

Towards a European Constitution?

The European Parliament and the Institutional Reform of the European Communities 1979-84

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In his speech in the European Parliament (EP) plenary on 21 May 1980, the arch federalist Altiero Spinelli claimed that "the Community is practically paralysed". According to Spinelli, a former Italian member of the European Commission (1970-76) and a member of the European Parliament (MEP) since 1976, decision-makers in the European Communities (EC) did not lack political will. Rather, they could not draw on suitable institutions for effective political action. The Commission could only make proposals, the EP only debated them, and the Council effectively used unanimity since the 1966 informal Luxembourg Compromise. In this situation, as Spinelli put it, the EP should recognize "that it has been elected to represent all European citizens". Instead of the member state governments, it now had to take on the task of reforming the EC.¹ In the following protracted process Spinelli's initiative led to the Draft Treaty on European Union (DTEU) passed by the EP in February 1984 but never ratified.

From an intergovernmental perspective the DTEU did not directly impact on any of the "grand bargains" like the 1986 Single European Act and the 1992 Maastricht Treaty. As a result, it has been ignored by political scientists like Andrew Moravcsik, who have sought to explain treaty change as the product of negotiations among governments determined by bargaining over domestically constituted "interests".² Nor have other political scientists, who have been influenced by constructivist and historical-institutionalist conceptions of European integration, paid much attention to the DTEU. They, too, stipulate that the transformation of the EC into the European Union (EU) - especially awarding more powers to the EP - was determined by national actors. Berthold Rittberger and others have argued, however, that these national actors felt normatively bound by domestic political templates for democratic government, or governance, which they applied to the supranational level to combat the "democratic deficit". This in turn resulted in more powers for the EP and more majority voting.³ While Rittberger has at least asked whether the EP itself followed an active

¹ HAEU [Historical Archives of the European Union], AS-356, Altiero Spinelli, Der Augenblick der Wahrheit für Rat und Parlament, 21.05.1980 [translation from German version].

² A. MORAVCSIK, *The Choice for Europe. Social Purpose and State Power from Messina to Maastricht*, Cornell University Press, Ithaca/NC, 1998; IDEM., *Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community*, in: *International Organization*, 1(1991), pp.19-56.

³ B. RITTBERGER, F. SCHIMMELFENNIG, *Explaining the Constitutionalization of the European Union*, in: *Journal of European Public Policy*, 8(2006), pp.1148-1167; A. MAURER, *Parlamentarische Demokratie in der Europäischen Union. Der Beitrag des Europäischen Parlaments und der nationalen Parlamente*, Nomos, Baden-Baden, 2002.

strategy of expanding its competences, he has not empirically explored the question or sought to assess whether the EP's agency might have mattered in the process.⁴

Historical research, finally, has only begun to explore the political dynamics within the EP and its role in institutional and policy integration. Regarding institutional dynamics, this incipient literature has paid attention to the formation of political Groups in the EP, for example.⁵ It has also analysed how the EP debated and made proposals for key institutional challenges like its own direct election already foreseen in the 1957 European Economic Community (EEC) Treaty, but only realized for the first time in 1979.⁶ Concerning policy integration, these works (as well as several articles in this issue) have begun to demonstrate how the EP was able to exercise influence informally before it acquired legislative powers.⁷ Despite lacking such powers until the SEA came into force, the EP nevertheless played a significant role in setting new policy agendas and demanding and developing legislative action, for example in the field of environmental protection.⁸

Drawing on archival sources of the EP, the EP Groups, and Spinelli's private papers as well as contemporary media reports and 13 semi-structured interviews with eyewitnesses, this article examines the EP's attempt to foster European union during the first directly elected parliament from 1979 until the passing of the DTEU in February 1984. It also examines how its work may have contributed to the institutional reform process of the 1984-85 Dooge Committee appointed by the member state governments to explore reform options, and the following 1985-86 Intergovernmental Conference (IGC) that led to the SEA and beyond.

In tracing the conflicts and compromises within the EP during the preparation of the DTEU the article makes a three-fold argument. First, it demonstrates how this internal process enhanced cross-party cooperation on institutional reform in the EP. It did so despite the

⁴ B. RITTBERGER, *Building Europe's Parliament. Democratic Representation Beyond the Nation State*, Oxford University Press, Oxford, 2005. For a more narrative chronology see also, from the perspective of a practitioner, R. CORBETT, *The European Parliament's Role in Closer Integration*, Palgrave, Basingstoke, 1998.

