilities laid down in the Act concerning the Election of the Representatives of the European Parliament by direct universal suffrage (1976) amended by the Council decision of 25 June 2002 and 23 September 2002, The office of Member of the European Parliament is incompatible with holding office as a Member of the Portuguese Government/Minister of the Republic (Autonomous Regions of Madeira and the Azores)/ Member of the Supreme Council of Magistrates/Public Prosecutor of the Republic/Ombudsman and Deputy Ombudsman/Member of the government bodies of the Autonomous Regions/Civil Governor and Vice-Governor/Mayor and full-time Deputy Mayor/President of the Economic and Social Council/Member of the High Authority for Social Communications, the National Commission for the Protection of Computerised Personal Data and the Committee on Access to the Administrative Documents/Senior government administrator and member of the board of a public institution/Member of the board of a company whose capital is wholly or mainly State-owned.¹³⁶ The office of MEP is also incompatible with any posts involving diplomatic duties in connection with representing Portugal abroad; any posts covered by Article 2 of Decree Law No 196/93, of 27 May which lays down rules on incompatibility of staff appointed by holders of political office. The office of MEP is also incompatible with holding office as a civil servant or agent of the State or other public bodies, apart from lecturers working in higher education in an honorary capacity and persons carrying out research activities; holding office as a Member of the Assembly of the Republic.

(c) Entitlement to Vote

Any EU citizen aged 18 or over and fully entitled to vote in his or her country of origin has the right to vote in Portugal.

¹³⁵ Mellows-Facer, loc. cit.

(d) Eligibility to Stand for Elections

Any EU citizen aged 18 or over and fully entitled to stand for election in his or her country of origin has the right to stand as a candidate in Portugal. (However, the following are not entitled to stand for election: President of the Republic/Prime Minister/Current holders of the office of Civil Governor or Deputy Civil Governor/Any citizens disqualified from standing for election under the legislation applying to elections to the Assembly of the Republic/Any citizens holding office as diplomats on the date of registration of candidacy who are not covered by the above provision/Any judges currently holding office who are not covered by the penultimate provision/Members of the National Electoral Commission/Any citizens disqualified under the applicable Community provisions.)

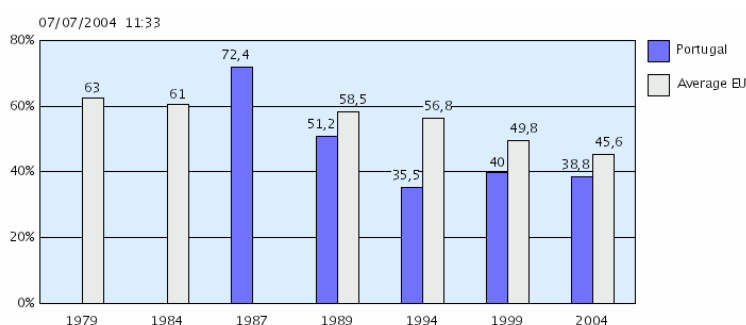
(e) Results of the Election

The opposition Socialists crushed governing Social Democrats in Portugal, picking up the biggest Socialist victory in the EU. “The opposition Socialists gained a seat in the Parliament and won 45 percent of the vote. That put them ahead of governing Social Democrats, who won 34 percent of the vote and lost 2 seats.”¹³⁷

(f) Turnout Rate

Turnout was just under 39%, largely unchanged from 40% in 1999.¹³⁸

FIGURE 3.12. Turnout Trends in the European Elections in Portugal: ¹³⁹



¹³⁶ Those incompatibilities are specified in the European Parliamentary Elections Act, Law No 14/87, 29 April.

¹³⁷ Mellows–Facer, op. cit. p. 68.

¹³⁸ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/20.stm>.

(g) Results according to the Parties¹⁴⁰

TABLE 3.45. 2004 European Election Results According to the Parties in Portugal:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Partido Socialista	PES	45	1	12
Partido Social Democrata + Centro Democratico Social (Partido Popular)	EPP-ED	34	-2	9
Coligação Democrática Unitária: Partido Comunista Portugês & Partido Ecologista Os Verdes	EUL/NGL	9	0	2
Bloco de Esquerda	Other	5	1	1
Other		7		
Electorate: 8,670,378			Seats: 24	

u) Slovenia

Elections to the European Parliament were held in Slovenia on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system in Slovenia is proportional representation with preference voting.

(b) Incompatibilities

In addition to the incompatibilities laid down in the Act of 20 September 1976 concerning the Election of the Representatives of the European Parliament by direct universal suffrage, the MEP cannot be a member of the National Assembly and cannot carry out executive functions in the local community. Further, he/she cannot carry out functions and activities, which cannot be carried out by a member of the National Assembly.

(c) Entitlement to Vote

Each citizen of the Republic of Slovenia and citizen of EU with permanent residence in the republic, who has attained the age of 18 years by the day of the election and is not suffering from mental disorder have the right to vote in the EP elections.

(d) Eligibility to Stand for Elections

Each Slovenian citizen and citizen of EU with permanent residence in the republic, who has attained the age of 18 years by the day of the election and is not suffering from mental disorder, have the right to stand as candidate in the EP.

¹³⁹ European elections 10–13 June web site, date of access. 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/pt/turnout_country.html.

¹⁴⁰ Mellows-Facer, loc. cit.

(e) Results of the Elections

The parties on the right of centre that form the opposition in the Slovenian national parliament won this election. “The opposition centre–right New Slovenia party was first with nearly a quarter of the vote, but the governing centre–left Liberal Democrats was a close second; each party will have 2 seats in the European parliament. The centre–right Democratic Party will also have 2 seats, while the centre–left United Social Democrats picked up Slovenia’s other seat.”¹⁴¹

(f) Turnout Vote

Slovenes backed European Union membership by a margin of almost nine to one in March 2003, but only 28% turnout out to vote on 13 June.¹⁴²

*(g) Results according to the Parties*¹⁴³

TABLE 3.46. 2004 European Election Results According to the Parties in Slovenia:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Nova Slovenija	EPP–DE	23.6	–	2
Liberalna Demokracija Slovenije	ELDR	21.9	–	2
Slovenska Demokratska Stranka	EPP–DE	17.7	–	2
Zdruzena Lista Socialnih Demokratov	PES	14.2	–	1
Other		22.7		
Electorate: 1,628,918				Seats: 7

v) Slovakia

Elections to the European Parliament were held in Slovakia on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system in Slovakia is called Droop Method; proportional electoral system. Lists gaining less than 5% of the total votes cast are not entitled to parliamentary representation. The territory of the Slovak Republic constitutes one electoral constituency in the EP elections. Voter has one preferential vote that he may attribute to the candidate on the list of the political party.

(b) Incompatibilities

Incompatibilities with the office of MEP are stated in the Decision and Act concerning the election of the representatives of the European Parliament by direct

¹⁴¹ Mellows–Facer, op. cit., p. 69.

¹⁴² BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/22.stm>.

¹⁴³ Mellows–Facer, op. cit., p. 68.

universal suffrage of 20 September 1976, last amended by Council Decision of 25 June 2002 and 23 September 2002.

(c) Entitlement to Vote

The right to vote for the EP on the territory of the Slovak Republic is recognised to the citizens of the Slovak Republic, who are at the least in the day of the election 18 years old and are domiciliated in the Slovak Republic. Citizens of other Member States of the EU, who are at least in the day of the election 18 years old and are domiciled in the Slovak Republic.

(d) Eligibility to Stand for Elections

The right to stand in the election is attributed to Slovak citizens, who are at the least in the day of the election 21 years old and are domiciled in the Slovak Republic. Citizens of the Member State of the EU, who are at the least in the day of the election 21 years old and are domiciled in the Slovak Republic.

(e) Results of the Elections

“Four parties, Christian and Democratic Union, the populist Movement for a Democratic Slovakia, the centre–left Direction and the Christian Democrats, finished with 16–17 percent of the vote each. Each gets three seats. An ethnic Hungarian Party, with two seats, will also be represented.”¹⁴⁴

(f) Turnout Rate

New EU member Slovakia had the lowest turnout in the EU–25, with just under 17% casting ballots.¹⁴⁵

*(g) Results according to the Parties*¹⁴⁶

TABLE 3.47. 2004 European Election Results According to the Parties in Slovakia:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Slovenska Demokraticka a Krestanska Unia	EPP–ED	17.1	–	3
Hnutie za Demokraticke Slovensko	Other	17.0	–	3
Smer	PES	16.9	–	3
Krestansko Demokraticke Hnutie	EPP–ED	16.2	–	3
Strana Mad’arskiej Koalicie–Magyar Koalicio Partja	EPP–ED	13.2	–	2
Other		19.6		
Electorate: 4,210,463			Seats: 14	

¹⁴⁴ Mellows–Facer, loc. cit.

¹⁴⁵ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/21.stm>.

¹⁴⁶ Mellows–Facer, op. cit., p. 68.

w) Finland

Elections to the European Parliament were held in Finland on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system is proportional representation with the preference voting and the whole country forms a single constituency. The seats are allocated according to the d'Hondt method. After each party, electoral alliance and joint list has been allocated the number of seats to which it is entitled, the candidates on the lists are ranked according to the number of preference votes they have received.

(b) Incompatibilities

In addition to the incompatibilities laid down in the Act of 20 September 1976 on Elections to the European Parliament, there are other offices incompatible with the MEP in Finland. The persons holding these offices are civil servants who, under the Finnish constitution, may not stand as candidates for the Finnish Parliament (military personnel, Chancellor of Justice, Vice-Chancellor of Justice, Members of the Supreme Court and Supreme Administrative Court, Ombudsman and Vice-Ombudsman of the Finnish Parliament).

(c) Entitlement to Vote

All Finnish citizens aged 18 or over are eligible to vote, regardless of domicile. Citizens of other EU Member States aged 18 or over are eligible to vote if they are domiciled in Finland on the 51. day before the election day and if they apply for the right to vote not later than on the 80. day before the election day. Voting is not compulsory in Finland. Finnish citizens can also vote in advance in Finnish diplomatic missions.

(d) Eligibility to Stand for Elections

Any Finnish citizen or citizen of another EU country aged 18 or over who has the right to vote may also stand for election, except persons subject to a care order or custody.

(e) Results of the Elections

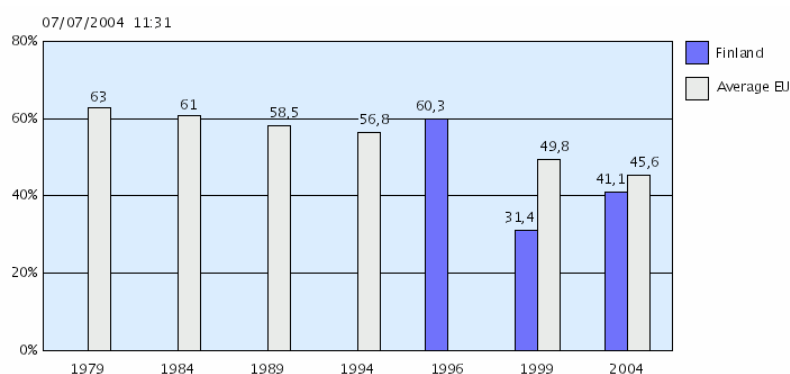
Both the Finnish Social Democratic Party and the Finnish Centre Party improved their vote at the expense of the conservative National Coalition Party and the Greens. "The main opposition party, the conservative National Coalition Party, took the largest share of the vote with 24 percent, although they remained behind the combined results

of the two main parties in Finland’s centre–left coalition government.”¹⁴⁷ “The results translate into three of Finland’s 14 seats in the European Parliament for the Social Democrats, and four each for the Centre Party and the National Coalition Party.”¹⁴⁸

(f) Turnout Rate

Turnout, at 41.1% was up from the last elections in 1999.¹⁴⁹

FIGURE 3.13. Turnout Trends in the European Elections in Finland: ¹⁵⁰



*(g) Results according to the Parties*¹⁵¹

TABLE 3.48. 2004 European Election Results According to the Parties in Finland:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Kansallinen Kokoomus (National Coalition Party)	EPP–ED	23.7	1	4
Suomen Keskusta (Centre Party of Finland)	ELDR	23.4	1	4
Suomen Sosialidemokraattinen Puolue (Social Dem Party of Finland)	PES 21.2	0	3	
Vihreät + Independent (Green League)	Greens	10.4	–1	1
Vasemmistoliitto (Left Alliance)	EUL/NGL	9.1	0	1
Svenska Folkpartiet (Swedish People’s Party in Finland)	ELDR	5.7	0	1
Other		6.5	–1	
Electorate: 4,221,000			Seats: 14	

¹⁴⁷ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/7.stm>.

¹⁴⁸ Mellows–Facer, op. cit., p. 62.

¹⁴⁹ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/7.stm>.

¹⁵⁰ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep–election/sites/en/results1306/countries/fi/turnout_country.html.

¹⁵¹ Mellows–Facer, loc. cit.

x) Sweden

Elections to the European Parliament were held in Sweden on 13 June 2004.

(a) Electoral System and Distribution of Seats

The electoral system in Sweden is proportional representation with a preference voting. Sweden is considered to be a single national constituency for the EP elections. Voters must vote for a political party and may also vote for one of the candidates on the list of the party chosen. The seats for the EP are allocated according to the modified St. Lagüe method. To qualify for the allocation of seats, parties must obtain at least 4% of the total number of votes cast. Allocation of mandates: Votes for individual candidates can have the effect of overriding the order in which the candidates are placed on their party list. For this to occur, a candidate must obtain at least 5% of the total number of votes cast for his/her party. The candidate receiving the highest number of votes will then be placed first on the list.

(b) Incompatibilities

In addition to the clauses stated in the Act of 20 September 1976, there are other incompatibility clauses laid down in the Elections Act 2002:68.

(c) Entitlement to Vote

All EU citizens aged 18 or over who are registered resident in Sweden are entitled to vote. Non-Swedish EU citizens must announce their intention of voting to the tax Council administrative board. Voting is not compulsory in Sweden. Voting by mail from abroad is possible.

(d) Eligibility to Stand for Elections

Anyone entitled to vote may stand for election. Some exceptions listed in SFS 2002:68.

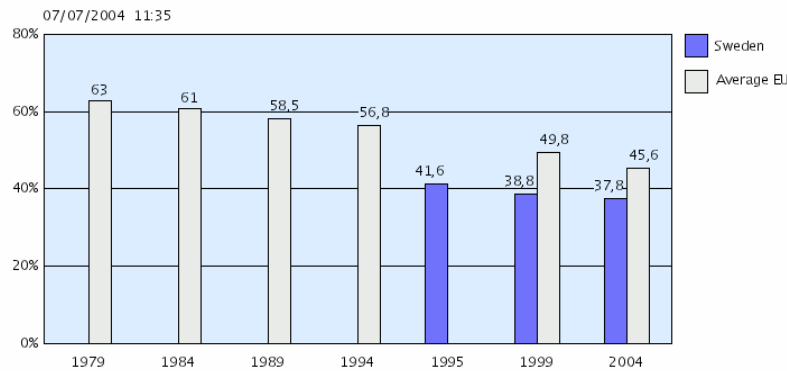
(e) Results of the Elections

“The governing Social Democrats lost a seat but still won the largest share of the vote, while the main opposition Moderate Party came in second. A new party, the June List, which is highly Eurosceptic, came in third place, taking just over 14 percent of the vote and 3 of the seats.”¹⁵²

(f) Turnout Rate

Turnout in 1999 was 38.8%.¹⁵³

FIGURE 3.14. Turnout Trends in the European Elections in Sweden:¹⁵⁴



(g) Results according to the Parties¹⁵⁵

TABLE 3.49. 2004 European Election Results According to the Parties in Sweden:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Socialdemokratiska arbetarepartiet	PES	24.7	0	5
Moderata samlingspartiet	EPP-ED	18.2	0	4
Junilistan	Other	14.4	3	3
Folkpartiet Liberalerna	ELDR	9.8	0	2
Vönsterpartiet	EUL/NGL	12.8	-1	2
Centerpartiet	EUL/NGL	6.3	0	1
Miljöpartiet de Gröna	Greens	5.9	-1	1
Kristdemokraterna	EPP-ED	5.7	-1	1
Other		2.2	0	0
Electorate: 6,821,433			Seats: 19	

y) United Kingdom

The European Parliament election was held in United Kingdom on 10 June 2004 on the same the day with local and regional elections (Greater London Authority, London Mayor, English municipalities.)

(a) Electoral System and Distribution of Seats

The electoral system in the United Kingdom is proportional representation with a closed regional list system for eleven regions:

¹⁵² Mellows-Facer, op. cit., p. 69.

¹⁵³ BBC News Vote Europe 2004 In Depth, date of access: 26 April 2006, URL: <http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/24.stm>.

¹⁵⁴ European elections 10–13 June web site date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/se/turnout_country.html.

TABLE 3.50. Electoral Regions in United Kingdom:

Regions	Seats
Eastern	7
East Midlands	6
London	9
North–East England	3
North–West England	9
South–East England	10
South–West England	7
West Midlands	7
Yorkshire and Humberside	6
Scotland	7
Wales	4

The seats for the above regions are allocated according to the d'Hondt method. In Northern Ireland, the proportional representation is used as the electoral system; and the single transferable vote system is used for the allocation of the three seats in Northern Ireland.

(b) Incompatibilities

Apart from the incompatibilities laid down in the 1976 Act on Elections to the European Parliament, the rules applying to national general elections are also applicable to the European elections. The dual mandate is now not allowed, except for those MEPs who were members of the Westminster parliament during the 1999–2004 EP legislature¹⁵⁶.

(c) Entitlement to Vote

All EU citizens aged 18 or over whose names appear on the electoral roll and who are in full possession of their voting rights in their state of origin are eligible to vote in the EP elections in UK, provided that they do not also vote in the election in their home Member State. UK citizens living abroad and members of the armed forces must make a declaration of eligibility in order to vote. Voting is not compulsory in the United Kingdom.

(d) Eligibility to Stand for Elections

All EU citizens resident in the UK aged 21 or over in full possession of their civic rights in their country of origin may stand for election to the office of MEP.

¹⁵⁵ Mellows–Facer, loc. cit.

