THE EUROPEAN PARLIAMENT'S ROLE IN THE COMMUNITY INSTITUTIONAL SYSTEM

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The European Parliament was founded by the Treaty of Rome (1957) to represent the "peoples of the states gathered in the European Union". The Parliament was originally organized as a deliberative, consulting assembly and made up of members of national parliaments, being the only community institution today, directly elected by the member states' citizens. The subsequent community legislation especially the Treaties of Maastricht and Amsterdam have significantly changed the Parliament's role and it has become a body with political functions and legislative, budgetary and control powers.

Keywords: the enhancement of the European Parliament's role, consulting, co-legislature.

Due to the obvious need for common policies and regulations within those, at the time of the fundamental treaties' ratification, national parliaments gave legislative power to the European Union in a small but important number of fields. The competences were originally granted to the Council made up of ministers from national governments who acted at the Commission's propositions, representing a collaborative leadership by turns set up by national governments, yet having to act to the interest of the entire European Community.

The European Parliament was founded by the Treaty of Rome (1957) to represent the "peoples of the states gathered in the European Union". Originally, the European Parliament was more like a forum which had been made up by national parliaments' delegates until 1979, appointed by the former. Its role was pretty insignificant, that is, it was consulted only relating to few legislative propositions before their adoption by the Council and had the right to dissolve the Commission by censorship voting with a majority of two thirds.

Those competences seemed too restrictive especially for those summoned to work in the European Parliament and who claimed the system suffered from a "democratic deficit" since it only allowed ministers to adopt the legislation.

During five decades, the Parliament has passed from the status of consulting gathering to that of genuine co-legislator in the European Union which has considerably evolved beyond the initial European communities both regarding its activity scope and competences. The Parliament and the Council currently make up the European Union's twofold chamber legislator.

The change has occurred gradually by the member states' agreement with new treaties that supplement or modify the initial ones and have considerably increased the European Parliament's role in the community structure.

Thus, by the budgetary treaties of 1970 and 1975, the Council and the Parliament represent the "budgetary authority", together setting annual budgets within the fixed revenue limit. Although budget approval procedures are complicated, they allow the parliament both to change it and have a final vote for its

adoption or rejection. In 1975, a conciliation procedure among institutions was agreed upon regarding budgetary legislation in order to avoid potential conflicts between the Council's legislative powers and the Parliament's budgetary powers. The procedure stipulated that, if the Council did not meet the Parliament's agreement, the issue should be presented to a conciliation committee made up of the Council members and an equal number of Parliament members. However, the respective legislation's adoption still rested for the Council to be responsible for.

In 1979, the Parliament was elected by universal, direct and secret voting for the first time. That was meant to provide enhanced democratic legitimacy and generate several political debates upon European issues, but it also created full-time jobs for the Parliament members (the appointed Parliament had 198 members, and the first Parliament elected by universal voting had 410 members).

In 1980, the Isoglucose sentence of the Court of Justice (lawsuits 138 and 139/79) shocked the legislation, as the Council had adopted it before the Parliament's approval. That judgement provided the Parliament with the de facto grace power it could use to negotiate potential changes. The Parliament's negotiating power was obviously stronger when a rapid decision was necessary, and that helped the Council get used to the need to ask for the Parliament's opinion.

The Single European Act came into force in 1987 and introduced two new procedures to adopt community acts. Those devices enhance the Parliament's role in the Community's decisional process, yet it is limited to formulating opinions and suggesting amendments. The cooperation procedure, initially applied only to ten articles in the treaty, adds a new version to the traditional consulting procedure as it claimed that the Council's proposition should be once again submitted for approval by the Parliament within ten months, otherwise the latter could reject it (when the proposition would be out of question only if the Council does not unanimously reject the Parliament's proposition) or asked for changes (which, once supported by the Commission, can be unanimously rejected by the Council, while the reviewed text can be approved by voting with a qualified majority. The procedure of corresponding *notice* gives the Parliament equal rights to those of the Council, that is, it needs the Parliament's approval for ratifying accession treaties and association agreements.

