

Appointment of the Commission: Parliament's role before 1995

SUMMARY

In September 2014, the Commissioners-designate for the Juncker Commission will be required to appear before the European Parliament's committees as part of the procedure for the approval of the European Commission. This will be the fifth set of hearings to be held since 1995. But what about the Commissions prior to 1995? Did Parliament already have a role to play in the new Commission's appointment in those days?

With this briefing we provide a short account of the procedure used before 1995 and the long road which Parliament had to take to have its say in the appointment of the Commission.

It has always been the tradition for each President of the Commission, when taking office, to deliver a general policy statement before Parliament.

Until 1981, when Parliament approved the appointment of the Thorn Commission with its resolution of 12 February, the newly nominated President of the Commission gave a speech to Parliament in plenary. However, no vote of approval or of confidence was taken until 15 January 1985, when the first vote of confidence was passed in the first Delors Commission.

Formal hearings of commissioners-designate were introduced as a result of the Maastricht Treaty. The first Commission to be subject to this new procedure was the Santer Commission in 1995.



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From Hallstein to Jenkins - statements before the European Parliament

The Treaty of Rome (1958) did not contain provisions regarding the involvement of Parliament in the approval or nomination of the Commission.

The Commissioners were appointed by common accord of the governments of the six Member States. They were appointed for a renewable four-year term of office, while the President's term was renewed every two years.¹ In successive Commissions, the allocation of portfolios was decided on the basis of recognised spheres of competence².

Some of the practices that were in place between the ECSC Common Assembly and the High Authority before 1958 continued when the Parliamentary Assembly was set up. In the course of an annual session the Assembly was required to discuss a general report submitted by the High Authority. At the end of the discussion the Assembly could, if it considered it advisable, require the Commission to resign office through a vote of censure carried by a two-thirds majority.³

The tradition was for each Commission President to deliver a general policy statement before the Common Assembly when taking office in order to obtain its confidence⁴.

The Hallstein Commission held office for two mandates, from January 1958 to June



Walter Hallstein 1958-1967

1967. This was the very first EEC Commission. The first college of commissioners served from 7 January 1958 to 9 January 1962 and the second from 9 January 1962 to 30 June 1967. On 20 March 1958, Hallstein presented what could be called the road map and asked for the Common Assembly's confidence: [...] *je vous demanderai [...] de nous accorder la confiance sans laquelle aucun succès n'est possible, lorsque des hommes s'appêtent à réaliser en commun une grande œuvre*⁵.



Jean REY
1967 - 1970

The Rey Commission held office from 2 July 1967 to 30 June 1970. It was the first single Commission of the European Community (EC), established by the Merger Treaty (1965).

An initial speech was given at Parliament's sitting of 19 July 1967, but it was only in September that Jean Rey presented his programme: *Voilà comment [...] je pourrais résumer notre programme : continuer toutes les politiques existantes, fusionner nos administrations et nos traités, collaborer et contribuer à l'élargissement des Communautés et entreprendre les tâches nouvelles pour lesquelles la fusion a été prévue*⁶.

Between July 1970 and January 1973 two Commissions held office for shorter periods: the

Malfatti Commission from 2 July 1970 to 21 March 1972 and the Mansholt Commission from 22 March 1972 to 5 January 1973. Franco Maria Malfatti made his statement on 8 July 1970. After his resignation in March 1972 he was replaced by Sicco Leendert Mansholt who made his traditional statement to Parliament on 19 April 1972.



Franco Maria MALFATTI
1970 - 1972



The Mansholt commission (1972-1973): Sicco Mansholt, Emile Noël, Albert Borschette, Altiero Spinelli, Carlo Scarascia-Mugnozza, Raymond Barre, Albert Coppé, Ralf Dahrendorf, Jean-François Deniau, Wilhelm Haferkamp

Following the first enlargement (United Kingdom, Ireland and Denmark) in 1973, a new Commission was appointed. The Ortoli Commission held office from 1973 to 1977. François-Xavier Ortoli gave his first speech as President of the Commission on 16 January 1973, but the annual programme was presented a month later, in February. In its first months of operations, the new Commission was *determined to lose no time in allocating responsibilities among the members of the Commission, drawing up timetables and establishing working methods which would ensure consistency and speed. In doing this we took particular care to retain and develop the collegiate nature of our work*⁷, declared Ortoli.

The first President from a country that became a Member State in 1973 (UK) was Roy Harris Jenkins. He was appointed President in 1977 and delivered his speech on 11 January: *I am [...] the first President of the Commission from a country which was not, alas, present at the creation of the original Six. [...] I do not, however, intend to be a British President. I intend to be a European President.*⁸

Towards the vote of confidence - European Parliament resolutions

From the outset, the European Parliament wished to be involved in the appointment of the newly designated Commission.