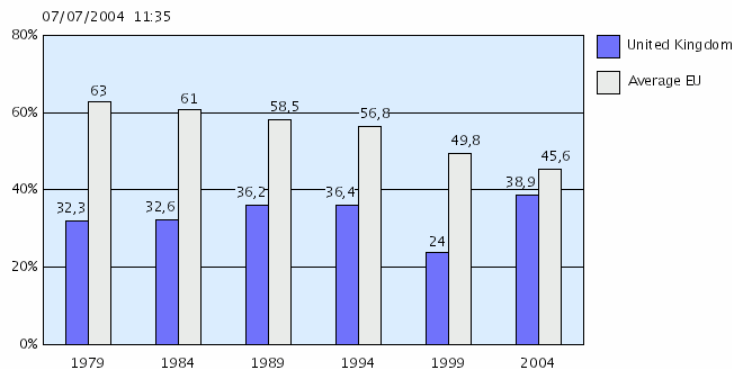
(e) Results of the Elections

The Conservative Party and the Labour Party both polled poorly. The Conservatives, although getting a vote share 4.1% greater than Labour, still experienced their lowest vote share in a national election since 1832. Labour's vote share was its lowest since 1918. The United Kingdom Independence Party did exceptionally well, and managed to increase its number of MEPs from 3 to 12, pushing the Liberal Democrats into fourth place. Other minor parties also posted vote gains. In Northern Ireland, as expected, Sinn Féin beat the SDLP in the polls and took its first Northern Ireland seat. This coincided with its winning a seat in the corresponding elections in the Republic.

(f) Turnout Rate

Turnout rate for the 2004 European Parliament elections was 38.9%.

FIGURE 3.15. Turnout Trends in the European Elections in United Kingdom: ¹⁵⁷



¹⁵⁶ Derogation to the Decision and Act concerning the election of the representatives of the European Parliament by direct universal suffrage of 20 September 1976, last amended by Council Decision of 25 June 2002 and 23 September 2002.

(g) Results according to the Parties¹⁵⁸

TABLE 3.51. 2004 European Election Results According to the Parties in United Kingdom:

Party	EP Group	% Vote	MEPs	
			+/-	Total
Great Britain				
Conservative	EPP-ED	26.7	-8	27
Labour	PES	22.6	-6	19
UK Independence Party	EDD	16.2	10	12
Liberal Democrat	ELDR	14.9	2	12
Green	Greens	6.2	2	2
Scottish National Party	Greens	1.4	0	2
Plaid Cymru	Greens	1.0	0	1
Other		11.0		
Northern Ireland				
Democratic Unionist Party	Other	32.0	0	1
Sinn Fein	Other	26.3	1	1
Ulster Unionists Party	EPP-ED	16.6	0	1
Other		25.1	-1	

¹⁵⁷ European elections 10–13 June web site, date of access: 26 April 2006, URL: http://www.elections2004.eu.int/ep-election/sites/en/results1306/countries/uk/turnout_country.html.

¹⁵⁸ Mellows-Facer, op. cit., p. 70.

CONCLUSION

The European Parliament, which was elected in June 2004, consists of 732 members, representing 163 political parties from 25 member states of the European Union. So far, it can be said that its political balance has not been radically altered after the 2004 elections and the overall increase in numbers can be digested within a certain period of time. However, this increase in number may create problems as to the impact of the new languages and the impact of size and structures. Moreover, the turnout at the 2004 elections reflected the continuing weakness of popular interest in the Parliament, especially in the new Member States.

The most obvious direct effect of enlargement has been the increase in the MEP's numbers from 626 to 732. This increase and change of distribution of the seats among the Member States caused a consequence of reducing the size of the national delegations from 13 of the 15 “old” Member States (only the largest –Germany at 99– and the smallest –Luxembourg at six– remaining their previous numbers). This change in number may not be very important for the larger Member States. This reducing size may have a greater influence on the smaller Member States than it may have on bigger Member States. These smaller Member States may feel that they are under-represented in the Parliament and may try to compensate it by putting a greater emphasise on their representation within the Council and the Commission.

Another important consequence of the enlargement is on the voting thresholds and on the size of committees. The absolute majority required for certain types of votes within the European Parliament has risen up from 314 to 367 votes. The size of conciliation committees, which are set up between the Parliament and the Council, has gone up from 30 to 50, having 25 members on both the delegation from the Parliament and from the Council instead of 15. However, it is still too early to tell whether this increase in numbers will hamper the conciliation process or not but it is certain that this increase in numbers will require more meetings and trialogues performed by smaller groups of representatives of each institution.

2004 enlargement also has a clear but limited impact on the working methods of the European Parliament. The reason for the impact of the enlargement to remain limited on the Parliament is that there are strict rules about speaking time in the plenary sittings, which is planned in advanced. Same strict rules apply to the debates within the

committee meetings as well. Although the basic structures of the Parliament (such as the voting thresholds and the number of members of the committees) have been adapted well, a slow-down to a certain level still can be expected, due to the larger numbers of the members of the European Parliament, especially those from the new Member States (the 2004 enlargement has caused into the fact that the proportion of the new members of the European Parliament to the overall number of those is 60%, which is higher than the results of all the previous elections and enlargements). Since the new members of the European Parliament require some time to settle in, the older and the experienced members of the European Parliament may and will have a greater impact on the legislation and procedures within the Parliament.

The growing number of languages due to the 2004 enlargement, which has been raised from 11 to 20 (and then 21 with Irish), has greater impact on the Parliament more than any of the other institutions. The 2004 expansion almost doubled the number of languages used in the Parliament. All the new Member States, except from the Cyprus Greek part, which uses Greek, brought their own languages (Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak, and Slovenian). The potential language combinations have also risen from 110 to 380. The impact of this raise in the language numbers causes some problems both in interpretation and in translation works, and thus in the working methods of the Parliament. Finding interpreters with the appropriate language skills has not been easy, particularly for the less spoken languages, such as Maltese. As far as the translation of the documents, there will be more serious problems. The volume of untranslated texts increases and will continue to increase in time due to the growing number of languages. Sometimes even the key legislative proposals or common positions of the Council on legislation may not be translated into the new European Union languages in time for the Parliament to work on these documents. The gap between committee adoption and plenary adoption of texts may become longer and longer. There may be also greater delays in the production of routine texts, such as committee minutes, in all languages.

In short, as far as the numbers are taken into account, the 2004 enlargement does not have a strong adverse effect on the Parliament's basic working methods, except for the main question posed by the growing number of official languages.

2004 enlargement has also an impact on the political balance among the political groups within the Parliament. The share of two largest groups (Group of the European People's Party –Christian Democrats– and European Democrats and Socialist Group in the European Parliament) remained more or less the same. This will lead the 'grand coalition' of these two groups to continue both in the election of the positions such as the Presidency and the chairs of the committees and in legislative procedures. Another impact of the 2004 enlargement and the June 2004 elections is the empowerment of the Group of the Alliance of Liberals and Democrats for Europe. This Liberal Group, although much more smaller than the two largest groups, gained a key position as a group which can effect the results of voting within the Parliament, by becoming the third biggest group.

Nevertheless, it is still too early to make a concrete evaluation over the political impact of the enlargement on the European Parliament. Many new Members of the European Parliament usually hold strongly committed to their Political Groups' positions. The reason for that may be the fact that these new Members of the European Parliament may still hesitate to act on their own, due to their inexperience. However, there are and will continue to be many issues on which these new members vote in accordance with their national, regional, sectoral or even personal interests rather than their group affiliation; and this may and can create divergences within the political groups. Agricultural, environmental, industrial issues, certain political issues and issues regarding the depth and width of the European integration can be given as examples to these issues.

European Parliament may have not a hard time in taking decision, but a slow-down to a certain level may be expected. If the Constitutional Treaty is finally entered into force, it will provide the Parliament to gain more power in the decision-making procedures of the European Union. This will strengthen the Parliament both externally and internally.

**NEGOTIATIONS ON ACCESSION
BY THE CZECH REPUBLIC, ESTONIA, CYPRUS, LATVIA, LITHUANIA,
HUNGARY, MALTA, POLAND, SLOVENIA AND SLOVAKIA
TO THE EUROPEAN UNION**

TREATY OF ACCESSION

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Delegations will find attached the Treaty of Accession of the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia to the European Union.

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TREATY

BETWEEN

THE KINGDOM OF BELGIUM, THE KINGDOM OF DENMARK,
THE FEDERAL REPUBLIC OF GERMANY, THE HELLENIC REPUBLIC,
THE KINGDOM OF SPAIN, THE FRENCH REPUBLIC, IRELAND,
THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG,
THE KINGDOM OF THE NETHERLANDS, THE REPUBLIC OF AUSTRIA,
THE PORTUGUESE REPUBLIC, THE REPUBLIC OF FINLAND, THE
KINGDOM OF SWEDEN, THE UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND
(MEMBER STATES OF THE EUROPEAN UNION)

AND

THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA, THE REPUBLIC OF
CYPRUS,
THE REPUBLIC OF LATVIA, THE REPUBLIC OF LITHUANIA, THE
REPUBLIC
OF HUNGARY, THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND,
THE REPUBLIC OF SLOVENIA, THE SLOVAK REPUBLIC

CONCERNING THE ACCESSION OF THE CZECH REPUBLIC,
THE REPUBLIC OF ESTONIA, THE REPUBLIC OF CYPRUS, THE REPUBLIC
OF LATVIA, THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY,
THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND,
THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC
TO THE EUROPEAN UNION

HIS MAJESTY THE KING OF THE BELGIANS,
THE PRESIDENT OF THE CZECH REPUBLIC,
HER MAJESTY THE QUEEN OF DENMARK,
THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,
THE PRESIDENT OF THE REPUBLIC OF ESTONIA,
THE PRESIDENT OF THE HELLENIC REPUBLIC,
HIS MAJESTY THE KING OF SPAIN,
THE PRESIDENT OF THE FRENCH REPUBLIC,
THE PRESIDENT OF IRELAND,
THE PRESIDENT OF THE ITALIAN REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF CYPRUS,
THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
THE PARLIAMENT OF THE REPUBLIC OF HUNGARY,
THE PRESIDENT OF MALTA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,

THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND,

UNITED in their desire to pursue the attainment of the objectives of the
Treaties on which the European Union is founded,

DETERMINED in the spirit of those Treaties to continue the process of
creating an ever closer union among the peoples of Europe on the foundations already
laid,

CONSIDERING that Article 49 of the Treaty on European Union affords
European States the opportunity of becoming members of the Union,

CONSIDERING that the Czech Republic, the Republic of Estonia, the
Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic
of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia
and the Slovak Republic have applied to become members of the Union,

CONSIDERING that the Council of the European Union, after having obtained
the opinion of the Commission and the assent of the European Parliament, has
declared itself in favour of the admission of these States,

HAVE DECIDED to establish by common agreement the conditions of
admission and the adjustments to be made to the Treaties on which the European
Union is founded, and to this end have designated as their Plenipotentiaries:

HIS MAJESTY THE KING OF THE BELGIANS,

THE PRESIDENT OF THE CZECH REPUBLIC,

HER MAJESTY THE QUEEN OF DENMARK,

THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY,

THE PRESIDENT OF THE REPUBLIC OF ESTONIA,

THE PRESIDENT OF THE HELLENIC REPUBLIC,

HIS MAJESTY THE KING OF SPAIN,

THE PRESIDENT OF THE FRENCH REPUBLIC,

THE PRESIDENT OF IRELAND,

THE PRESIDENT OF THE ITALIAN REPUBLIC,

THE PRESIDENT OF THE REPUBLIC OF CYPRUS,
THE PRESIDENT OF THE REPUBLIC OF LATVIA,
THE PRESIDENT OF THE REPUBLIC OF LITHUANIA,
HIS ROYAL HIGHNESS THE GRAND DUKE OF LUXEMBOURG,
THE PARLIAMENT OF THE REPUBLIC OF HUNGARY,
THE PRESIDENT OF MALTA,
HER MAJESTY THE QUEEN OF THE NETHERLANDS,
THE FEDERAL PRESIDENT OF THE REPUBLIC OF AUSTRIA,
THE PRESIDENT OF THE REPUBLIC OF POLAND,
THE PRESIDENT OF THE PORTUGUESE REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF SLOVENIA,
THE PRESIDENT OF THE SLOVAK REPUBLIC,
THE PRESIDENT OF THE REPUBLIC OF FINLAND,
THE GOVERNMENT OF THE KINGDOM OF SWEDEN,
HER MAJESTY THE QUEEN OF THE UNITED KINGDOM OF GREAT
BRITAIN AND NORTHERN IRELAND,

WHO, having exchanged their full powers found in good and due form,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic hereby become members of the European Union and Parties to the Treaties on which the Union is founded as amended or supplemented.

2. The conditions of admission and the adjustments to the Treaties on which the Union is founded, entailed by such admission, are set out in the Act annexed to this Treaty. The provisions of that Act shall form an integral part of this Treaty.

3. The provisions concerning the rights and obligations of the Member States and the powers and jurisdiction of the institutions of the Union as set out in the Treaties referred to in paragraph 1 shall apply in respect of this Treaty.

ARTICLE 2

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The instruments of ratification shall be deposited with the Government of the Italian Republic by 30 April 2004 at the latest.

2. This Treaty shall enter into force on 1 May 2004 provided that all the instruments of ratification have been deposited before that date.

If, however, the States referred to in Article 1(1) have not all deposited their instruments of ratification in due time, the Treaty shall enter into force for those States which have deposited their instruments. In this case, the Council of the European Union, acting unanimously, shall decide immediately upon such adjustments as have become indispensable to Article 3 of this Treaty, to Articles 1, 6(6), 11 to 15, 18, 19, 25, 26, 29 to 31, 33 to 35, 46 to 49, 58 and 61 of the Act of Accession, to Annexes II to XV and their Appendices to that Act and to Protocols 1 to 10 annexed thereto; acting unanimously, it may also declare that those provisions of the aforementioned Act, including its Annexes, Appendices and Protocols, which refer expressly to a State which has not deposited its instrument of ratification have lapsed, or it may adjust them.

3. Notwithstanding paragraph 2, the institutions of the Union may adopt before accession the measures referred to in Articles 6(2) second subparagraph, 6(6) second subparagraph, 6(7) second and third subparagraphs, 6(8) second and third subparagraphs, 6(9) third subparagraph, 21, 23, 28(1), 32(5), 33(1), 33(4), 33(5), 38, 39, 41, 42 and 55 to 57 of the Act of Accession, Annexes III to XIV to that Act, and Protocol 2, Article 6 of Protocol 3, Article 2(2) of Protocol 4, Protocol 8 and Articles 1, 2 and 4 of Protocol 10 annexed thereto. These measures shall enter into force only subject to and on the date of the entry into force of this Treaty.

ARTICLE 3

This Treaty, drawn up in a single original in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish and Swedish languages, the texts in each of these languages being equally authentic, shall be deposited in the archives of the Government of the Italian Republic, which will remit a certified copy to each of the Governments of the other Signatory States.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.

Done at

[Signatures]

ACT
CONCERNING THE CONDITIONS OF ACCESSION
OF THE CZECH REPUBLIC, THE REPUBLIC OF ESTONIA,
THE REPUBLIC OF CYPRUS, THE REPUBLIC OF LATVIA,
THE REPUBLIC OF LITHUANIA, THE REPUBLIC OF HUNGARY,
THE REPUBLIC OF MALTA, THE REPUBLIC OF POLAND,
THE REPUBLIC OF SLOVENIA AND THE SLOVAK REPUBLIC
AND THE ADJUSTMENTS TO THE TREATIES
ON WHICH THE EUROPEAN UNION IS FOUNDED

PART ONE

PRINCIPLES

ARTICLE 1

For the purposes of this Act:

- the expression "original Treaties" means:
 - (a) the Treaty establishing the European Community ("EC Treaty") and the Treaty establishing the European Atomic Energy Community ("Euratom Treaty"), as supplemented or amended by treaties or other acts which entered into force before this accession,
 - (b) the Treaty on European Union ("EU Treaty"), as supplemented or amended by treaties or other acts which entered into force before this accession;
- the expression "present Member States" means the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland;
- the expression "the Union" means the European Union as established by the EU Treaty;
- the expression "the Community" means one or both of the Communities referred to in the first indent, as the case may be;
- the expression "new Member States" means the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic;
- the expression "the institutions" means the institutions established by the original Treaties.

ARTICLE 2

From the date of accession, the provisions of the original Treaties and the acts adopted by the institutions and the European Central Bank before accession shall be binding on the new Member States and shall apply in those States under the conditions laid down in those Treaties and in this Act.

ARTICLE 3

1. The provisions of the Schengen acquis as integrated into the framework of the European Union by the Protocol annexed to the Treaty on European Union and to the Treaty establishing the European Community (hereinafter referred to as the "Schengen Protocol"), and the acts building upon it or otherwise related to it, listed in Annex I to this Act, as well as any further such acts which may be adopted before the date of accession, shall be binding on and applicable in the new Member States from the date of accession.

2. Those provisions of the Schengen acquis as integrated into the framework of the European Union and the acts building upon it or otherwise related to it not referred to in paragraph 1, while binding on the new Member States from the date of accession, shall only apply in a new Member State pursuant to a Council decision to that effect after verification in accordance with the applicable Schengen evaluation procedures that the necessary conditions for the application of all parts of the acquis concerned have been met in that new Member State and after consulting the European Parliament.

The Council shall take its decision acting with the unanimity of its members representing the Governments of the Member States in respect of which the provisions referred to in the present paragraph have already been put into effect and of the representative of the Government of the Member State in respect of which those provisions are to be put into effect. The members of the Council representing the Governments of Ireland and of the United Kingdom of Great Britain and Northern Ireland shall take part in such a decision insofar as it relates to the provisions of the Schengen acquis and the acts building upon it or otherwise related to it in which these Member States participate.

3. The Agreements concluded by the Council under Article 6 of the Schengen Protocol shall be binding on the new Member States from the date of accession.