The Treaty of Maastricht, that came into force on 1 November 1993, contributed in increasing the parliament's competences. The co-decision procedure was introduced based on the cooperation procedure, with two important additional provisions: firstly, the inclusion of an official conciliation committee which was in charge of negotiating compromises between the Council and Parliament; secondly, the Parliament's option to reject the Council's decision after conciliation, thus causing the collapse of the respective legislation. That procedure was applied almost to the entire legislation that the Single European Act had presented to the cooperation procedure along with a few new fields:

- the cooperation procedure extended almost to all the other fields the Council works in, by qualified majority;
- the procedure of corresponding notice also extended, covering a wider range of international agreements and other fields;
- the Parliament was given the right to vote certain position appointments such as the position of Commission President and President of the European Monetary Institute/Central Bank, a consulting vote from the official point of view, yet very important politically. Its vote in order to allow or not to allow the Commission to exert its mandate by trust voting was legally binding, and its initial mandate was changed in order to coincide with the one of five years held by the Parliament. Additionally, the parliament had the duty to elect an *Ombudsman* whose five-year mandate coincides with the Parliament's;
- they also enhanced various competences in elections' monitoring, especially by a Treaty provision for the parliament investigation committees.

The Treaty of Amsterdam came into force on 1 May 1999 and considerably enlarged co-decision scope, so that most of the legislation meant for non-agricultural fields was subject to the procedure. It also modified the procedure to the Parliament's favour. At the same time, the Treaty rendered legal binding to the Parliament's voting of the Commission's president position. If the Commission's president appointed by the European Council does not manage to achieve most support within the Parliament, he cannot exert his mandate. The procedure of corresponding notice is removed from ordinary legislation, and the cooperation procedure is to be kept within UEM. Regarding its structure, it was stipulated that the number of deputies

is going to exceed 700 and, if the number changes, it is necessary they should ensure proper representation of the member states' peoples. The Treaty of Nise came into force on 1 February 2003 and continued to extend co-decision scope. It reasserts the Parliament as co-legislator as it can take action for cancellation against other institutions' acts without being restricted by a particular interest. The co-decision scope is also enlarged and its according notice is necessary to set up enhanced cooperation.

The Treaty provides an increased number of European parliament members reaching 732 (although inadequate for the Parliament, especially because it exceeds the limit of 700 which is considered the maximum functional number) starting with the elections in June 2004, and the distribution of Parliament seats is done from the perspective of the Union's enlargement to 27 member states. Although the number of seats granted to the member states is decreased by 91, Germany is still a leader (99 parliament members) and the other states have accepted to have fewer members, thus allowing the access of candidate countries which have 197 seats.

The Reform Treaty of Lisbon was drafted relying on the precise detailed mandate agreed upon by the European Council on 21-23 June 2007, practically resuming the contents of the former Constitutional Treaty whose ratification is due to take place according to the 27 member states' constitutional practices until late 2008, in order to come into force on 1 January 2009.

The treaty brings about a lot of improvements in the Union's institutions and procedures:

- the enhancement of the Parliament's co-legislative function along with the council within the Union – in this case, co-decision would practically apply in all fields, including agriculture and the entire annual budget;
- the growth of the Parliament's power when validating and reviewing the Commission's decisions;
- the enhancement of the Parliament's role when electing the Commission's President after every parliamentary election at European level.

As a result of changes, at present there is the so-called "two-chamber legislative power" within the European Union where the Council represents the member states, and the Parliament stands for the citizens. Drafting the common policy does not devolve only upon governments, but also upon the Parliament elected by direct voting. The above issues clearly emphasize how different the European Union is from a traditional intergovernmental organization. It is enough to imagine what the European Union would be like without its Parliament: a system dominated by bureaucrats and diplomats, superficially monitored by ministers who periodically fly to Brussels. The existence of a body having permanent representatives for decision making at Brussels that ask questions, knock on doors and have ongoing dialogues with home electors, renders the European Union's system more open, more transparent and more democratic than it might be in other circumstances. The European Parliament's members are elected from the parties in power and in the opposing ones, and they represent not only capital cities, but also other regions.

The Parliament also diminishes national conflicts, especially due to its being organized in political groups and not national delegations, demonstrating that the delimitation of concrete issues is not among nations, but the various political opinions or sectorial interests.

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