In 1960, in his report on the merger of the Executives of the European Communities, drawn up with a view to the Merger Treaty, Maurice Faure stated that:

*[...] il serait dès lors opportun que, faisant pendant à la nomination par les gouvernements, l'Assemblée ait le pouvoir de donner à cet Exécutif une investiture lors de sa nomination. Ce vote constituerait un acte d'approbation du choix fait par les gouvernements et une confiance à l'équipe qui viendrait d'être nommée.*⁹

Some years later, on 5 July 1972, in its resolution for the forthcoming summit meeting of the Heads of State and Government of the Member States of the European Communities, (paragraph 10), Parliament once again asked to be involved in the appointment of the Commission: *La Communauté devrait être composée des institutions suivantes: [...] un centre de décision unique, qui [...] doit avoir le caractère d'un gouvernement européen. [...] Le Parlement européen doit être dûment associé à l'investiture du gouvernement.*¹⁰

The same request was made in two further resolutions adopted in 1975 and 1980:

The resolution of 10 July 1975 on European Union called (paragraph 11(f)) for Parliament to be allowed to *participate in the appointment of the Members of the Commission of the Communities to emphasize their democratic legitimacy*¹¹.

Subsequently, in its resolution of 17 April 1980 on relations between the European Parliament and the Commission with a view to the forthcoming appointment of a new Commission, Parliament reiterated (paragraphs 3 and 8) that it *[f]eels that it should be consulted when the mandate of the President of the Commission is renewed and that it should hold a public debate in his presence ending with a vote of confidence ratifying his appointment [...]; [...] hopes [...] that its Political Affairs Committee will have the opportunity of holding a general exchange of views with the President-designate of the Commission on the programme envisaged, before the Commissioners are appointed [...]*.¹²



Emilio Colombo, President of the EP, and Roy Jenkins, President of the European Commission

In 1981, MEPs had the chance to actually apply the provisions of this last resolution in 1981. Gaston Thorn presented the new Commission in January 1981, after attending a meeting of the Political Affairs Committee on 26 November 1980¹³ in order to make a statement on his policy aims and priorities.

In February 1981, the presentation of the Commission's programme was followed by a debate on the relevant motion for resolution¹⁴, which was adopted on 12 February, *a motion of great constitutional importance in the Parliament because it is the first time this directly elected Parliament has had to consider what to do about the appointment of a new Commission and the presentation of its programme*¹⁵. The resolution stated that *Parliament approves the appointment of the Commission and reiterates its request to participate in future in that appointment*¹⁶.

Immediately after this and in the context of the debate about institutional reform and revision of the treaties (Spinelli's Draft Treaty on European Union; Genscher-Colombo Plan), a new resolution was adopted on 6 July 1982. Paragraph 8(d) of the resolution on the European Parliament's position concerning the reform of the Treaties and the achievement of European Union states that *Parliament shall exercise political control over the executive and shall participate, in appropriate ways, in its constitution [...]*¹⁷.

Vote of confidence in the new Commission

The practice of holding a vote of confidence was endorsed by the European Council at its meeting in Stuttgart on 17-19 June 1983 with the Solemn Declaration on European Union. This declaration (paragraph 2.3.5) gave the European Parliament more power in the procedure for the appointment of the Commission:

*[...] 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 [...] the Commission presents its programme to the European Parliament to debate and to vote on that programme.*¹⁸

Subsequently, on 29 March 1984, Parliament adopted a resolution on the implementation by the Council of the undertaking *vis-à-vis* the European Parliament contained in the Solemn Declaration adopted in Stuttgart on 19 June 1983:

*[The European Parliament] calls on the Council and the Governments of the Member States to ensure that Parliament, in accordance with the Solemn Declaration of Stuttgart, is consulted over the designation of the new President of the Commission in good time, [...] before the President of the Commission is designated.*¹⁹

In compliance with these provisions, Garret FitzGerald, President-in-Office of the European Council, was present at the Enlarged Bureau's meeting on 25 July 1984 to seek its opinion on the nomination of Jacques Delors as President of the Commission.

It was decided to ask Mr Delors to meet the Enlarged Bureau before the appointment of the new Commission, in particular to discuss its membership and the allocation of responsibilities to the various Members²⁰. On 27 November 1984 he met with the Political Committee and answered some questions of the MEPs²¹.

Jacques Delors presented the new Commission to Parliament on 14 January 1985. Even though a few Members considered it was too early for Parliament to pass a vote of confidence in a Commission which had been in office for barely a week²², and whose programme was to be presented only in March, a vote on the investiture took place on 15 January 1985.²³

Following the Single European Act (1986), its previous resolutions and the "established practice" (Thorn and Delors I), the European Parliament discussed at its plenary meeting of 13 June 1988 a report on the amendment of Rule 29 of the Rules of Procedure of Parliament²⁴.