4. The new Member States undertake in respect of those conventions or instruments in the field of justice and home affairs which are inseparable from the attainment of the objectives of the EU Treaty:

- to accede to those which, by the date of accession, have been opened for signature by the present Member States, and to those which have been drawn up by the Council in accordance with Title VI of the EU Treaty and recommended to the Member States for adoption;

- to introduce administrative and other arrangements, such as those adopted by the date of accession by the present Member States or by the Council, to facilitate practical cooperation between the Member States' institutions and organisations working in the field of justice and home affairs.

ARTICLE 4

Each of the new Member States shall participate in Economic and Monetary Union from the date of accession as a Member State with a derogation within the meaning of Article 122 of the EC Treaty.

ARTICLE 5

1. The new Member States accede by this Act to the decisions and agreements adopted by the Representatives of the Governments of the Member States meeting within the Council. They undertake to accede from the date of accession to all other agreements concluded by the present Member States relating to the functioning of the Union or connected with the activities thereof.

2. The new Member States undertake to accede to the conventions provided for in Article 293 of the EC Treaty and to those that are inseparable from the attainment of the objectives of the EC Treaty, and also to the protocols on the interpretation of those conventions by the Court of Justice, signed by the present Member States and to this end they undertake to enter into negotiations with the present Member States in order to make the necessary adjustments thereto.

3. The new Member States are in the same situation as the present Member States in respect of declarations or resolutions of, or other positions taken up by, the European Council or the Council and in respect of those concerning the Community or the Union adopted by common agreement of the Member States; they will accordingly observe the principles and guidelines deriving from those declarations, resolutions or other positions and will take such measures as may be necessary to ensure their implementation.

ARTICLE 6

1. The agreements or conventions concluded or provisionally applied by the Community or in accordance with Article 24 or Article 38 of the EU Treaty, with one or more third States, with an international organisation or with a national of a third State, shall, under the conditions laid down in the original Treaties and in this Act, be binding on the new Member States.

2. The new Member States undertake to accede, under the conditions laid down in this Act, to the agreements or conventions concluded or provisionally applied by the present Member States and the Community, acting jointly, and to the agreements concluded by those States which are related to those agreements or conventions.

The accession of the new Member States to the agreements or conventions mentioned in paragraph 6 below, as well as the agreements with Belarus, China, Chile, Mercosur and Switzerland which have been concluded or signed by the Community and its Member States jointly shall be agreed by the conclusion of a protocol to such agreements or conventions between the Council, acting unanimously on behalf of the Member States, and the third country or countries or international organisation concerned. This procedure is without prejudice to the Community's own competences and does not affect the allocation of powers between the Community and the Member States as regards the conclusion of such agreements in the future or any other amendments not related to accession. The Commission shall negotiate these protocols on behalf of the Member States on the basis of negotiating directives approved by the Council, acting by unanimity, and in consultation with a committee comprised of the representatives of the Member States. It shall submit a draft of the protocols for conclusion to the Council.

3. Upon acceding to the agreements and conventions referred to in paragraph 2 the new Member States shall acquire the same rights and obligations under those agreements and conventions as the present Member States.

4. The new Member States accede by this Act to the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States of the one part, and the European Community and its Member States, of the other part¹, signed in Cotonou on 23 June 2000.

5. The new Member States undertake to accede, under the conditions laid down in this Act, to the Agreement on the European Economic Area², in accordance with Article 128 of that Agreement.

6. As from the date of accession, and pending the conclusion of the necessary protocols referred to in paragraph 2, the new Member States shall apply the provisions of the Agreements concluded by the present Member States and, jointly, the Community with Algeria, Armenia, Azerbaijan, Bulgaria, Croatia, Egypt, FYROM, Georgia, Israel, Jordan, Kazakhstan, Kyrgyzstan, Lebanon, Mexico, Moldova, Morocco, Romania, the Russian Federation, San Marino, South Africa, South Korea, Syria, Tunisia, Turkey, Turkmenistan, Ukraine and Uzbekistan as well as the provisions of other agreements concluded jointly by the present Member States and the Community before accession.

Any adjustments to these Agreements shall be the subject of protocols concluded with the co-contracting countries in conformity with the provisions of the second subparagraph of paragraph 2. Should the protocols not have been concluded by the date of accession, the Community and the Member States shall take, in the framework of their respective competences, the necessary measures to deal with that situation upon accession.

¹ OJ L 317, 15.12.2000, p. 3.

² OJ L 1, 3.1.1994, p. 3.

7. As from the date of accession, the new Member States shall apply the bilateral textile agreements and arrangements concluded by the Community with third countries.

The quantitative restrictions applied by the Community on imports of textile and clothing products shall be adjusted to take account of the accession of the new Member States to the Community. To that effect, amendments to the bilateral agreements and arrangements referred to above may be negotiated by the Community with the third countries concerned prior to the date of accession.

Should the amendments to the bilateral textile agreements and arrangements not have entered into force by the date of accession, the Community shall make the necessary adjustments to its rules for the import of textile and clothing products from third countries to take into account the accession of the new Member States to the Community.

8. The quantitative restrictions applied by the Community on imports of steel and steel products shall be adjusted on the basis of imports of new Member States over recent years of steel products originating in the supplier countries concerned.

To that effect, the necessary amendments to the bilateral steel agreements and arrangements concluded by the Community with third countries shall be negotiated prior to the date of accession.

Should the amendments to the bilateral agreements and arrangements not have entered into force by the date of accession, the provisions of the first subparagraph shall apply.

9. As from the date of accession, fisheries agreements concluded by the new Member States with third countries shall be managed by the Community.

The rights and obligations resulting for the new Member States from those agreements shall not be affected during the period in which the provisions of those agreements are provisionally maintained.

As soon as possible, and in any event before the expiry of the agreements referred to in the first subparagraph, appropriate decisions for the continuation of fishing activities resulting from those agreements shall be adopted in each case by the Council acting by qualified majority on a proposal from the Commission, including the possibility of extending certain agreements for periods not exceeding one year.

10. With effect from the date of accession, the new Member States shall withdraw from any free trade agreements with third countries, including the Central European Free Trade Agreement.

To the extent that agreements between one or more of the new Member States on the one hand, and one or more third countries on the other, are not compatible with the obligations arising from this Act, the new Member State shall take all appropriate steps to eliminate the incompatibilities established. If a new Member State encounters

difficulties in adjusting an agreement concluded with one or more third countries before accession, it shall, according to the terms of the agreement, withdraw from that agreement.

11. The new Member States accede by this Act and under the conditions laid down therein to the internal agreements concluded by the present Member States for the purpose of implementing the agreements or conventions referred to in paragraphs 2 and 4 to 6.

12. The new Member States shall take appropriate measures, where necessary, to adjust their position in relation to international organisations, and to those international agreements to which the Community or to which other Member States are also parties, to the rights and obligations arising from their accession to the Union.

They shall in particular withdraw at the date of accession or the earliest possible date thereafter from international fisheries agreements and organisations to which the Community is also a party, unless their membership relates to matters other than fisheries.

ARTICLE 7

The provisions of this Act may not, unless otherwise provided herein, be suspended, amended or repealed other than by means of the procedure laid down in the original Treaties enabling those Treaties to be revised.

ARTICLE 8

Acts adopted by the institutions to which the transitional provisions laid down in this Act relate shall retain their status in law; in particular, the procedures for amending those acts shall continue to apply.

ARTICLE 9

Provisions of this Act the purpose or effect of which is to repeal or amend acts adopted by the institutions, otherwise than as a transitional measure, shall have the same status in law as the provisions which they repeal or amend and shall be subject to the same rules as those provisions.

ARTICLE 10

The application of the original Treaties and acts adopted by the institutions shall, as a transitional measure, be subject to the derogations provided for in this Act.

PART TWO
ADJUSTMENTS TO THE TREATIES

TITLE I

INSTITUTIONAL PROVISIONS

CHAPTER 1

THE EUROPEAN PARLIAMENT

ARTICLE 11

With effect from the start of the 2004-2009 term, in Article 190(2) of the EC Treaty and in Article 108(2) of the Euratom Treaty, the first subparagraph shall be replaced by the following:

"The number of representatives elected in each Member State shall be as follows:

Belgium	24
Czech Republic	24
Denmark	14
Germany	99
Estonia	6
Greece	24
Spain	54
France	78
Ireland	13
Italy	78
Cyprus	6
Latvia	9
Lithuania	13
Luxembourg	6
Hungary	24
Malta	5
Netherlands	27
Austria	18
Poland	54
Portugal	24
Slovenia	7
Slovakia	14
Finland	14
Sweden	19
United Kingdom	78"

CHAPTER 2**THE COUNCIL****ARTICLE 12**

1. With effect from 1 November 2004:

(a) In Article 205 of the EC Treaty and Article 118 of the Euratom Treaty

(i) paragraph 2 shall be replaced by the following:

"2. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as follows:

Belgium	12
Czech Republic	12
Denmark	7
Germany	29
Estonia	4
Greece	12
Spain	27
France	29
Ireland	7
Italy	29
Cyprus	4
Latvia	4
Lithuania	7
Luxembourg	4
Hungary	12
Malta	3
Netherlands	13
Austria	10
Poland	27
Portugal	12
Slovenia	4
Slovakia	7
Finland	7
Sweden	10
United Kingdom	29

Acts of the Council shall require for their adoption at least 232 votes in favour cast by a majority of the members where this Treaty requires them to be adopted on a proposal from the Commission.

In other cases, for their adoption acts of the Council shall require at least 232 votes in favour, cast by at least two-thirds of the members.";

- (ii) the following paragraph shall be added:

"4. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted.";

- (b) In Article 23(2) of the EU Treaty, the third subparagraph shall be replaced by the following:

"The votes of the members of the Council shall be weighted in accordance with Article 205(2) of the Treaty establishing the European Community. For their adoption, decisions shall require at least 232 votes in favour cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted."

- (c) In Article 34 of the EU Treaty, paragraph 3 shall be replaced by the following:

"3. Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 205(2) of the Treaty establishing the European Community, and for their adoption acts of the Council shall require at least 232 votes in favour, cast by at least two-thirds of the members. When a decision is to be adopted by the Council by a qualified majority, a member of the Council may request verification that the Member States constituting the qualified majority represent at least 62% of the total population of the Union. If that condition is shown not to have been met, the decision in question shall not be adopted."

2. Article 3(1) of the Protocol annexed to the EU Treaty and to the EC Treaty on the enlargement of the European Union is repealed.

3. In the event of fewer than ten new Member States acceding to the European Union, the threshold for the qualified majority shall be fixed by Council decision by applying a strictly linear, arithmetical interpolation, rounded up or down to the nearest vote, between 71% for a Council with 300 votes and the level of 72,27% for an EU of 25 Member States.

CHAPTER 3
THE COURT OF JUSTICE

ARTICLE 13

1. Article 9, first paragraph, of the Protocol annexed to the EU Treaty, the EC Treaty and the Euratom Treaty on the Statute of the Court of Justice shall be replaced by the following:

"When, every three years, the Judges are partially replaced, thirteen and twelve Judges shall be replaced alternately."

2. Article 48 of the Protocol annexed to the EU Treaty, the EC Treaty and the Euratom Treaty on the Statute of the Court of Justice shall be replaced by the following:

"Article 48

The Court of First Instance shall consist of twenty-five Judges."

CHAPTER 4
THE ECONOMIC AND SOCIAL COMMITTEE

ARTICLE 14

The second paragraphs of Article 258 of the EC Treaty and Article 166 of the Euratom Treaty are replaced by the following:

"The number of members of the Committee shall be as follows:

Belgium	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	7
Greece	12
Spain	21
France	24
Ireland	9
Italy	24

Cyprus	6
Latvia	7
Lithuania	9
Luxembourg	6
Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24"

CHAPTER 5

THE COMMITTEE OF THE REGIONS

ARTICLE 15

The third paragraph of Article 263 of the EC Treaty is replaced by the following:

"The number of members of the Committee shall be as follows:

Belgium	12
Czech Republic	12
Denmark	9
Germany	24
Estonia	7
Greece	12
Spain	21
France	24
Ireland	9
Italy	24
Cyprus	6
Latvia	7
Lithuania	9
Luxembourg	6

Hungary	12
Malta	5
Netherlands	12
Austria	12
Poland	21
Portugal	12
Slovenia	7
Slovakia	9
Finland	9
Sweden	12
United Kingdom	24"

CHAPTER 6

THE SCIENTIFIC AND TECHNICAL COMMITTEE

ARTICLE 16

The following is substituted for the first subparagraph of Article 134(2) of the Euratom Treaty:

"2. The Committee shall consist of thirty-nine members, appointed by the Council after consultation with the Commission."

CHAPTER 7

THE EUROPEAN CENTRAL BANK

ARTICLE 17

In Protocol No 18 on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty establishing the European Community, the following paragraph shall be added to Article 49:

"49.3 Upon one or more countries becoming Member States and their respective national central banks becoming part of the ESCB, the subscribed capital of the ECB and the limit on the amount of foreign reserve assets that may be transferred to the ECB shall be automatically increased. The increase shall be determined by multiplying the respective amounts then prevailing by the ratio, within the expanded capital key, between the weighting of the entering national central banks concerned and the weighting of the national central banks already members of the ESCB. Each national central bank's weighting in the capital key shall be calculated by analogy with Article 29.1 and in compliance with Article 29.2. The reference periods to be

used for the statistical data shall be identical to those applied for the latest quinquennial adjustment of the weightings under Article 29.3."

TITLE II

OTHER ADJUSTMENTS

ARTICLE 18

In Article 57(1) of the EC Treaty the following shall be added:

"In respect of restrictions existing under national law in Estonia and Hungary, the relevant date shall be 31 December 1999".

ARTICLE 19

Article 299(1) of the EC Treaty shall be replaced by the following:

"1. This Treaty shall apply to the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland."

PART THREE

PERMANENT PROVISIONS

TITLE I

ADAPTATIONS TO ACTS ADOPTED BY THE INSTITUTIONS

ARTICLE 20

The acts listed in Annex II to this Act shall be adapted as specified in that Annex.

ARTICLE 21

The adaptations to the acts listed in Annex III to this Act made necessary by accession shall be drawn up in conformity with the guidelines set out in that Annex and in accordance with the procedure and under the conditions laid down in Article 57.

TITLE II
OTHER PROVISIONS

ARTICLE 22

The measures listed in Annex IV to this Act shall be applied under the conditions laid down in that Annex.

ARTICLE 23

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may make the adaptations to the provisions of this Act relating to the common agricultural policy which may prove necessary as a result of a modification in Community rules. Such adaptations may be made before the date of accession.

PART FOUR

TEMPORARY PROVISIONS

TITLE I

TRANSITIONAL MEASURES

ARTICLE 24

The measures listed in Annexes V, VI, VII, VIII, IX, X, XI, XII, XIII and XIV to this Act shall apply in respect of the new Member States under the conditions laid down in those Annexes.

ARTICLE 25

1. By way of derogation from the second paragraph of Article 189 of the EC Treaty and from the second paragraph of Article 107 of the Euratom Treaty and with regard to Article 190(2) of the EC Treaty and Article 108(2) of the Euratom Treaty, the number of seats in the European Parliament for the new Member States for the period running from the date of accession until the beginning of the 2004-2009 term of the European Parliament shall be as follows:

Czech Republic	24
Estonia	6
Cyprus	6
Latvia	9
Lithuania	13
Hungary	24
Malta	5
Poland	54

Slovenia	7
Slovakia	14

2. By way of derogation from Article 190(1) EC Treaty and Article 108(2) Euratom Treaty, the representatives in the European Parliament of the peoples of the new Member States for the period running from the date of accession until the beginning of the 2004-2009 term of the European Parliament shall be appointed by the Parliaments of those States within themselves in accordance with the procedure laid down by each of those States.

ARTICLE 26

1. For the period until 31 October 2004 the following provisions shall apply:

(a) with regard to Article 205(2) of the EC Treaty and Article 118(2) of the Euratom Treaty:

Where the Council is required to act by a qualified majority the votes of its members shall be weighted as follows:

Belgium	5
Czech Republic	5
Denmark	3
Germany	10
Estonia	3
Greece	5
Spain	8
France	10
Ireland	3
Italy	10
Cyprus	2
Latvia	3
Lithuania	3
Luxembourg	2
Hungary	5
Malta	2
Netherlands	5
Austria	4
Poland	8
Portugal	5
Slovenia	3
Slovakia	3
Finland	3
Sweden	4
United Kingdom	10

- (b) with regard to the second and third subparagraphs of Article 205(2) of the EC Treaty and of Article 118(2) of the Euratom Treaty:

For their adoption, acts of the Council shall require at least:

- 88 votes in favour where this Treaty requires them to be adopted on a proposal from the Commission,
- 88 votes in favour, cast by at least two-thirds of the members, in other cases.

- (c) with regard to the second sentence of the third subparagraph of Article 23(2) of the EU Treaty:

For their adoption, decisions shall require at least 88 votes in favour cast by at least two-thirds of the members.

- (d) with regard to Article 34(3) of the EU Treaty:

Where the Council is required to act by a qualified majority, the votes of its members shall be weighted as laid down in Article 205(2) of the Treaty establishing the European Community, and for their adoption acts of the Council shall require at least 88 votes in favour, cast by at least two-thirds of the members.

2. In the event that fewer than ten new Member States accede to the Union, the threshold for the qualified majority for the period until 31 October 2004 shall be fixed by Council decision so as to correspond as closely as possible to 71,26% of the total number of votes.

ARTICLE 27

1. The revenue designated as "Common Customs Tariff duties and other duties" referred to in Article 2(1)(b) of Council Decision 2000/597/EC, Euratom on the system of the European Communities' own resources³, or the corresponding provision in any Decision replacing it, shall include the customs duties calculated on the basis of the rates resulting from the Common Customs Tariff and any tariff concession relating thereto applied by the Community in the new Member States' trade with third countries.

2. For the year 2004, the harmonised VAT assessment base and the GNI (gross national income) base of each new Member State, referred to in Article 2(1)(c) and (d) of Council Decision 2000/597/EC, Euratom shall be equal to two-thirds of the annual base. The GNI base of each new Member State to be taken into account for the calculation of the financing of the correction in respect of budgetary imbalances granted to the United Kingdom, referred to in Article 5(1) of Council Decision 2000/597/EC, shall likewise be equal to two-thirds of the annual base.

³ OJ L 253, 7.10.2000, p. 42.

3. For the purposes of determining the frozen rate for 2004 according to Article 2(4)(b) of Council Decision 2000/597/EC, Euratom the capped VAT bases of the new Member States shall be calculated on the basis of two-thirds of their uncapped VAT base and two-thirds of their GNI.

ARTICLE 28

1. The general budget of the European Communities for the financial year 2004 shall be adapted to take into account the accession of the new Member States through an amending budget that shall enter into effect on 1 May 2004.

2. The twelve monthly twelfths of VAT and GNI-based resources to be paid by the new Member States under this amending budget, as well as the retroactive adjustment of the monthly twelfths for the period January-April 2004 that only apply to the present Member States, shall be converted into eighths to be called during the period May-December 2004. The retroactive adjustments that result from any subsequent amending budget adopted in 2004 shall likewise be converted into equal parts to be called during the remainder of the year.

ARTICLE 29

On the first working day of each month the Community shall pay the Czech Republic, Cyprus, Malta and Slovenia, as an item of expenditure under the general budget of the European Communities, one eighth in 2004, as of the date of accession, and one twelfth in 2005 and 2006 of the following amounts of temporary budgetary compensation:

	2004	2005	2006
	(EUR million, 1999 prices)		
Czech Republic	125,4	178,0	85,1
Cyprus	68,9	119,2	112,3
Malta	37,8	65,6	62,9
Slovenia	29,5	66,4	35,5

ARTICLE 30

On the first working day of each month the Community shall pay the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia, as an item of expenditure under the general budget of the European Communities, one eighth in 2004, as of the date of accession, and one twelfth in 2005 and 2006 of the following amounts of a special lump-sum cash-flow facility:

2004 2005 2006

(EUR million, 1999 prices)

Czech Republic	174,7	91,55	91,55
Estonia	15,8	2,9	2,9
Cyprus	27,7	5,05	5,05
Latvia	19,5	3,4	3,4
Lithuania	34,8	6,3	6,3
Hungary	155,3	27,95	27,95
Malta	12,2	27,15	27,15
Poland	442,8	550,0	450,0
Slovenia	65,4	17,85	17,85
Slovakia	63,2	11,35	11,35

EUR 1 billion for Poland and EUR 100 million for the Czech Republic included in the special lump-sum cash-flow facility shall be taken into account for any calculations on the distribution of structural funds for the years 2004-2006.

ARTICLE 31

1. The new Member States listed below shall pay the following amounts to the Research Fund for Coal and Steel referred to in Decision 2002/234/ECSC of the Representatives of the Governments of the Member States, meeting within the Council, of 27 February 2002 on the financial consequences of the expiry of the ECSC Treaty and on the Research Fund for Coal and Steel ⁴:

(EUR million, current prices)

Czech Republic	39,88
Estonia	2,5
Latvia	2,69
Hungary	9,93
Poland	92,46
Slovenia	2,36
Slovakia	20,11

2. The contributions to the Research Fund for Coal and Steel shall be made in four instalments starting in 2006 and paid as follows, in each case on the first working day of the first month of each year:

2006: 15%
 2007: 20%
 2008: 30%
 2009: 35%.

⁴ OJ L 79, 22.3.2002, p. 42.

ARTICLE 32

1. Save as otherwise provided for in this Treaty, no financial commitments shall be made under the Phare programme⁵, the Phare Cross-Border Cooperation programme⁶, pre-accession funds for Cyprus and Malta⁷, the ISPA programme⁸ and the SAPARD programme⁹ in favour of the new Member States after 31 December 2003. The new Member States shall receive the same treatment as the present Member States as regards expenditure under the first three Headings of the financial perspective, as defined in the Interinstitutional Agreement of 6 May 1999¹⁰, as from 1 January 2004, subject to the individual specifications and exceptions below or as otherwise provided for in this Treaty. The maximum additional appropriations for headings 1, 2, 3 and 5 of the Financial Perspective related to enlargement are set out in Annex XV. However, no financial commitment under the 2004 budget for any programme or agency concerned may be made before the accession of the relevant new Member State has taken place.

2. Paragraph 1 shall not apply to expenditure under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Articles 2(1), 2(2), and 3(3) of Council Regulation (EC) No 1258/1999 on the financing of the common agricultural policy¹¹, which will become eligible for Community funding only from the date of accession, in accordance with Article 2 of this Act.

However, paragraph 1 of this Article shall apply to expenditure for rural development under the European Agricultural Guidance and Guarantee Fund, Guarantee Section, according to Article 47a of Council Regulation (EC) No 1257/1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations¹², subject to the conditions set out in the amendment of that Regulation in Annex II to this Act.

3. Subject to the last sentence of paragraph 1, as of 1 January 2004, the new Member States will participate in Community programmes and agencies according to the same terms and conditions as the present Member States with funding from the general budget of the European Communities. The terms and conditions laid down in Association Council Decisions, Agreements and Memoranda of Understanding between the European Communities and the new Member States regarding their participation in Community programmes and agencies shall be superseded by the provisions governing the relevant programmes and agencies with effect from 1 January 2004.

⁵ Regulation (EEC) No 3906/89 (OJ L 375, 23.12.1989, p. 11), as amended.

⁶ Regulation (EC) No 2760/98 (OJ L 345, 19.12.1998, p. 49), as amended.

⁷ Regulation (EC) No 555/2000 (OJ L 68, 16.3.2000, p. 3), as amended.

⁸ Regulation (EC) No 1267/1999 (OJ L 161, 26.6.1999, p. 73), as amended.

⁹ Regulation (EC) No 1268/1999 (OJ L 161, 26.6.1999, p. 87).

¹⁰ Interinstitutional Agreement of 6 May 1999, between the European Parliament, the Council and the Commission on budgetary discipline and improvement of the budgetary procedure (OJ C 172, 18.6.1999, p. 1).

¹¹ OJ L 160, 26.6.99, p. 103.

¹² OJ L 160, 26.6.1999, p. 80.

4. Should any of the States referred to in Article 1(1) of the Treaty of Accession not accede to the Community during 2004, any application made by or from the State concerned for funding by expenditure under the first three Headings of the Financial Perspective for 2004 shall be null and void. In that case the relevant Association Council Decision, Agreement or Memorandum of Understanding shall continue to apply in respect of that State throughout the entire year 2004.

5. If any measures are necessary to facilitate the transition from the pre-accession regime to that resulting from the application of this Article, the Commission shall adopt the required measures.

ARTICLE 33

1. Tendering, contracting, implementation and payments for pre-accession assistance under the Phare programme ¹³, the Phare CBC programme ¹⁴ and pre-accession funds for Cyprus and Malta ¹⁵ shall be managed by implementing agencies in the new Member States as of the date of accession.

The ex-ante control by the Commission over tendering and contracting shall be waived by a Commission decision to that effect, following a positively assessed Extended Decentralised Implementation System (EDIS) in accordance with the criteria and conditions laid down in the Annex to Council Regulation (EC) No 1266/1999 on coordinating aid to the applicant countries in the framework of the pre-accession strategy and amending Regulation (EEC) No 3906/89 ¹⁶.

If this Commission decision to waive ex-ante control has not been taken before the date of accession, any contracts signed between the date of accession and the date on which the Commission decision is taken shall not be eligible for pre-accession assistance.

However, exceptionally, if the Commission decision to waive ex-ante control is delayed beyond the date of accession for reasons not attributable to the authorities of a new Member State, the Commission may accept, in duly justified cases, eligibility for pre-accession assistance of contracts signed between accession and the date of the Commission decision, and the continued implementation of pre-accession assistance for a limited period, subject to ex-ante control by the Commission over tendering and contracting.

2. Global budget commitments made before accession under the pre-accession financial instruments referred to in paragraph 1, including the conclusion and registration of subsequent individual legal commitments and payments made after accession shall continue to be governed by the rules and regulations of the pre-accession financing instruments and be charged to the corresponding budget

¹³ Regulation (EEC) No 3906/89 (OJ L 375 23.12.1989, p. 11), as amended.

¹⁴ Regulation (EC) No 2760/98 (OJ L 345, 19.12.1998, p. 49), as amended.

¹⁵ Regulation (EC) No 555/2000 (OJ L 68, 16.3.2000, p. 3), as amended.

¹⁶ OJ L 232, 2.9.1999, p. 34.

chapters until closure of the programmes and projects concerned. Notwithstanding this, public procurement procedures initiated after accession shall be carried out in accordance with the relevant Community Directives.

3. The last programming exercise for the pre-accession assistance referred to in paragraph 1 shall take place in the last full calendar year preceding accession. Actions under these programmes will have to be contracted within the following two years and disbursements made as provided for in the Financing Memorandum¹⁷, usually by the end of the third year after the commitment. No extensions shall be granted for the contracting period. Exceptionally and in duly justified cases, limited extensions in terms of duration may be granted for disbursement.

4. In order to ensure the necessary phasing out of the pre-accession financial instruments referred to in paragraph 1 as well as the ISPA programme¹⁸, and a smooth transition from the rules applicable before and after accession, the Commission may take all appropriate measures to ensure that the necessary statutory staff is maintained in the new Member States for a maximum of fifteen months following accession. During this period, officials assigned to posts in the new Member States before accession and who are required to remain in service in those States after the date of accession shall benefit, as an exception, from the same financial and material conditions as were applied by the Commission before accession in accordance with Annex X to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68¹⁹. The administrative expenditure, including salaries for other staff, necessary for the management of the pre-accession assistance shall be covered, for all of 2004 and until the end of July 2005, under the heading "support expenditure for operations" (former part B of the budget) or equivalent headings for the financial instruments referred to in paragraph 1 as well as the ISPA programme, of the relevant pre-accession budgets.

5. Where projects approved under Regulation (EC) No 1268/1999 can no longer be funded under that instrument, they may be integrated into rural development programming and financed under the European Agricultural Guidance and Guarantee Fund. Should specific transitional measures be necessary in this regard, these shall be adopted by the Commission in accordance with the procedures laid down in Article 50(2) of Council Regulation (EC) No 1260/1999 laying down general provisions on the Structural Funds²⁰.

¹⁷ As set out in the Phare Guidelines (SEC (1999) 1596, updated on 6.9.2002 by C 3303/2).

¹⁸ Regulation (EC) No 1267/99 (OJ L 161, 26.6.1999, p. 73), as amended.

¹⁹ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 2265/02 (OJ L 347, 20.12.2002, p. 1).

²⁰ OJ L 161, 26.6.1999, p. 1. Regulation as last amended by Regulation (EC) No 1447/2001 (OJ L 198, 21.7.2001, p. 1).

ARTICLE 34

1. Between the date of accession and the end of 2006, the Union shall provide temporary financial assistance, hereinafter referred to as the "Transition Facility", to the new Member States to develop and strengthen their administrative capacity to implement and enforce Community legislation and to foster exchange of best practice among peers.
2. Assistance shall address the continued need for strengthening institutional capacity in certain areas through action which cannot be financed by the Structural Funds, in particular in the following areas:
 - justice and home affairs (strengthening of the judicial system, external border controls, anti-corruption strategy, strengthening of law enforcement capacities),
 - financial control,
 - protection of the Communities' financial interests and the fight against fraud,
 - internal market, including customs union,
 - environment,
 - veterinary services and administrative capacity-building relating to food safety,
 - administrative and control structures for agriculture and rural development, including the Integrated Administration and Control System (IACS),
 - nuclear safety (strengthening the effectiveness and competence of nuclear safety authorities and their technical support organisations as well as public radioactive waste management agencies),
 - statistics,
 - strengthening public administration according to needs identified in the Commission's comprehensive monitoring report which are not covered by the Structural Funds.
3. Assistance under the Transition Facility shall be decided in accordance with the procedure laid down in Article 8 of Council Regulation (EEC) No 3906/89 on economic aid to certain countries of Central and Eastern Europe ²¹.
4. The programme shall be implemented in accordance with Article 53(1)(a) and (b) of the Financial Regulation applicable to the general budget of the European Communities ²². For twinning projects between public administrations for the purpose of institution building, the procedure for call for proposals through the

²¹ OJ L 375, 23.12.1989, p. 11. Regulation as last amended by Regulation (EC) No 2500/2001 (OJ L 342, 27.12.2001, p. 1).

²² Regulation (EC, Euratom) No 1605/2002 (OJ L 248, 16.9.2002, p. 1).

network of contact points in the Member States shall continue to apply, as established in the Framework Agreements with the present Member States for the purpose of pre-accession assistance.

The commitment appropriations for the Transition Facility, at 1999 prices, shall be EUR 200 million in 2004, EUR 120 million in 2005 and EUR 60 million in 2006. The annual appropriations shall be authorised by the budgetary authority within the limits of the financial perspective.

ARTICLE 35

1. A Schengen Facility is hereby created as a temporary instrument to help beneficiary Member States between the date of accession and the end of 2006 to finance actions at the new external borders of the Union for the implementation of the Schengen acquis and external border control.

In order to address the shortcomings identified in the preparation for participation in Schengen, the following types of action shall be eligible for financing under the Schengen Facility:

- investment in construction, renovation or upgrading of border crossing infrastructure and related buildings,
- investments in any kind of operating equipment (e.g. laboratory equipment, detection tools, Schengen Information System-SIS 2 hardware and software, means of transport),
- training of border guards,
- support to costs for logistics and operations.

2. The following amounts shall be made available under the Schengen Facility in the form of lump sum grant payments as of the date of accession to the beneficiary Member States listed below:

	2004	2005	2006
	(EUR million, 1999 prices)		
Estonia	22,9	22,9	22,9
Latvia	23,7	23,7	23,7
Lithuania	44,78	61,07	29,85
Hungary	49,3	49,3	49,3
Poland	93,34	93,33	93,33
Slovenia	35,64	35,63	35,63
Slovakia	15,94	15,93	15,93

3. The beneficiary Member States shall be responsible for selecting and implementing individual operations in compliance with this Article. They shall also be responsible for coordinating use of the facility with assistance from other Community instruments, ensuring compatibility with Community policies and measures and compliance with the Financial Regulation applicable to the general budget of the European Communities.

The lump-sum grant payments shall be used within three years from the first payment and any unused or unjustifiably spent funds shall be recovered by the Commission. The beneficiary Member States shall submit, no later than six months after expiry of the three-year deadline, a comprehensive report on the financial execution of the lump-sum grant payments with a statement justifying the expenditure.

The beneficiary State shall exercise this responsibility without prejudice to the Commission's responsibility for the implementation of the general budget of the European Communities and in accordance with the provisions of the Financial Regulation applicable to decentralised management.

4. The Commission retains the right of verification, through the Anti-Fraud Office (OLAF). The Commission and the Court of Auditors may also carry out on-the-spot checks in accordance with the appropriate procedures.

5. The Commission may adopt any technical provisions necessary for the operation of this Facility.

ARTICLE 36

The amounts referred to in Articles 29, 30, 34 and 35 shall be adjusted each year, as part of the technical adjustment provided for in paragraph 15 of the Interinstitutional Agreement of 6 May 1999.

TITLE II

OTHER PROVISIONS

ARTICLE 37

1. If, until the end of a period of up to three years after accession, difficulties arise which are serious and liable to persist in any sector of the economy or which could bring about serious deterioration in the economic situation of a given area, a new Member State may apply for authorisation to take protective measures in order to rectify the situation and adjust the sector concerned to the economy of the common market.

In the same circumstances, any present Member State may apply for authorisation to take protective measures with regard to one or more of the new Member States.

2. Upon request by the State concerned, the Commission shall, by emergency procedure, determine the protective measures which it considers necessary, specifying the conditions and modalities in which they are to be put into effect.

In the event of serious economic difficulties and at the express request of the Member State concerned, the Commission shall act within five working days of the receipt of the request accompanied by the relevant background information. The measures thus decided on shall be applicable forthwith, shall take account of the interests of all parties concerned and shall not entail frontier controls.

3. The measures authorised under paragraph 2 may involve derogations from the rules of the EC Treaty and from this Act to such an extent and for such periods as are strictly necessary in order to attain the objectives referred to in paragraph 1. Priority shall be given to such measures as will least disturb the functioning of the common market.

ARTICLE 38

If a new Member State has failed to implement commitments undertaken in the context of the accession negotiations, causing a serious breach of the functioning of the internal market, including any commitments in all sectoral policies which concern economic activities with cross-border effect, or an imminent risk of such breach the Commission may, until the end of a period of up to three years after the date of entry into force of this Act, upon motivated request of a Member State or on its own initiative, take appropriate measures.

Measures shall be proportional and priority shall be given to measures, which disturb least the functioning of the internal market and, where appropriate, to the application of the existing sectoral safeguard mechanisms. Such safeguard measures shall not be invoked as a means of arbitrary discrimination or a disguised restriction on trade between Member States. The safeguard clause may be invoked even before accession on the basis of the monitoring findings and enter into force as of the date of accession. The measures shall be maintained no longer than strictly necessary, and, in any case, will be lifted when the relevant commitment is implemented. They may however be applied beyond the period specified in the first paragraph as long as the relevant commitments have not been fulfilled. In response to progress made by the new Member State concerned in fulfilling its commitments, the Commission may adapt the measures as appropriate. The Commission will inform the Council in good time before revoking safeguard measures, and it will take duly into account any observations of the Council in this respect.

ARTICLE 39

If there are serious shortcomings or any imminent risks of such shortcomings in the transposition, state of implementation, or the application of the framework decisions or any other relevant commitments, instruments of cooperation and decisions relating

to mutual recognition in the area of criminal law under Title VI of the EU Treaty and Directives and Regulations relating to mutual recognition in civil matters under Title IV of the EC Treaty in a new Member State, the Commission may, until the end of a period of up to three years after the date of entry into force of this Act, upon motivated request of a Member State or on its own initiative and after consulting the Member States, take appropriate measures and specify the conditions and modalities under which these measures are put into effect.