Based on the Decision amending Rule 29²⁵, paragraph 29A concerning the vote of confidence was added in chapter VI of the Rules of Procedure:

- 1. The enlarged Bureau shall give a prior opinion regarding the appointment of the President of the Commission after hearing to this effect the President-in-Office of the European Council [...].*
- 2. Parliament shall pass a vote of confidence in the new Commission. This vote of confidence shall require a majority of the votes cast.*
- 3. After receiving a vote of confidence from Parliament, the Members of the Commission shall give a solemn undertaking before the Court of Justice as required under*



Jacques DELORS
1985 - 1995

Article 10 of the Treaty establishing a single Council and a single Commission of the European Communities.

The President of the Parliament shall be present or be represented when this solemn undertaking is given.²⁶

The European Parliament also passed a vote of confidence in the second and third Delors Commissions: in Delors II on 18 January 1989 and in Delors III on 10 February 1993.

Vote of approval

The vote of approval was another step towards a more substantial role being played by the European Parliament in the appointment of a new Commission. The vote of approval and the hearings of the Commissioners-designate were introduced as a result of the Treaty on European Union (Article 17). On 15 September 1993 Parliament adopted a decision amending its Rules of Procedure²⁷, based on the report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities²⁸. As a result, Chapter VI (Relations with other institutions) comprised a rule on the nomination of the President of the Commission (Rule 32) and a rule on the vote of approval of the Commission (Rule 33). The first Commission to be subject to these rules was the Santer Commission in 1995.



Jacques Santer 1995-1999

The new provision states as follows:

- 1. When the governments of the Member States have agreed on the other persons they intend to appoint as Members of the Commission, the President shall, after consulting the nominee for President of the Commission, request the candidates nominated to appear before the appropriate committees according to their prospective fields of responsibility.*
- 2. The committee may invite the nominated candidate to make a statement and answer questions. The committee shall report its conclusions to the President.*
- 3. The nominee for President shall present the programme of the nominated Commission at a sitting of Parliament which the whole Council shall be invited to attend. The statement shall be followed by a debate.*
- 4. In order to wind up the debate, any political group may table a motion for a resolution which shall contain a statement as to whether Parliament approves or rejects the nominated Commission.*
- 5. Parliament shall vote its approval of the Commission by a majority of the votes cast. The vote shall be taken by roll call.*
- 6. If Parliament approves the nominated Commission, the President shall notify the governments of the Member States that the appointment of the Commission may now take place.²⁹*

For further documents or information on this topic, please contact arch-info@ep.europa.eu.

Main references

1. Historical Archives of the European Parliament
2. European Commission (1958-1972) – History and memories of an institution, Publication Office of the European Union, Luxembourg, 2014.