These measures may take the form of temporary suspension of the application of relevant provisions and decisions in the relations between a new Member State and any other Member State or Member States, without prejudice to the continuation of close judicial cooperation. The safeguard clause may be invoked even before accession on the basis of the monitoring findings and enter into force as of the date of accession. The measures shall be maintained no longer than strictly necessary, and, in any case, will be lifted when the shortcomings are remedied. They may however be applied beyond the period specified in the first paragraph as long as these shortcomings persist. In response to progress made by the new Member State concerned in rectifying the identified shortcomings, the Commission may adapt the measures as appropriate after consulting the Member States. The Commission will inform the Council in good time before revoking safeguard measures, and it will take duly into account any observations of the Council in this respect.

ARTICLE 40

In order not to hamper the proper functioning of the internal market, the enforcement of the new Member States' national rules during the transitional periods referred to in Annexes V to XIV shall not lead to border controls between Member States.

ARTICLE 41

If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the common agricultural policy under the conditions set out in this Act, such measures shall be adopted by the Commission in accordance with the procedure referred to in Article 42(2) of Council Regulation (EC) No 1260/2001 on the common organisation of the markets in the sugar sector²³, or as appropriate, in the corresponding Articles of the other Regulations on the common organisation of agricultural markets or the relevant committee procedure as determined in the applicable legislation. The transitional measures referred to in this Article may be taken during a period of three years following the date of accession and their application shall be limited to that period. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, may extend this period.

The transitional measures relating to implementation of the instruments concerning the common agricultural policy not specified in this Act which are required as a result of accession shall be adopted prior to the date of accession by the Council acting by a qualified majority on a proposal from the Commission or, where they affect

²³ OJ L 178, 30.6.2001, p. 1.

instruments initially adopted by the Commission, they shall be adopted by the Commission in accordance with the procedure required for adopting the instruments in question.

ARTICLE 42

If transitional measures are necessary to facilitate the transition from the existing regime in the new Member States to that resulting from the application of the Community veterinary and phytosanitary rules, such measures shall be adopted by the Commission in accordance with the relevant committee procedure as determined in the applicable legislation. These measures shall be taken during a period of three years following the date of accession and their application shall be limited to that period.

PART FIVE

PROVISIONS RELATING TO THE IMPLEMENTATION OF THIS ACT

TITLE I

SETTING UP OF THE INSTITUTIONS AND BODIES

ARTICLE 43

The European Parliament shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

ARTICLE 44

The Council shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.

ARTICLE 45

1. Any State which accedes to the Union shall be entitled to have one of its nationals as a member of the Commission.
2. Notwithstanding the second subparagraph of Article 213(1), the first subparagraph of Article 214(1), Article 214(2) of the EC Treaty and the first subparagraph of Article 126 of the Euratom Treaty:
 - (a) a national of each new Member State shall be appointed to the Commission as from the date of its accession. The new Members of the Commission shall be appointed by the Council, acting by qualified majority and by common accord with the President of the Commission,

- (b) the term of office of the Members of the Commission appointed pursuant to (a) as well as of those who were appointed as from 23 January 2000 shall expire on 31 October 2004,
 - (c) a new Commission composed of one national of each Member State shall take up its duties on 1 November 2004; the term of office of the Members of this new Commission shall expire on 31 October 2009,
 - (d) the date of 1 November 2004 is substituted for the date of 1 January 2005 in Article 4(1) of the Protocol on the enlargement of the European Union annexed to the EU Treaty and to the Treaties establishing the European Communities.
3. The Commission shall make such changes to its Rules of Procedure as are rendered necessary by accession.

ARTICLE 46

1. Ten judges shall be appointed to the Court of Justice and ten judges shall be appointed to the Court of First Instance.
- 2.(a) The term of office of five of the judges of the Court of Justice appointed in accordance with paragraph 1 shall expire on 6 October 2006. Those judges shall be chosen by lot. The term of office of the other judges shall expire on 6 October 2009.
- (b) The term of office of five of the judges of the Court of First Instance appointed in accordance with paragraph 1 shall expire on 31 August 2004. Those judges shall be chosen by lot. The term of office of the other judges shall expire on 31 August 2007.
- 3.(a) The Court of Justice shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.
- (b) The Court of First Instance, in agreement with the Court of Justice, shall make such adaptations to its Rules of Procedure as are rendered necessary by accession.
- (c) The Rules of Procedure as adapted shall require the approval of the Council, acting by a qualified majority.
4. For the purpose of judging cases pending before the Courts on the date of accession in respect of which oral proceedings have started before that date, the full Courts or the Chambers shall be composed as before accession and shall apply the Rules of Procedure in force on the day preceding the date of accession.

ARTICLE 47

The Court of Auditors shall be enlarged by the appointment of ten additional members for a term of office of six years.

ARTICLE 48

The Economic and Social Committee shall be enlarged by the appointment of 95 members representing the various economic and social components of organised civil society in the new Member States. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 49

The Committee of the Regions shall be enlarged by the appointment of 95 members representing regional and local bodies in the new Member States, who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly. The terms of office of the members thus appointed shall expire at the same time as those of the members in office at the time of accession.

ARTICLE 50

1. The terms of office of the present members of the Scientific and Technical Committee under Article 134(2) of the Euratom Treaty shall expire on the date of entry into force of this Act.
2. Upon accession the Council shall appoint the new Members of the Scientific and Technical Committee in accordance with the procedure laid down in Article 134(2) of the Euratom Treaty.

ARTICLE 51

Adaptations to the rules of the Committees established by the original Treaties and to their rules of procedure, necessitated by the accession, shall be made as soon as possible after accession.

ARTICLE 52

1. The terms of office of the new members of the Committees, groups and other bodies created by the Treaties and the legislator listed in Annex XVI shall expire at the same time as those of the members in office at the time of accession.
2. The terms of office of the new members of the Committees and groups created by the Commission listed in Annex XVII shall expire at the same time as those of the members in office at the time of accession.
3. Upon accession, the membership of the Committees listed in Annex XVIII shall be completely renewed.

TITLE II

APPLICABILITY OF THE ACTS OF THE INSTITUTIONS

ARTICLE 53

Upon accession, the new Member States shall be considered as being addressees of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the Euratom Treaty, provided that those directives and decisions have been addressed to all the present Member States. Except with regard to directives and decisions which enter into force pursuant to Article 254(1) and 254(2) of the EC Treaty, the new Member States shall be considered as having received notification of such directives and decisions upon accession.

ARTICLE 54

The new Member States shall put into effect the measures necessary for them to comply, from the date of accession, with the provisions of directives and decisions within the meaning of Article 249 of the EC Treaty and of Article 161 of the Euratom Treaty, unless another time-limit is provided for in the Annexes referred to in Article 24 or in any other provisions of this Act or its Annexes.

ARTICLE 55

At the duly substantiated request of one of the new Member States, the Council, acting unanimously on a proposal from the Commission, may, before 1 May 2004, take measures consisting of temporary derogations from acts of the institutions adopted between 1 November 2002 and the date of signature of the Treaty of Accession.

ARTICLE 56

Unless otherwise stipulated, the Council, acting by a qualified majority on a proposal from the Commission, shall adopt the necessary measures to implement the provisions contained in Annexes II, III and IV referred to in Articles 20, 21 and 22 of this Act.

ARTICLE 57

1. Where acts of the institutions prior to accession require adaptation by reason of accession, and the necessary adaptations have not been provided for in this Act or its Annexes, those adaptations shall be made in accordance with the procedure laid down by paragraph 2. Those adaptations shall enter into force as from accession.
2. The Council, acting by a qualified majority on a proposal from the Commission, or the Commission, according to which of these two institutions adopted the original acts, shall to this end draw up the necessary texts.

ARTICLE 58

The texts of the acts of the institutions, and of the European Central Bank, adopted before accession and drawn up by the Council, the Commission or the European Central Bank in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages shall, from the date of accession, be authentic under the same conditions as the texts drawn up in the present eleven languages. They shall be published in the Official Journal of the European Union if the texts in the present languages were so published.

ARTICLE 59

Provisions laid down by law, regulation or administrative action designed to ensure the protection of the health of workers and the general public in the territory of the new Member States against the dangers arising from ionising radiations shall, in accordance with Article 33 of the Euratom Treaty, be communicated by those States to the Commission within three months of accession.

TITLE III**FINAL PROVISIONS****ARTICLE 60**

Annexes I to XVIII, the Appendices thereto and Protocols Nos 1 to 10 attached to this Act shall form an integral part thereof.

ARTICLE 61

The Government of the Italian Republic shall remit to the Governments of the new Member States a certified copy of the Treaty on European Union, the Treaty establishing the European Community and of the Treaty establishing the European Atomic Energy Community, and the Treaties amending or supplementing them, including the Treaty concerning the accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland to the European Economic Community and to the European Atomic Energy Community, the Treaty concerning the accession of the Hellenic Republic to the European Economic Community and the European Atomic Energy Community, the Treaty concerning the accession of the Kingdom of Spain and the Portuguese Republic to the European Economic Community and the European Atomic Energy Community, and the Treaty concerning the accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden to the European Union in the Danish, Dutch, English, Finnish, French, German, Greek, Irish, Italian, Portuguese, Spanish and Swedish languages.

The texts of those Treaties, drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages, shall be annexed to this Act. Those texts shall be authentic under the same conditions as the texts of the Treaties referred to in the first paragraph, drawn up in the present languages.

ARTICLE 62

A certified copy of the international agreements deposited in the archives of the General Secretariat of the Council of the European Union shall be remitted to the Governments of the new Member States by the Secretary-General.

GLOSSARY FOR ENLARGEMENT

Accession Criteria

See below under “Copenhagen criteria”

Accession Negotiations

Take the form of a series of bilateral inter-governmental conferences between each of the candidate countries and the EU Member States. Determine the conditions under which each candidate country will join the EU and focus specifically on the terms under which candidates adopt, implement and enforce the *acquis*. In certain cases, the granting of transitional arrangements is possible, but these must be limited in scope and duration. The pace of each negotiation depends on the degree of preparation by each candidate country and the complexity of the issues to be resolved.

Accession Partnership

Key feature of the pre-accession strategy. Each Partnership mobilises all forms of Community assistance within a single framework for each country. This covers in detail the priorities for membership preparations, in particular adopting the *acquis communautaire*, as well as the financial resources available for that purpose.

Accession Treaty

The results of the accession negotiations, once these have been concluded, are incorporated into one draft Accession Treaty, covering the accession of all countries that are to accede simultaneously. This draft Accession Treaty as agreed between the Council and the acceding countries is submitted to the Commission for its opinion and to the European Parliament for its assent. Once the draft Accession Treaty has been signed, it is submitted for ratification by both the existing Member States and each acceding State. Once the ratification process has been concluded, the Treaty takes effect.

Acquis

The expression *acquis* (or *acquis communautaire*) is used to describe the EU’s rules and policies. It comprises the entire body of European Community legislation that has accumulated, and been revised, over the last 40 years. It includes the founding Treaty of Rome as revised by the Single Act and the Maastricht and Amsterdam

Treaties; all the regulations and directives passed by the Council of Ministers; and the judgements of the European Court of Justice.

Action Plans For Reinforcing Administrative And Judicial Capacity

In spring of 2002, the Commission launched Action Plans for reinforcing administrative and judicial capacity for each of the negotiating countries. The purpose of the Action Plans is to identify with each country the remaining steps required to achieve an adequate level of administrative and judicial capacity by the time of accession, and to jointly ensure that all necessary measures are taken in the appropriate timeframe.

Agenda 2000

Framework in which the European Commission outlined in 1997 the perspective for the development of the EU and its policies beyond the turn of the century: the impact of enlargement on the EU as a whole; the Opinions on membership applications from the countries of Central and Eastern Europe; and the future financial framework for 2000-2006.

Association Agreement

Contractual framework of the relationship between the EU and Cyprus, Malta, and Turkey. The Association Agreements with each of these countries cover trade-related issues and various other areas of co-operation. They aim gradually to establish a customs union between the European Community and each of the countries concerned. In the case of Turkey, this objective was achieved in 1995, with the entry into force of the Customs Union Agreement.

Copenhagen Criteria

Agreed in 1993 by the European Council, the Copenhagen criteria must be fulfilled by candidate countries if they are to become members. They must achieve stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union; and the ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union. The Luxembourg European Council (December 1997) also underlined that “as a prerequisite for enlargement of the

Union, the operation of the institutions must be strengthened and improved in keeping with the institutional provisions of the Amsterdam Treaty”.

Europe Agreement

Basic legal instruments of the relationship between the EU and the ten associated countries of Central and Eastern Europe. The Europe Agreements cover trade-related issues, political dialogue and various other areas of co-operation. They aim gradually to establish free trade between the EU and the associated countries. Since the Luxembourg European Council in December 1997, the institutions of the Europe Agreements have assumed an enlarged role in the enhanced pre-accession strategy. They monitor the overall progress made by the partner countries: the adoption and implementation of European Community legislation and the implementation of the Accession Partnership priorities.

European Conference

Multilateral framework bringing together the ten Central and Eastern European countries, Cyprus, Malta, and Turkey, to discuss issues of common interest, such as foreign and security policy, justice and home affairs, regional co-operation or economic matters. This conference met for the first time in London on 12 March 1998 at the level of Heads of State or Government. In December 1999, the Helsinki European Council announced a review of the future of the European Conference, so as to take account of the evolving situation. The Nice European Council in December 2000 concluded that the countries covered by the stabilisation and association process and the EFTA countries be invited to attend as prospective members. With a view to further strengthening the Union's relationship with its near neighbours, the Gothenburg European Council in June 2001 announced that Ukraine and Moldova would also be invited to join the Conference.

Institution Building

Institution building involves the adaptation and strengthening of democratic institutions, public administration and organisations that have a responsibility for implementing and enforcing Community legislation. The integration process is not simply a question of approximating candidate countries' legislation to that of the Community; it is also one of ensuring the effective and efficient implementation of the

texts. This means training and equipping a wide range of civil servants, public officials, professionals and relevant private sector actors.

ISPA (Pre-Accession Instrument For Structural Policies)

Pre-accession assistance worth €1,040 million per year since 2000, to be directed mainly towards aligning the candidate countries of Central and Eastern Europe with Community infrastructure standards in transport and the environment.

Monitoring

The Helsinki European Council has emphasised that progress in negotiations must go hand in hand with progress in incorporating the *acquis* into legislation, and actually implementing and enforcing it. On that basis, in mid 2000 the Commission launched a process of monitoring of the negotiations. Its purpose is to assess the implementation of the commitments candidates have made in the negotiations, and in general to identify any delays that may have occurred in the adoption and implementation of the *acquis* by each candidate, highlighting problems that exist or may be anticipated. The monitoring process continues up until accession.

Opinion

The basic procedure for enlargement was set out in Article O of the Treaty of Rome, now article 49 of the Treaty on the European Union as further modified by the Amsterdam Treaty. “Any European state which respects the principles set out in Article 6(1) [i.e. liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law] may apply to become a Member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.” Thus, the Commission’s Opinions of July 1997, which were adopted as part of Agenda 2000, were an assessment of the membership applications of the ten candidate countries of Central and Eastern Europe, as measured against the Copenhagen accession criteria.

PHARE Programme

The single financial instrument of the pre-accession strategy for the candidate countries of Central and Eastern Europe until 1999, helping the candidate countries concerned prepare for accession to the EU. Since the year 2000, Phare has been complemented by ISPA and SAPARD. In accordance with the conclusions of the Berlin

European Council (March 1999), Phare is providing €1,560 million per year between 2000 to 2006.

Pre-Accession Strategy

The pre-accession strategy is designed to help the candidate countries prepare for future membership by aligning themselves as far as possible with European Community legislation before accession. It centres on the Accession Partnerships, pre-accession assistance, the Europe and Association Agreements (depending on the country concerned), and the participation of the candidate countries in European Community programmes and agencies.

Ratification

Once negotiations have been concluded on all chapters the results of the negotiations are incorporated in a draft Accession Treaty, which is submitted to the Council for approval and subsequently to the European Commission for its opinion and to the European Parliament for assent. After signature, the Accession Treaty is submitted to the Member States and to the candidate country concerned for ratification by them involving, in some cases, referenda. Ratification is a democratic process, and is carried out in accordance with the constitutional procedures of each country concerned. When the ratification process has been concluded and the Treaty takes effect, the candidate becomes a Member State.

Regular Report

European Commission's assessment of progress achieved by each candidate country towards accession. The Reports serve as a basis for the Council to take decisions on the conduct of negotiations or their extension to other candidates.

Roadmap for the Accession Negotiations

At the Nice European Council in December 2000, a further element to the negotiation process was introduced, that of the "roadmap" proposed by the Commission. The objective of the roadmap was to bring the negotiation process forward, and ensure that all parties to the negotiations commit themselves to a realistic timetable. In concrete terms, the Union undertook to present common negotiating positions and to deal with related requests for transitional periods on individual negotiating chapters in accordance with an agreed timetable. The roadmap adheres to the guiding principles of differentiation and catching up. Chapters may be closed before

the envisaged timing, to the extent the level of preparedness of the candidate country in question so permits. The Gothenburg European Council in June 2001 reaffirmed the roadmap as the framework for the successful completion of the accession negotiations. At the Seville European Council in June 2002, the roadmap adopted at Nice was given further credit for enabling the accession negotiations to move forward in the areas of agriculture, regional policy, financial and budgetary provisions, and institutions.

Roadmaps for Bulgaria and Romania

The purpose of the roadmaps is to indicate the main steps that Bulgaria and Romania need to take to be ready for membership, with the aim of supporting their efforts to achieve the objective of joining the European Union in 2007. They identify in detail the tasks ahead, with a particular emphasis on administrative and judicial capacity necessary to implement the *acquis*, and on economic reform. The European Commission presented roadmaps for Bulgaria and Romania in November 2002 and the Copenhagen European Council endorsed these in December 2002. The Commission also proposed a considerable progressive increase in the European Union's financial assistance over the period 2004-6, amounting to an additional 20% in 2004, 30% in 2005 and 40% in 2006 compared to the average assistance received by the two countries in the period 2001-2003.

SAPARD (Special Accession Programme for Agriculture and Rural Development)

Pre-accession assistance for the candidate countries of Central and Eastern Europe in agricultural development amounting to €20 million per year, available since the year 2000.

SCREENING

The expression of 'screening' describes the process of analytical examination of the *acquis* carried out by the European Commission with each candidate country. The aim of screening is to explain the *acquis* to the candidate countries and, with them, to identify areas where there may be problems to be addressed. Starting from spring 1998, the Commission conducted this process of analytical examination with all Candidate Countries except Turkey. In 1999 the Helsinki European Council invited the Commission to prepare the process with Turkey. At Copenhagen in December 2002, the

European Council concluded that the process of legislative scrutiny with Turkey would be intensified.

Structural Funds

Structural Funds are those through which the Community channels financial assistance to address structural economic and social problems within the European Union. They aim at reducing inequalities between different regions and social groups.

Twinning

Principal mechanism for the delivery of Institution Building projects identified in the Accession Partnerships. Twinning brings together administrations and semi-public organisations in candidate countries with their counterparts in Member States to work on clearly defined projects that involve the transposition, implementation and enforcement of a specific part of the *acquis communautaire*. Twinning is designed to deliver specific results as set out in the Accession Partnerships.

MILESTONES IN EU ENLARGEMENT

1957	Belgium, France, Germany, Italy, Luxembourg and the Netherlands sign the Treaty of Rome and establish the European Economic Community (EEC).
1963	Association Agreement signed with Turkey.
1973	Denmark, Ireland and the United Kingdom join the EC.
1981	Greece joins the EC.
1986	Portugal and Spain join the EC.
1988	The first Trade and Co-operation Agreement was signed with Hungary; similar agreements were subsequently signed with the other countries of Central and Eastern Europe.
1989	* Fall of the Berlin Wall. * European Community sets up the Phare Programme. * Opinion on Turkey.
1991	The first Europe Agreements were signed with Hungary and Poland (ratified in 1994); similar agreements were subsequently signed with the other countries of Central and Eastern Europe.
1993	* Copenhagen European Council agrees the accession criteria. * European Commission adopts Opinions on Cyprus and Malta.
1994	Essen European Council agrees the pre-accession strategy.
1995	* Austria, Finland and Sweden join the EU. * Cannes European Council sets Phare budget at €6.9 billion for 1995-1999.
1997	* European Commission adopts Agenda 2000 and Opinions. * Luxembourg European Council agrees on start of enlargement process, including accession negotiations and a reinforced pre-accession strategy.
1998	
March	* First European Conference. * Accession process is launched. * Accession Partnerships are adopted. * Accession negotiations are opened with Cyprus, the Czech Republic, Estonia, Hungary, Poland and Slovenia.
April	Screening process begins with the ten candidate countries from Central and Eastern Europe and Cyprus.
October	Malta reactivates its membership application.
November	European Commission adopts first Regular Reports.
December	Vienna European Council endorses European Commission's Regular Reports.
1999	
February	European Commission presents update of its Opinion on Malta from 1993.
March	Berlin European Council adopts the financial perspectives for 2000-2006, including preaccession funds and accession-related expenditure.
June	Cologne European Council.
October	European Commission adopts second set of Regular Reports and revises Accession Partnerships.
December	Helsinki European Council reaffirms the inclusive nature of the accession process, decides to open accession negotiations with six additional candidate countries, and confirms Turkey as a candidate destined to join the European Union.
2000	
February	Accession negotiations are formally launched with Bulgaria, Latvia, Lithuania, Malta, Romania, and the Slovak Republic.
June	Feira European Council confirms the principles of differentiation and catching up and emphasises the importance of candidate countries administrative capacity to implement the acquis communautaire.
November	European Commission adopts third set of Regular Reports, and an Accession Partnership for Turkey.
December	Nice European Council provides the institutional basis for enlargement by concluding the IGC on institutional reform, and endorses the enlargement strategy proposed by the Commission. The central element of the strategy is the roadmap for the conduct of the negotiations.

2001	
June	Gothenburg European Council confirms that the enlargement process is irreversible, and reaffirms the roadmap as the framework for the successful completion of the negotiations. Provided that progress towards meeting the accession criteria continues at an unabated pace, the roadmap should make it possible to complete negotiations by the end of 2002 for those candidates that are ready, allowing the countries concerned to participate in the European Parliament elections of 2004 as new Members. The European Council recognises that the decisions in Helsinki have brought Turkey closer to the EU, and urges Turkey to take concrete measures to implement the priorities of the Accession Partnership.
October	Gent European Council makes mid-term review of the implementation of the enlargement strategy agreed at Nice.
November	European Commission adopts fourth set of Regular Reports and proposals for revised Accession Partnerships.
December	Laeken European Council confirms that considerable progress has been made in the negotiations and concludes that if the present rate of progress is maintained, the Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia could be ready to conclude negotiations at the end of 2002. The European Council also notes the significant efforts made by Bulgaria, Romania and Turkey and encourages them to continue on that course. The European Council decides to convene a Convention on the Future of Europe.
2002	
January	Council adopts revised Accession Partnerships for all negotiating countries, based on the proposals put forward by the European Commission.
April	European Commission, in co-operation with the negotiating countries, launches Action Plans for the reinforcement of administrative and judicial capacity.
June	Seville European Council reaffirms the Union's determination to conclude negotiations with the first ten candidate countries by the end of 2002 if they are ready. The European Council invites the Commission to prepare roadmaps and revised and enhanced pre-accession strategies to be adopted in Copenhagen for those countries still engaged in negotiations. The European Council reiterates its call to the leaders of the Greek Cypriot and Turkish Cypriot communities to reach a settlement before the conclusion of negotiations. The European Council welcomes recent reforms carried out in Turkey and supports it in its efforts to fulfil the priorities defined in its Accession Partnership.
October	* European Commission adopts its fifth set of Regular Reports, recommending that the Council conclude negotiations with Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia. * The Brussels European Council endorses the Commission's recommendations. * Conclusion of the Nice Treaty ratification process following a successful referendum in Ireland.
November	European Commission proposes roadmaps for Bulgaria and Romania.
December	Copenhagen European Council successfully concludes negotiations with first ten candidate countries. Regarding Bulgaria and Romania, the European Council states that, depending on further progress in complying with the criteria for membership, it is its objective to welcome these countries to the Union in 2007. Recalling its decision in Helsinki in 1999 that Turkey is a candidate state destined to join the Union on the basis of the same criteria applied to other candidate states, the European Council pledges to re-examine Turkey's status in December 2004 on the basis of a report and recommendation from the European Commission. If by that time Turkey fulfils the Copenhagen political criteria, the Union will open accession negotiations with Turkey without delay.
2003	
March	European Commission adopts proposals for revised Accession Partnerships for Bulgaria, Romania and Turkey.
April	The Accession Treaty with Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia is signed in Athens, Greece.
Source: <i>Enlargement of the European Union – An Historic Opportunity</i> , Brussels: European Commission, Enlargement Directorate-General, 2003, p. 35.	

**GLOSSARY FOR THE ELECTORAL SYSTEMS
IN THE MEMBER STATES OF THE EUROPEAN UNION
APPLICABLE TO EUROPEAN ELECTIONS OF JUNE 2004¹**

Closed List:

A list of candidates (in rank order of priority to be given seats) drawn-up for elections taking place by a form of Party List, which may not be adjusted by the voter.

Constituency:

A geographical area into which a country is divided for elections. Can be a 'single – member constituency' where only one parliamentary seat is being contested, or a 'multi – member constituency' where more than one seat is being contested.

D'Hondt Quota:

The D'Hondt method is a highest averages method for allocating seats in party-list proportional representation. This system is less proportional than the other popular divisor method, Sainte-Laguë, because D'Hondt slightly favors large parties whereas Sainte-Laguë is neutral. The most common divisor of used in the Highest Average Party PR system, it operates the following dividers: 1, 2, 3, 4, etc.

Droop Quota:

Used for allocating seats in both the Greatest Remainder Party List and the Single Transferable Vote Systems, the quota is the minimum number of votes a candidate must receive in order to be elected. Any votes a candidate receives above the quota are transferred to another candidate.

Hare / Niemeyer method:

Once the seats won by individual candidates in the first vote have been filled, the remainder of a party's allotment is filled from its list, starting from the top. Candidates placed high on their party's list in their home state are thus assured seats in the Bundestag even if they fail to carry their home districts in the first vote.

Party List System:

The principal PR system, operated by either Greatest Remainder or Highest Average formula, it is an election in a multi-member constituency where all candidates are placed on political party lists. Depending on the variety, an electorate may only be

¹ McGee, Simon (ed), *Electoral Systems in Europe: An Overview*, Brussels: European Centre for

able to vote according to Closed List rules, may be able to partake in Preferential Voting, or could even pick and choose candidates from across the lists, as allowed by Vote-Splitting.

Preferential Voting:

Party List PR rule variant which enables voters, once they have voted for one party list, to choose their preferred ranking of candidates.

Proportional Representation:

Generic term for systems which seek to ensure that the results of elections are as proportional as possible to the make – up of an electorate. Party List systems and STV are varieties of PR.

Quota/Quotient:

The number of votes necessary for a candidate to be awarded a seat.

Sainte – Lagüe System:

A Higher Average Party List formula, it aims to curb D’Hondt’s tendency to help larger parties. This system sets the divisors as odd numbers (1, 3, 5, 7, etc). The Modified Sainte – Lagüe system changes the first divisor to 1.4 to prevent any over – advantage to smaller parties.

Single Transferable Vote (STV)

Main alternative PR system to Party List, a candidate is elected as soon as he reaches the quota calculated by the Droop quota. Additional votes are re distributed to other candidates on the basis of second choices. The same operation is carried out in the case of the candidate who polled fewest votes, who is eliminated. If there are still seats to be filled after the second count, the process continues.

**THE ELECTORAL SYSTEMS IN THE MEMBER STATES
OF THE EUROPEAN UNION APPLICABLE TO
EUROPEAN ELECTIONS OF JUNE 2004²**

	Proportional Representation	Preferential voting	Allocation of Seats	The Right to Vote	Eligibility
Belgium	Yes Four constituencies (Flanders, Wallonia, the German-speaking region and the Brussels Region) and three electoral colleges (Dutch-, French-, and German-speaking)	Yes Electors can vote for a list or for individual candidates Some parties inform voters which candidate are supported by them One vote per elector	D'Hondt distribution method	Minimum age: 18 years EU citizens with full voting rights Belgian residents abroad (by postal vote) Compulsory vote for electors registered on electoral rolls	Citizens appearing on the register of Belgian electors 21 years of age or over French-, Dutch-, or German-speakers (according to the college)
Czech Republic	Yes At national level	Yes Electors must vote for a list and can also cast up to two preferential votes for individual candidates on this list	Lists gaining less than 5% of total votes cast are excluded	Minimum age: 18 years EU citizens with full voting rights Residents in the Czech Republic for at least 45 days	EU citizens registered as resident in the Czech Republic for at least 45 days 21 years of age or over Full eligibility rights in their Member State of origin.
Denmark	Yes At national level	Yes Electors can vote for a list of for individual candidates Some parties inform voters which candidates are supported by them One vote per elector	D'Hondt distribution method All votes cast both for lists and for individual candidates are added together The candidates obtaining the biggest number of votes are elected	Minimum age: 18 years EU citizens permanently resident in Denmark with full rights there Danish citizens resident in an EU Member State (by postal vote)	EU citizens 21 years of age or over Full eligibility rights in their Member State of origin

² Centre Virtuel de la Connaissance sur l'Europe (CVCE), date of access 15 May 2006
URL: <http://www.ena.lu?lang=2&doc=14709> date of access: 20 April 2006.

Germany	Yes List of candidates submitted either at the federal level (SPD, Greens, PDS, FDP) or at the level of the Lander (CDU and CSU)	No 'Closed' lists	Hare-Niemeyer system Seats are allocated at national level Lists gaining less than 5% of the total votes cast are excluded	Minimum age: 18 years EU citizens with full voting rights in their Member State of origin German citizens who are resident of Germany/a EU Member State, of any member state of the Council of Europe or of any other country provided they have been resident of this country for less than 25 years and who are on a German electoral roll	Persons possessing German nationality for at least one year EU citizens resident in Germany 18 years of age or over Full eligibility rights in their Member State of origin
Estonia	Yes At national level	No 'Closed' lists and independent candidates	D'Hondt distribution method The political party or the independent candidate whose comparative figure (or total number of votes won) is the highest, is awarded a seat Among the candidates on a list, the seat is obtained by the candidate who figures highest on this list	Minimum age: 18 years EU citizens with full voting rights in their Member State of origin and whose permanent residence is in Estonia	EU citizen possessing voting rights 21 years of age or over
Greece	Yes At national level	No 'Closed' lists	'Enishimeni Analogiki' distribution method, or reinforced proportional system Lists gaining less than 3% of the total votes cast are excluded Seats allocated following the order of the candidates on the list	Minimum age: 18 years EU citizens with full voting rights in their Member State of origin Greek citizens in another EU Member State (vote at consultates) Compulsory vote for Greek citizens	EU Citizens 25 years of age or over Full eligibility rights in their Member State of origin

Spain	Yes At national level	No 'Closed' lists	D'Hondt distribution method	Minimum age: 18 years EU citizens with full voting rights in their Member States of origin Spanish citizens abroad (by postal vote)	EU citizens 18 years of age or over Full eligibility rights in their Member State of origin
France	Yes Eight electoral regions (North- West; West; South-West; South-East; Loire; Massif Central; Ile-de-France; Overseas Territories)	No 'Closed' lists	D'Hondt distribution method Allocation of seats: the rule of the largest average applies Lists obtaining less than 5% of the votes cast in the electoral region are excluded	Minimum age: 18 years EU citizens with full voting rights in their Member State of origin, having their main address in France or resident in France on a continuous basis French citizens abroad (vote by proxy) Inhabitants of French Overseas Territories	EU citizens 23 years of age or over Main address or resident in France on a continuous basis Full eligibility rights in their Member State of origin
Ireland	Yes Four electoral regions (Dublin, East, South, North-West)	Yes No list system Single transferable vote method: vote for a candidate while indicating, in order of preference, the candidate to whom this vote is to be transferred if the candidate of first choice has already reached the quota or been eliminated	By means of the single transferable vote method Election of candidates who have reached the quota ($[\text{votes cast}/(\text{seats}+1)]+1$) Any votes accruing to a candidate in excess of the quota are redistributed among the remaining candidates in accordance with the preferences expressed by the voters	Minimum age: 18 years EU citizens resident in Ireland with full voting rights in their Member State of origin	EU citizen resident in Ireland 21 years of age or over Full eligibility rights in their Member State of origin

Italy	Yes Five electoral regions (North-West; North-East; Central and Southern Italy, and the Italian Islands)	Yes Electors must vote for a list and can also cast one preferential vote for an individual candidate on this list	The number of seats allocated to each national list is determined by means of a national electoral quotient (votes/seats) For the lists, seats are allocated to each constituency by means of an electoral quotient (votes per list/seats per list)	Minimum age: 18 years EU citizens in with full voting rights in their Member State of origin Italian citizens in another EU Member State (vote at consulates)	EU citizens 25 years of age or over Full eligibility rights in their Member State of origin
Cyprus	Yes At national level	Yes Electors must vote for a list and can also cast up to two preferential votes for individual candidates on this list		Minimum age: 18 years EU citizens permanently resident in the Republic for at least six months and entered on the electoral roll Voting is compulsory but without penalties in case of failure to vote	EU citizens 25 years of age or over
Latvia	Yes At national level	Yes Electors must vote for a list and can also cast a preferential vote for an individual candidate on this list or cross out the names of those candidates that they do not support	Sainte-Lague method (division by successive odd numbers)	Minimum age: 18 years Latvian citizens living abroad (by postal vote) Vote by email if applied for in advance	EU citizens resident in Latvia 21 years of age or over
Lithuania	Yes At national level	Yes Electors must vote for a list and can also cast for five preferential votes for candidates on this list	Lists gaining less than 5% of the total votes cast are not entitled to parliamentary representation Electoral quotient method with the remainder split	Minimum age: 18 years EU citizens having declared their place of residence in Lithuania 65 days prior to the elections Vote in post offices or by post for health reasons Lithuanian citizens resident abroad (vote at consulates)	21 years of age or over

Luxembourg	Yes At national level	Yes Six votes per elector Electors can either cast all six votes for one list, or split them among candidates from the same or different lists	D'Hondt distribution method Seats allocated according to the number of votes obtained by candidates and by lists	Minimum age: 18 years EU citizens residing in Luxembourg, having spent five years of the last six years there, with full voting rights in their countries of origin Compulsory vote for all electors listed on the electoral rolls Luxembourg citizens abroad (by postal vote)	EU citizens 18 years of age and over Living in the Grand Duchy and, if not Luxembourgish, having lived there for 10 of the last 12 years Full eligibility in the country of origin
Hungary	Yes At national level	No 'Closed' lists	D'Hondt distribution method Lists gaining less than 5% of the total votes cast are excluded	Minimum age: 18 years Hungarian citizens resident in Hungary EU citizens resident in Hungary who have applied for inclusion in the electoral roll Hungarian citizens resident abroad (vote in embassies if they have applied for inclusion on the electoral register of the diplomatic mission at least 30 days before the election day)	All electors Full eligibility in the country of origin
Malta	Yes At national level	No 'Closed' lists	By means of the single transferable vote	Minimum age: 18 years All those whose names appear in the national or in the European Union Electoral Register	All those whose names appear in the national or in the European Union electoral Register

Netherlands	Yes At national level	Yes No list system of voting, electors vote for one candidate Political alliance of lists system	D'Hondt distribution method	Minimum age: 18 years EU citizens with full voting rights in their Member State of origin and resident in the Netherlands before 28 April 2004 Vote by proxy Netherlands citizens resident abroad (by postal vote, by telephone or via the Internet)	EU citizens 18 years of age or over Full eligibility in their Member State of origin
Austria	Yes At national level	Yes Electors must vote for a list and can also cast one preferential vote for an individual candidate on the list One vote per elector	D'Hondt distribution method Seat allocation is carried out at national level Lists gaining less than 4% of the total votes cast are not entitled to parliamentary representation Mandates are attributed to single constituencies Using the Hare Niemeyer method (which takes into consideration the turnout), mandates are distributed to winning lists	Minimum age: 18 years EU citizens with full voting rights in their Member State of origin Austrians resident abroad (vote using polling cards)	EU citizens 19 years of age or over Full eligibility in their Member State of origin
Portugal	Yes At national level	No 'Closed' lists	D'Hondt distribution method	Minimum age: 18 years EU citizens with full voting rights in their countries of origin Portuguese citizens in another EU Member State (vote at the consulate)	EU citizen 18 years of age or over Full eligibility in the country of origin
Slovenia	Yes At national level	Yes Electors must vote for a list and can also cast one preferential vote for an individual candidate on this list	D'Hondt distribution method	Minimum age: 18 years Slovene citizens EU citizens permanently resident in Slovenia	Slovene citizens EU citizens permanently resident in Slovenia 18 years of age or over