Endnotes

- ¹ BITSCH, Marie-Thérèse, The College of Commissioners: a new type of public authority in the European Commission 1958-72. European Commission (1958-1972) – History and memories of an institution, EU Publications Office, Luxembourg, 2014, Chapter 9, p. 181.
- ² Idem, p. 192.
- ³ Directorate-General for Parliamentary Documentation and Information, European Parliament. The first ten years 1958-1968, p. 24.
- ⁴ Idem, p. 11. The Presidents of the High Authority of the European Coal and Steel Community were Jean Monnet, René Mayer, Paul Finet, Piero Malvestiti and Dino Del Bo.
- ⁵ Statement by Walter Hallstein, President of the European Commission, at the sitting of 20 March 1958. Debates of the European Parliamentary Assembly, March 1958, pp. 34-47. *The English original version is not available.*
- ⁶ Statement by Jean Rey, President of the European Commission, at the sitting of 20 September 1967. Debates of the European Parliament, September 1967, pp. 9-15. In the speech Rey mentioned four new tasks – industrial policy, energy policy, research policy and regional policy. *The English original version is not available.*
- ⁷ Statement by François-Xavier Ortoli, President of the European Commission, at the sitting of 13 February 1973. Debates of the European Parliament, February 1973, pp. 60-69.
- ⁸ Statement given by Roy Harris Jenkins, President of the European Commission, at the sitting of 11 January 1977. Debates of the European Parliament, January 1977, pp. 14-18.
- ⁹ Report by Maurice Faure, on behalf of the Committee on Political and Institutional Affairs, on the merger of the Executives of the European Communities. Historical Archives PE0 AP RP/POLI.1958 A0-0084/60 0010. *The English original version is not available.*
- ¹⁰ Resolution for the forthcoming summit meeting of the Heads of State and Government of the Member States of the European Communities, OJ C 82, 26.7.1972, p. 26. *The English original version is not available.*
- ¹¹ European Parliament resolution on European Union, OJ C 179, 6.8.1975, p. 28.
- ¹² European Parliament resolution on the relations between the European Parliament and the Commission of the Community with a view to the forthcoming appointment of a new Commission, OJ C 117, 12.5.1980, p. 53.
- ¹³ Minutes of the Political Affairs Committee meeting of 26 November 1986, Historical Archives PE1 AP PV/POLI.1979 POLI-19801126 0010.
- ¹⁴ Motion for resolution tabled by Mr Jonker, Mr Van Aerssen, Mr Blumenfeld and Mr Klepsch, on behalf of the EPP (CD Group), by Mr Haagerup on behalf of the Liberal and Democratic Group and by Mr Fergusson on behalf of the European Democratic Group on the investiture and programme of the Commission in 1981, Historical Archives PE1 AP PR B1-0888/80 0010. Another motion was tabled but withdrawn: Motion for resolution tabled by Mr Fergusson on behalf of the European Democratic Group on the Commission's programme of work, Historical Archives PE1 AP PR B1-0877/80 0010. Even if Parliament passed a vote of confidence, Members underlined their disappointment with the statement: *None of us is satisfied with the political platitudes of which this Commission statement consisted*, said Johan Van Minnen during the debate on 12 February 1981, Debates of the European Parliament, February 1981, p. 232. This is why the resolution called on the Commission to appear before the relevant parliamentary committees to discuss the matter in greater detail.
- ¹⁵ Statement by Alan Tyrrell MEP at the sitting of 12 February 1981 on the investiture of the Commission. Debates of the European Parliament, February 1981, p. 233.
- ¹⁶ European Parliament resolution on the investiture and programme of the Commission in 1981. OJ C 50, 9.3.1981, p. 70.
- ¹⁷ Resolution on the European Parliament's position concerning the reform of the Treaties and the achievement of European Union, OJ C 238, 13.9.1982, p. 25.
- ¹⁸ Solemn Declaration on European Union: http://www.cvce.eu/content/publication/2001/10/17/a2e74239-a12b-4efc-b4ce-cd3dee9cf71d/publishable_en.pdf
- ¹⁹ European Parliament resolution on the implementation by the Council of the undertaking *vis-à-vis* the European Parliament contained in the Solemn Declaration adopted in Stuttgart on 19 June 1983, OJ C 117, 30.4.1984, p. 108.
- ²⁰ Minutes of the Enlarged Bureau meeting on 25 July 1984, Historical Archives PE2 OD PV/BURE BUEL-19840725 0010. The meeting between Jacques Delors and the Enlarged Bureau took place on 11 October 1984. The minutes are available on request: Historical Archives PE2 P1 223/RICM RICM-1984-020 0190. On 13 September 1984, Parliament also adopted resolution, in which it called on the Governments of the Member States to authorize the

President-elect of the Commission to submit to them his proposals for the full composition of the Commission, European Parliament resolution on the appointment of a new Commission, OJ C 274, 15.10.1984, p. 42.

²¹ Summary by the Political Affairs Committee of a statement by Jacques Delors, Historical Archives PE2 P1 223/RICM RICM-1984-020 0180. Many motions for resolutions were tabled on this new Commission; they were published in a report drawn up by Mr Roberto Formigoni on behalf of the Political Affairs Committee on the appointment and swearing-in of the new Commission (Historical Archives PE2 AP RP/POLI.1984 A2-1119/84 0010); report adopted on 13 December 1984, OJ C 12, 14.1.1985, p. 95.

²² Statement by Mr Terrence J. Pitt MEP, Debates of the European Parliament No 2-321, 15 January 1985, p. 42.

²³ European Parliament resolution on the investiture of the new Commission, OJ C 46, 18.2.1985, p. 19.

²⁴ Report drawn up by Mr C. M. Bru Purón on behalf of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on the amendment of Rule 29 of the Rules of Procedure of the European Parliament, Historical Archives PE2 AP RP/REGL.1984 A2-0060/88 0010.

²⁵ Decision amending Rule 29 of the Rules of Procedure of Parliament, OJ C 187, 18.7.1988, p. 81.

²⁶ European Parliament, Rules of Procedure, 5th edition, July 1989.

²⁷ Decision amending the Rules of Procedure of the European Parliament subsequent to the Treaty on European Union, OJ C 268, 4.10.1993, p. 112.

²⁸ Report of the Committee on the Rules of Procedure, the Verification of Credentials and Immunities on the amendment of the Rules of Procedure of the European Parliament subsequent to the Treaty on European Union. Rapporteurs: Sir Christopher Prout, Mr Willi Rothley and Mr Luciano Vecchi, Historical Archives PE3 AP RP/REGL.1989 A3-0240/93 0010.

²⁹ European Parliament, Rules of Procedure, 8th Edition/provisional edition, October 1993, pp. 35-36.

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