Slovakia	Yes At national level	Yes Electors can contribute one preferential vote to an individual candidate on the list of the political party (these candidates must gain 10% of the votes attributed to their lists if they are to be elected)	Droop distribution method Lists gaining less than 5% of the total votes cast are not entitled to parliamentary representation	Minimum age: 18 years Slovak and EU citizens domiciled in the Slovak Republic	Slovak and EU citizens domiciled in the Slovak Republic 21 years of age or over
Finland	Yes At national level	Yes No list system of voting, electors vote for one candidate	D'Hondt distribution method Once the number of seats for each party, electoral alliance and joint lists is determined, candidates are ranked according to the total number of preferential votes obtained	Minimum age: 18 years EU citizens living in Finland, listed on the electoral registers or having requested voting rights, and holding full voting rights in their countries of origin	EU citizens 18 years of age and over Holders of voting rights Exception: persons in custody
Sweden	Yes At national level	Yes Electors vote for a political party and can vote for one of the candidates on the list of the chosen party	Modified St. Lagüe system Lists obtaining less than 4% of the votes cast are excluded Candidates obtaining a minimum of 5% of the votes won by their party, are ranked on the list of the party according to the number of the votes won	Minimum age: 18 years EU citizens registered as resident in Sweden with full voting rights in their Member State of origin Citizens of any nationality other than Swedish must announce their intention of voting to the tax Council administrative board Swedish citizens abroad (vote by email)	Citizens with full eligibility in the country of origin

United Kingdom	Yes 12 electoral regions (11+Northern Ireland)	-No, in 11 regions (where the 'closed' regional list system is used) -Yes, in Northern Ireland (where the Single Transferable Vote System is used)	-11 regions: D'Hondt distribution method -Northern Ireland: Single Transferable Vote System	Minimum age: 18 years EU citizens appearing on electoral rolls, with full voting rights in their countries of origin British citizens abroad and members of the armed forces (declaration of eligibility)	EU citizens 21 years of age and over UK residents Full electoral rights in the country of origin
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DEVELOPMENT OF THE EUROPEAN PARLIAMENT'S LEGISLATIVE COMPETENCE¹
TREATY OF ROME

Consultation		Assent		Co-operation		Co-decision	
<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>
Discrimination on grounds of nationality	7						
Customs Union	14(7)						
Common agricultural policies (guidelines)	43						
Freedom of establishment (general structure)	54(1), 54(2)						
Freedom of establishment (special regime prior to expiry of the transitional period)	56(2)						
Pursuit of activities as self-employed persons	57(1), 57(2)						
Freedom to provide services (abolition of restrictions)	63(1), 63(2)						
Transport	75						
Competition	87						
Approximation of laws	100						
European Social Fund	126, 127						
Own resources	201						
Agreements with third countries	228						
Implied powers	235						
Revision of the Treaty	236						
Agreements with the third countries	238						

¹ In accordance with the successive reforms of the Treaty establishing the European Community, this table follows the changes in the main legal procedures governing Community policies, in order to show the development of the legislative competence of the European Parliament. Copyright : © Centre Virtuel de la Connaissance sur l'Europe (CVCE) Link: <http://www.ena.lu?lang=2&doc=12944>.

DEVELOPMENT OF THE EUROPEAN PARLIAMENT'S LEGISLATIVE COMPETENCE²
TREATY OF ROME AMENDED BY SINGLE EUROPEAN ACT

Consultation		Assent		Co-operation		Co-decision	
<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>
Customs Union	14(7)	Accession of new Member States	237	Free movement of workers	49		
Common agricultural policies (guidelines)	43	Agreements with third countries	238	Freedom of establishment (implementation of the general structure)	54(1)		
Freedom of establishment (general structure)	54(1),			Creation and operation of the internal market	100a		
Freedom of establishment (special regime prior to expiry of the transitional period)	56(2)						
Pursuit of activities as self-employed persons	57(1), 57(2)			Discrimination on grounds of nationality	7		
Freedom to provide services (abolition of restrictions)	63(1), 63(2)			Common transport policy	75		
Transport	75			European Regional Development Fund	130e		
Competition	87						
Fiscal provisions	99						
Approximation of laws	100						
European Social Fund	126, 127						
Structural Funds	130d						
Technological research and development	130q						
Environment	130s						
Conferring of implementing powers on Commission	145						

² In accordance with the successive reforms of the Treaty establishing the European Community, this table follows the changes in the main legal procedures governing Community policies, in order to show the development of the legislative competence of the European Parliament. Copyright : © Centre Virtuel de la Connaissance sur l'Europe (CVCE) Link: <http://www.ena.lu?lang=2&doc=12944>.

Establishment of a court of first instance and its responsibilities	168a						
Statute of Court of Justice	188						
Own resources	201						
Members of the Court of Auditors	206						
Financial regulations	209						
Scheme for civil servants	24 Merger Treaty						
Agreements with the third countries	228						
Implied powers	235						
Revision of the Treaty	236						

DEVELOPMENT OF THE EUROPEAN PARLIAMENT'S LEGISLATIVE COMPETENCE³
TREATY OF MAASTRICHT – TEU

Consultation		Assent		Co-operation		Co-decision	
<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>
Revision of the Treaties	N TEU	Enlargement	O TEU	Transport	75	Free movement of workers	49
Voting rights and eligibility in the Member State of residence	8b	Freedom of movement and right of residence	8a	Harmonisation of denominations and technical specifications of euro coins	105a(2)	Freedom of establishment (implementation of general structure)	54(2)
European Citizenship	8e	Supervision by the ECB	105(6)	Prohibition of measures allowing privileged access by EU institutions or Member States to financial institutions	104a(2)	Freedom of establishment (following completion of 2nd stage)	56(2)
Customs Union	14(7)	Structural Funds and establishment of the Cohesion Fund	130d	Prohibition of according overdraft or credit facilities to the other institutions	104b(2)	Pursuit of activities as self-employed persons (in part)	57(1), 57(2)
Common agricultural policy (guidelines)	43	Agreements with third countries (in part)	228(3)	Procedures for multilateral surveillance	103(5)	Creation and operation of the internal market	100a
Freedom of establishment (general structure)	54(1)	Amendment of the ESCB Statute	Protocol 18, Art. 41	Discrimination on the grounds of nationality	7	Education	126
Freedom of establishment (special regime prior to expiry of transitional period)	56(2)			Social policy	118a	Work experience, except for legislative and regulatory harmonization	127(4)
Pursuit of activities as self-employed persons (in part)	57(2)			European Social Fund	125	Culture	128
Freedom to provide services (abolition of restrictions)	63(1)			Vocational training, excluding harmonisation of laws and regulations	127	Public health, excluding harmonisation of laws and regulations	129
Competition	87			Other measures concerning trans-European networks	129d	Consumer protection	129a
Aid awarded by the States	94			Implementing decisions	130a	Guidelines on the objectives	129d

³ In accordance with the successive reforms of the Treaty establishing the European Community, this table follows the changes in the main legal procedures governing Community policies, in order to show the development of the legislative competence of the European Parliament. Copyright : © Centre Virtuel de la Connaissance sur l'Europe (CVCE) Link: <http://www.ena.lu?lang=2&doc=12944>.

				relating to the ERDF		of Transnational Networks	
Fiscal provisions	99			Technological research and development (in part)	130o	Multiannual framework programme Research and technological development	130i
Approximation of laws	100			Environment (general rule)	130s	Environment exceptions	130s(3)
Visa for citizens of non-member countries	100c			Development Co-operation	130w		
Economic and monetary union	106, 109f, 109k			Specific programmes Technological research and development	130i(5)		
Industry	130						
Economic and social cohesion	130b						
Technological research and development (in part)	130o						
Environment	130s						
Executive powers of the Commission	145						
Appointment of the President of the Commission	158						
Jurisdiction of the Court of First Instance	168a						
Own resources	201						
Budgetary procedure	209						
International agreements	228(3)						
Implied powers	235						

DEVELOPMENT OF THE EUROPEAN PARLIAMENT'S LEGISLATIVE COMPETENCE⁴
TEU AND TREATY OF ROME AMENDED BY TREATY OF AMSTERDAM

Consultation		Assent		Co-operation		Co-decision	
<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>
Judicial and police cooperation	42 TEU	Violation of human rights	7 TEU	Procedures for multilateral surveillance	99	Prohibition of all discrimination on grounds of nationality	12
Revision of the Treaty	48 TEU	Enlargement	49 TEU	Prohibition of measures allowing privileged access by EU institutions or Member States to financial institutions	102	Exercise of citizens' right to move and reside freely within the territory of the Member States	18(2)
Closer cooperation	11	Supervision by the European Central Bank	105(6)	Prohibition of according overdraft or credit facilities to other institutions	103	Free movement of workers	40
Combatting discrimination	13	Structural Funds and establishment of the Cohesion Fund	161	Harmonisation of denominations and technical specifications of euro coins	106	Measures in the field of social security for migrant workers of the Community	42
Voting rights and eligibility in the Member State of residence	Consultation	Standardisation of voting procedures in the EP	190(4)			Right of establishment	44(2)
European citizenship	22	Agreements with third countries	300(3)			Coordination of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals	46(2)
Agricultural policy	37	Amendment of the ESCB Statute	Protocol 18, Art. 41			Recognition of diplomas, certificates and other qualifications to make it easier for persons to pursue activities as self-employed persons; amendment of the	47(1)

⁴ In accordance with the successive reforms of the Treaty establishing the European Community, this table follows the changes in the main legal procedures governing Community policies, in order to show the development of the legislative competence of the European Parliament. Copyright : © Centre Virtuel de la Connaissance sur l'Europe (CVCE) Link: <http://www.ena.lu?lang=2&doc=12944>.

						existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons	
Liberalisation of services	52					Asylum and immigration; possibility of a 'bridge' to co-decision after a transitional period	67
Conditions of entry and residence	63(3)					Visas after a transition period	62
Transport	71(2)					Transport policy	71(1)
Competition	83					Creation and operation of the internal market	95
State aid	89					Incentive measures in the field of employment	129
Harmonisation of indirect taxation	93					Strengthening of customs co-operation	135
Approximation of laws	94					Social policy	137(2)
Excessive government deficits	104					Equal opportunities and treatment	141
Economic and monetary union	107(2), 111, 112, 117, 122					Implementing decisions relating to the European Social Fund	148
Employment	128					Education	149
Employment Committee	130					Vocational training, excluding harmonisation of laws and regulations	150(4)
Commercial policy	133					Culture excluding recommendations	151
Social policy	137(3)					Public health (in part)	152
Industry	157					Consumer protection	153
Economic and social cohesion	159					Trans-European Networks	156
Technological research and development	166(4), 172					Implementing decisions relating to the ERDF	162

Environment	175(2)					Technological research and development	166
Executive powers of the Commission	202					Implementing the framework programmes for research and technological development	172
Jurisdiction of the Court of First Instance	225					Environment, actions to be taken by the EC	175(1)
Statute of the Court of Justice	245					Environment, general action programmes	175(3)
Appointment of Members of the Court of Auditors	247					Development cooperation	179
Own resources	269					General principles regarding transparency and access to documents	254
Financial Regulation	279					Fight against fraud affecting the financial interests of the Community	280
Officials and other servants of the EC	283					Production of statistics	285
Most remote regions	299					Establishment of an independent supervisory body responsible for data protection	286
International agreements	300(3)						
Implied powers	308						

DEVELOPMENT OF THE EUROPEAN PARLIAMENT'S LEGISLATIVE COMPETENCE⁵
TEU AND TREATY OF ROME AMENDED BY TREATY OF NICE

Consultation		Assent		Co-operation		Co-decision	
<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>	<i>Basis in Law</i>	<i>Article</i>
Judicial and police cooperation	42 TEU	Violation of human rights	7 TEU	Procedures for multilateral surveillance	99	Prohibition of all discrimination on grounds of nationality	12
Enhanced co-operation	40a, 40b	Enlargement	49 TEU	Prohibition of measures allowing privileged access by EU institutions or Member States to financial institutions	102	Exercise of citizens' right to move and reside freely within the territory of the Member States	18(2)
Revision of the Treaties	48 TEU	Enhanced co-operation	11	Prohibition of according overdraft or credit facilities to other institutions	103	Free movement of workers	40
Enhanced cooperation	11	Supervision by the European Central Bank	105(6)	Harmonization of denominations and technical specifications of euro coins	106	Measures in the field of social security for migrant workers of the Community	42
Combatting discrimination	13	Structural Funds and establishment of the Cohesion Fund	161			Right of establishment	44(2)
Voting rights and eligibility in the Member State of residence	19	Standardisation of voting procedures in the European Parliament	190(4)			Coordination of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals	46(2)
European citizenship	22	Agreements with third countries	300(3)			Recognition of diplomas, certificates and other qualifications to make it easier for persons to pursue activities as self-employed persons; amendment of the	47(1)

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					existing principles laid down by law governing the professions with respect to training and conditions of access for natural persons	
Agricultural policy	37	Amendment of the ESCB Statute	Protocol 18, Art. 41		Asylum and immigration; possibility of a 'bridge' to co-decision after a transitional period	67
Liberalisation of services	52				Visas after a transition period	62
Conditions of entry and residence	63(3)				Asylum and immigration policy	62, 63
Transport	71(2)				Judicial co-operation in civil matters	65
Competition	83				Transport policy	71(1)
State aid	89				Creation and operation of the internal market	95
Harmonisation of indirect taxation	93				Incentive measures in the field of employment	129
Approximation of laws	94				Strengthening of customs co-operation	135
Excessive government deficits	104				Social policy	137(2)
Economic and monetary union	107(2), 111, 112, 117, 122				Equal opportunities and treatment	141
Employment	128				Implementing decisions relating to the European Social Fund	148
Employment Committee	130				Education	149
Commercial policy	133				Vocational training, excluding harmonisation of laws and regulations	150(4)
Social policy	137(3)				Culture excluding recommendations	151
Technological research and	166(4),				Public health (in part)	152

development	172						
Environment	175(2)					Consumer protection	153
Executive powers of the Commission	202					Trans-European Networks	156
Establishment of judicial panels	225a					Industry	157
Statute of the Court of Justice	245					Economic and social cohesion	159
Appointment of Members of the Court of Auditors	247					Implementing decisions relating to the ERDF	162
Own resources	269					Technological research and development	166
Financial Regulation	279					Implementing the framework programmes for research and technological development	172
Officials and other servants of the EC	283					Environment, actions to be taken by the EC with regard to implementing the objectives referred to in Article 174	175(1)
Most remote regions	299					Environment, general action programmes	175(3)
International agreements	300(3)					Development cooperation	179
Implied powers	308					General principles regarding transparency and access to documents	255
						Fight against fraud affecting the financial interests of the Community	280
						Production of statistics	285
						Establishment of an independent supervisory body responsible for data protection	286

SOME MAIN EVENTS IN THE PARLIAMENT'S HISTORY

10 September 1952	ECSC Parliamentary Assembly with 78 members holds its first meeting
1 January 1958	Treaty of Rome enters into force. Assembly (common to the ECSC, EEC and EAEC) enlarged to 142 members
30 March 1962	European Assembly decide to describe itself as European Parliament
22 April 1970	Treaty changes give the Parliament certain budgetary powers
16 January 1973	First meeting of enlarged Parliament of 198 members following accession of the UK, Ireland and Denmark
22 July 1975	Treaty changes giving further budgetary powers to the Parliament
20 September 1976	Adoption by Council of act providing for direct elections
7-10 June 1979	First direct elections to the European Parliament. Repeated every 5 years
17 June 1979	First meeting of directly elected European Parliament of 410 members
13 December 1979	Parliament rejects budget for the first time
1 June 1981	Membership increases to 434 after Greek accession
14 February 1984	European Parliament adopts Spinelli Draft Treaty on European Union
1 January 1986	Membership increase to 518 following Spanish and Portuguese accession
1 July 1987	Entry into force of Single European Act allocating new powers to the Parliament and giving treaty status to the title European Parliament
1 November 1993	Entry into force of Maastricht Treaty on European Union allocating further new powers to the European Parliament
July 1994	General adjustment to number of seats Per member state following German unification brings Parliament to 567 seats
1 January 1995	Membership increases to 626 following Austrian, Finnish and Swedish accession
15 March 1999	Commission resigns when faced with probable adoption of a vote of censure by Parliament
1 May 1999	Entry into force of Amsterdam Treaty extending Parliament's powers. Parliament and Council now effectively a bicameral legislature for most EU legislation
1 February 2003	Entry into force of the Treaty of Nice adjusting allocation of seats for the future enlarged Parliament and further marginally increasing its powers.
1 May 2004	Membership rises to 732 (788 for period up to June elections) following accessions of Estonia, Latvia, Lithuania, Poland, Czech Republic, Slovakia, Hungary, Slovenia, Malta and Cyprus.

Source: Richard Corbett, Francis Jacobs, and Micheal Shackleton, *The European Parliament*, Sixth Edition, London: John Harper Publishing, 2005, pp. 8-9.

BIBLIOGRAPHY

BOOKS:

- Bozkurt, Enver, & Özcan, Mehmet, & Köktaş, Arif, *Avrupa Birliği Hukuku*, Second Edition, Ankara: Asil Yayın Dağıtım, 2004.
- Corbett, Richard, & Jacobs, Francis, & Shackleton, Micheal, *The European Parliament*, Fourth Edition, London: John Harper Publishing, 2000.
- Corbett, Richard, & Jacobs, Francis, & Shackleton, Micheal, *The European Parliament*, Sixth Edition, London: John Harper Publishing, 2005.
- Corbett, Richard, *European Parliament's Role in Closer EU Integration*, Gordonsville: Palgrave Macmillian, 2002.
- Craig, Paul, & de Burca, Grainne, *The EU Law, Texts, Cases, and Materials*, Third Edition, Oxford: Oxford University Press, 2003.
- Demir, Nesrin, *Avrupa Birliği Parlamentosu*, Ankara: Nobel Yayın Dağıtım, 2005.
- Dinan, Desmond, *Ever Closer Union—An Introduction to European Integration*, London: MacMillan Press, 1999.
- Dinan, Desmond, *Avrupa Birliği Ansiklopedisi*, (in two Volumes), İstanbul: Kitap Yayınevi, 2005.
- Hix, Simon, & Marsh, Micheal, *Predicting the Future—The Next European Parliament*, Brussels: Burson—Marsteller, 2004.
- Kavalalı, Murat, *Avrupa Birliği'nin Genişleme Süreci: AB'nin Merkezi Doğu Avrupa ve Batı Balkan Ülkeleri İle İlişkileri*, Ankara: Devlet Planlama Teşkilatı, AB ile İlişkiler Genel Müdürlüğü, Ekim 2005.
- McGee, Simon (ed), *Electoral Systems in Europe: An Overview*, Brussels: European Centre for Parliamentary Research and Documentation (ECPRD), 2000.
- Nugent, Neil, *The Government and Politics of the European Union*, Durham: Duke University Press, 2003.
- Özdal, Barış, & Genç, Mehmet, *Avrupa Güvenlik ve Savunma Politikası'nın Türkiye—AB İlişkilerine Etkileri*, İstanbul: Aktüel Yayınları, 2005.
- Tezcan, Ercüment, *Avrupa Birliği Kurumlar Hukuku*, Ankara: Uluslararası Stratejik Araştırmalar Kurumu, 2005.

ARTICLES:

- Aleskerov, Fuad, & Avcı, Gamze, & Iakouba, Viatcheslav, “European Union Enlargement: Power Distribution Implications of the New Institutional Arrangements”, *European Journal of Political Research*, Vol: 41, No: 3, (May 2002).
- Baun, Michael J., “The Maastricht Treaty as High Politics: Germany, France, and European Integration”, *Political Science Quarterly*, Vol: 110, No: 4, (Winter 1995/96).
- Best, Edward, “The EU Institutions Between Enlargement and the Constitution” *Eipascope, Special Issue: The EU Institutions Between Enlargement and the Constitution*, Vol: 2004, No: 3, (June—September 2004).
- Burns, Charlotte, “Co—Decision and Inter—Committee Conflict in the European Parliament Post—Amsterdam” *Government and Oppositions*, Vol: 41, No: 2, (February 2006).
- Christiansen, Thomas “The Role of Supranational Actors in EU Treaty Reform”, *Journal of European Public Policy*, Vol: 9, No: 1, (February 2002).

- Corbett, Richard & Jacobs, Francis, & Shackleton, Michael, "The European Parliament at Fifty: A View from the Inside", *Journal of Common Market Studies*, Vol: 41, No: 2, (February 2003).
- De Witte, Bruno, "Anticipating the Institutional Consequences of Expanded Membership of the European Union", *International Political Science Review*, Vol: 23, No: 3, (September 2002).
- Falkner, Gerda, "How Intergovernmental are Intergovernmental Conferences? An Example from the Maastricht Treaty Reform" *Journal of European Public Policy*, Vol: 9, No: 1, (February 2002).
- Farrell, David M., & Scully, Roger, "Electing the European Parliament: How Uniform are 'Uniform' Electoral Systems?", *Journal of Common Market Studies*, Vol: 43, No: 5, (December 2005).
- Hix, Simon, & Kreppel, Amie & Noury, Abdul, "The Party System in the European Parliament: Collusive or Competitive?", *Journal of Common Market Studies*, Vol: 41, No: 2, 2003, (February 2003).
- Hurd, Douglas, "Developing the CFSP", *International Affairs*, Vol: 70, No: 3, (July 1994).
- Jun, Hae-Won, "Catching the Runaway Bureaucracy in Brussels—Euro-Parliamentarians in Budgetary Politics", *European Union Politics*, Vol: 4, No: 4, (December 2003).
- Kaeding, Micheal, "Rapporteurship Allocation in the European Parliament", *European Union Politics*, Vol: 5, No: 3, (March 2004).
- Kasack, Christiane, "The Legislative Impact of the European Parliament under the Revised Co-Decision Procedure" *European Union Politics*, Vol: 5, No: 2, (February 2004).
- König, Thomas, and Pöter, Mirja, "Examining the EU Legislative Process—The Relative Importance of Agenda and Veto Power", *European Union Politics*, Vol: 2 No: 3, (February 2001).
- Kreppel, Amie, "Moving Beyond Procedure—An Empirical Analysis of European Parliament Legislative Influence", *Comparative Political Studies*, Vol: 35 No: 7, (September 2002).
- Kreppel, Amie, "Necessary but not Sufficient: Understanding the Impact of Treaty Reform on the Internal Development of the European Parliament", *Journal of European Public Policy*, Vol: 10, No: 6, (December 2003).
- Kreppel, Amie, "What Affects the European Parliament's Legislative Influence? An Analysis of the Success of EP Amendments" *Journal of Common Market Studies*, Vol: 37, No: 3, (September 1999).
- Lintner, Pamela, & Vaccari, Beatrice, "The European Parliament's Right of Scrutiny over Commission Implementing Acts: A Real Parliamentary Control?" *Eipascope*, Vol: 2004, No: 1, (January 2005).
- Magnette, Paul, "Appointing and Censuring the European Commission: The Adaptation of Parliamentary Institutions to the Community Context", *European Law Journal*, Vol: 7, No: 3, (September 2001).
- Magnette, Paul, "Towards 'Accountable Independence'? Parliamentary Controls of the European Central Bank and the Rise of a New Democratic Model", *European Law Journal*, Vol: 6, No: 4, (December 2003).
- Mar, Jimeno-Bulnes, "European Judicial Co-operation in Criminal Matters", *European Law Journal*, Vol: 9, No: 5, (December 2003).

- Maurer, Andreas, "The Legislative Powers and the Impact of the European Parliament", *Journal of Common Market Studies*, Vol: 41, No: 2, (February 2003).
- McCown, Margaret, "The European Parliament Before the Bench: ECJ Precedent and EP Litigation Strategies", *Journal of European Public Policy*, Vol: 10, No: 6, (December 2003).
- Neuhold, Christine, "Into the New Millennium: The Evolution of the European Parliament from Consultative Assembly to Co-Legislator", *Eipascope*, Vol: 2000, No: 1, (January 2001).
- Neuhold, Christine, "The Legislative Backbone Keeping the Institution Upright? The Role of European Parliament Committees in the EU Policy Making Process", *European Integration Online Papers*, Vol: 5, No: 10, 2001.
- Neunreither, Karlheinz, "The European Parliament", In Laura Cram, Desmond Dinan and Neill Nugent (ed.) *Developments in the European Union*, London: MacMillan Press, 1999.
- O'Brennan, John, "Bringing Geopolitics Back In: Exploring the Security Dimension of the 2004 Eastern Enlargement of the European Union", *Cambridge Review of International Affairs*, Vol: 19, No: 1, (March 2006).
- Oğurlu, Ebru, "Challenges of Enlargement for Central and Eastern European Countries" *Akademik Araştırmalar Dergisi*, Vol: 6, No: 23, (November 2004–January 2005).
- Shackleton, Micheal, "The European Parliament's New Committees of Inquiry: Tiger of Paper Tiger?" *Journal of Common Market Studies*, Vol: 36, No: 1, (March 1998).
- Stacey, Jeffrey, "Displacement of the Council via Informal Dynamics? Comparing the Commission and Parliament", *Journal of European Public Policy*, Vol: 10, No: 6, (December 2003).
- Teasdale, Anthony L., "Subsidiarity in Post-Maastricht Europe" *Political Quarterly*, Vol: 64, No: 2, (April–June 1993).
- Teasdale, Anthony L., "The Politics of Majority Voting in Europe", *Political Quarterly*, Vol: 62, No: 2, (April–June 1996).
- Westlake, Martin, "The European Parliament's Emerging Powers of Appointment", *Journal of Common Market Studies*, Vol: 36, No: 3, (September 1998).
- Winn, Neil, "CFSP, ESDP, and the Future of European Security: Whither NATO?" *Brown Journal of World Affairs*, Vol: 9, No: 2, (Winter/Spring 2003).
- Yataganas, Xenophon A., "The Treaty of Nice: the Sharing of Power and the Institutional Balance in the European Union—A Continental Perspective" *European Law Journal*, Vol: 7, No: 3, (September 2001).

DISSERTATIONS:

- Kıçık, Eren, *How the European Parliament is Elected*, M.A. Thesis, Istanbul: Marmara University, European Community Institute, 2001.
- Yörüng, Murat T., *The Budgetary and the Legislative Powers of the European Parliament*, M.A. Thesis, Istanbul: Marmara University, European Community Institute, 1990.
- Ziccardi, Christiaan, *An Analysis of the European Parliament's Electoral Arrangements*, Dissertation for the degree of Master in European Politics and Policies, Leuven: Katholieke Universiteit Leuven, Academic Year 2004–2005.

WEB SITES:

<http://www.europarl.eu.int> or <http://www.europarl.europa.eu> (The European Parliament)
<http://www.europarl.eu.int/news> (European Parliament News–Press Service)
<http://www.elections2004.eu.int/ep-election/sites/en/index.html> (European elections 10–13 June)
http://www.ec.europa.eu/comm/enlargement/arch_countries/index_en.htm (European Commission, Enlargement Directorate–General, Enlargement Archives)
<http://www.ena.lu/mce.cfm> (The European Navigator (ENA) of *the Centre Virtuel de la Connaissance sur l'Europe (CVCE)*)
<http://www.europeansources.info/search/goCountry.do> (European Sources online, Country Profiles of the European Union)
<http://news.bbc.co.uk/1/shared/bsp/hi/vote2004/euro/html/2.stm> (The BBC News Vote EU 2004 In Depth)
<http://www.cia.gov/cia/publications/factbook> (CIA World Fact Book, 2006 edition)

OTHERS:

Treaties, Agreements, Protocols, and Rules of Procedure Pertaining to the EU:

Act Concerning the Election of the Members of the European Parliament by Direct Universal Suffrage
Agreement Between the European Parliament and the Commission on Procedures for Implementing Council Decision Of 28 June 1999 Laying Down the Procedures for the Exercise of Implementing Powers Conferred on the Commission
Council Decision of 28 June 1999 (A New ‘Comitology Decision’ Repealing Decision 87/373/EEC)
Decision and Act Concerning the Election of the Representatives of the European Parliament by Direct Universal Suffrage of 20 September 1976
Declaration Concerning the Protocol on the Transitional Provisions Relating to the Institutions and Bodies of the Union
Joint Declaration by the European Parliament, the Council and the Commission on the Institution of a Conciliation Procedure of 4 March 1975
Protocol on the Enlargement of the European Union (annexed to the Treaty on European Union and to the Treaties Establishing the European Community, the European Coal and Steel Community and the European Atomic Energy Community)
Protocol on the Privileges and Immunities of the European Communities, annexed to the Treaty Establishing a Single Council and a Single Commission of the European Communities
Protocol on the Statute of the European System of Central Banks and of the European Central Bank annexed to the Treaty Establishing the European Community
Rules of Procedure of the Committee of Regions
Rules of Procedure of the Court of Justice
Rules of Procedure of the Economic and Social Committee
Rules of Procedure of the European Parliament
Rules of The Procedure of the Court of Auditors
Single European Act
Solemn Declaration on European Union (Stuttgart, 19 June 1983)

Treaty Establishing a Constitution for Europe
Treaty Establishing the European Community
Treaty Establishing the European Coal and Steel Community
Treaty Establishing the European Atomic Energy Community
Treaty of Amsterdam
Treaty on European Union

Fact Sheets and Glossaries:

“A Constitution for Europe” Fact Sheet from SCADPlus (web site of summaries of legislation),

URL: http://europa.eu.int/scadplus/constitution/index_en.htm.

European Fact Sheets, Luxembourg: European Parliament, Directorate-General for Research, 2001.

SCADPlus Glossary, Brussels: European Commission, last updated: May 2005, URL for downloadable version: http://europa.eu.int/scadplus/glossary/index_en.htm.

“The Outcome of the Convention”, Fact Sheet from SCADPlus (web site of summaries of legislation),

URL: http://europa.eu.int/scadplus/european_convention/introduction_en.htm.

“Work of IGC 2003–2004”, Fact Sheet from SCADPlus (web site of summaries of legislation), URL: http://europa.eu.int/scadplus/cig2004/index_en.htm.

Brochures and Explanatory Notes:

A Brief Overview Of The Institutional Changes Taking Place In The European Union During The Coming Year, Brussels: ADS Insight, June 2003.

A European Parliament Really Closer to the People, Brussels: Ideas Factory Europe, December 2004.

A Year of Europe–2004, Brussels: European Commission, 2005.

Chronology of the Fifth Enlargement in Detail, explanatory note, London: Foreign and Commonwealth Office of the United Kingdom, URL: www.fco.gov.uk/files/kfile/FCO_BEU_5thEnlargementChronologyDetail.o.pdf.

Enlargement of the European Union–An Historic Opportunity, Brussels: European Commission, Enlargement Directorate-General, 2003.

How the European Union Works (Your guide to the EU institutions), Brussels: European Commission Directorate-General for Press and Communication, 2005.

More Unity and More Diversity–The European Union’s Biggest Enlargement, Brussels: European Commission, Directorate-General for Press and Communication, 2003.

PES Presentation Leaflet, Brussels: PSE Group, January 2006.

Priorities of the EPP–ED Group for 2004–2009–A contribution of ideas to policy formation, Brussels: EPP–ED Group, 2004.

Socialist Group in the European Parliament, Brussels: PSE Group, January 2006

The European Parliament, Luxembourg: Directorate-General for Information of the European Parliament (November 2004).

Reports, Working Papers and Research Papers:

Adam Mellows–Facer, Richard Cracknell, and Jessica Yonwin, *European Parliament elections 2004*, Research Paper 04/50, London: Social and General Statistic Section, House of Commons Library, 23 June 2004.

Anne Rasmussen and Michael Shackleton, “The Scope of Action of European Parliament Negotiators in the Legislative Process: Lessons of the Past and for the Future”, paper prepared for the Ninth Biennial International Conference of

- the European Union Studies Association, Austin, Texas, 31 March–2 April 2005.
- Eric Davies, “European Parliament Election, 10–13 June 2004: Results and Analysis” Ann Arbor: ProQuest Information and Learning, 2004, date of publishment: 12 June 2004, URL:
<http://www.europeansources.info/search/popDocById.do?ItemID=066/0000488>.
- General Report on the Activities of the European Union–2004*, Luxembourg: European Commission, 2005.
- General Report on the Activities of the European Union–2005*, Brussels: Office for Official Publications of the European Communities, 2006.
- Giacomo Benedetto, *2004 European Parliament Election Briefing No: 22 The European Election Results and the European Parliament of 2004*, Brighton: European Parties, Elections, and Referendums Network (EPERN), Sussex European Institute.
- Jacobs, Francis, “Development of the European Parliament’s Powers: An Incomplete Agenda?” paper prepared personally by Francis B. Jacobs, Head of Division, European Parliament’s Committee on the Environment Public Health and Consumer Policy, March 2003.
- Kenneth Chan, *Central and Eastern Europe in the 2004 European Parliament Elections A Not So European Event*, Brighton: Sussex European Institute, 2004.
- Kietz, Daniela, & Mauer, Andreas, “The European Parliament in Treaty Reform–Predefining IGCs through Interinstitutional Agreements”, Working Paper FG1, Research Unit EU Integration, German Institute for International and Security Affairs, 2006.
- Mamadouh, Virginie & Raunio, Tapio, *Allocating Reports in the European Parliament: How parties influence committee work*, EPRG–European Parliament Research Group–Working Paper, No. 7, 2001.
- Napel, Stefan, & Widgren, Mika, “Bargaining and Distribution of the Power in the EU’s Conciliation Committee”, CESIFO Working Paper, No: 1029.
- Neuhold, Christine “The Standing Committees in the European Parliament, (Subproject 1 Of) Governance By Committee”, In *The Role Of Committees in European Policy–Making And Policy Implementation*, Maastricht: European Institute of Public Administration, May 2000.
- Philip Manow, *National Vote Intention and European Voting Behavior, 1979–2004: Second Order Election Effects, Election Timing, Government Approval and the Europeanization of European Elections*, Cologne: Max Planck Institute for the Study of Societies, 2005.
- Preparing for EU Accession Negotiations*, Center for the Study of Democracy, Sofia: 1999.
- Richard Rose, *Europe Expands, Turnout Falls: The Significance Of The 2004 European Parliament Election*, Stockholm: International Institute for Democracy and Electoral Assistance, 2004.
- Sebastian Kurpas, Marco Incerti, and Ben Crum, *Preview of the 2004 European Parliament Elections–Results of an EPIN Survey of National Experts*, Brighton: European Policy Institute Network(EPIN), Sussex European Institute, May 2004.

Seda Gürkan, *10–13 Haziran 2004 Avrupa Parlamentosu Seçimleri ve Avrupa Parlamentosu 2004–2009 Dönemi*, Brüksel: Türk Sanayicileri ve İşadamları Derneği Avrupa Birliği Temsilciliği, 2004.

Simon Hix, *Understanding European Parliament Elections: Punishment or Protest?*, paper prepared for presentation at the Ninth Biennial International Conference of the European Union Studies Association, Austin, Texas, 31 March–2 April 2005.

Other:

“Constitution of Cyprus”, International Constitutional Law web site, date of access: 1 May 2006, URL: http://www.oefre.unibe.ch/law/icl/cy00000_.html

Hellenic Resources Network, Constitutions of Greece, date of access: 1 May 2006, URL: <http://www.hri.org/docs/constitutions.html>.