⁵ S. GUERRIERI, *Un Parlamento oltre le nazioni. L'Assemblea Comune della CECA e le sfide dell'integrazione europea (1952-1958)*, il Mulino, Bologna, 2016.

⁶ U. TULLI, *Un Parlamento per l'Europa. Il Parlamento europeo e la battaglia per la sua elezione (1948-1979)*, Mondadori, Milan, 2017; D. PASQUINUCCI, *Uniti dal voto? Storia delle elezioni europee 1948-2009*, FrancoAngeli, Milan, 2013.

⁷ M. ROOS, *Far Beyond the Treaties' Clauses: The European Parliament's Gain in Power, 1952-1979*, in: *Journal of Contemporary European Research*, 2 (2017), pp.1055-1075.

⁸ See e.g. J.-H. MEYER, *Making the Polluter Pay: How the European Communities Established Environmental Protection*, in: W. KAISER, J.-H. MEYER (eds), *International Organizations and Environmental Protection. Conservation and Globalization in the Twentieth Century*, Berghahn, New York, 2017, pp.182-210; J.-H. MEYER, *Green Activism. The European Parliament's Environmental Committee Promoting a European Environmental Policy in the 1970s*, in: *Journal of European Integration History*, 1 (2011), pp.73-86.

EP's slowly growing politicization that was reflected, for example, in the increasingly fierce competition for key posts like EP President. Facilitating greater cross-party cooperation and consensus however required active entrepreneurial leadership to overcome national and ideological sensitivities and the personal interests of some influential MEPs in maintaining the status quo within the EP.

Second, the EP's work on institutional reform also impacted the inter-institutional dynamics with the European Commission and the European Council. The EP leadership and political Groups realized that passing the DTEU as such was not enough. Spinelli's new ratification procedure would have allowed the treaty to come into force after its direct ratification by several – not all – member state parliaments, to bypass likely opposition in countries like the United Kingdom and Denmark, but it proved a dead end. Instead, EP actors had to become more effectively networked with the other EC institutions with agenda-setting and decision-making powers. They also had to create stronger vertical bonds with national parliaments to put pressure on member state governments to agree institutional reforms.

Third, the article argues that the DTEU, although not ratified, nevertheless constituted an important marker in the constitutional politics of European integration understood here (following Thomas Christiansen and Christine Reh) as "the struggle between a wide range of actors over constitutional choice [...] in a legally, institutionally and discursively prestructured context".⁹ The DTEU drew on constitutional ideas developed in the EP before 1979, when Spinelli and his supporters began to claim that the direct elections gave their reform demands direct popular legitimacy. The DTEU also added new ideas and concepts to the repertoire of options for constitutionalizing the EC, however, which co-shaped the reform trajectory up to the 2009 Lisbon Treaty.

To make these arguments, the article proceeds in three chronological stages. The first section will analyse the initial EP attitude to institutional matters after the 1979 elections to sketch and contextualize the origins of the Spinelli initiative and the conflict over its first objective to set up a new committee to prepare a draft treaty. The second section will examine the internal dynamics in the EP from the creation of a separate fully-fledged Institutional Affairs Committee in 1982 to focus exclusively on institutional reform, until the DTEU was passed in February 1984. Finally, the third section will explore the different ways in which the EP's work on the DTEU impacted after 1984 on individual and institutional networking, the narrative about a democratic deficit of the EC, and constitutional ideas and concepts which helped create long-term pathways for institutional reform.

Transforming into a constituent assembly?

⁹ T. CHRISTIANSEN, C. REH, *Constitutionalizing the European Union*, Palgrave Macmillan, Basingstoke, 2009, 4.

When the EP was directly elected in 1979, it was, in the words of Spinelli, "not the point of arrival but the point of departure".¹⁰ A clear majority of MEPs were committed to creating a more integrated and possibly federal EC. For example, 93 per cent of German candidates in an opinion poll had supported giving the EP the power to select the Commission President, as had 83 per cent of Belgian and 77 per cent of British candidates. At the same time, 54 per cent of candidates from across the EC wanted the EP to sit as a constituent assembly to prepare far-reaching reforms, whereas only 39 per cent opposed this strongly federalist idea.¹¹ With the phasing out of the dual mandate, moreover, the MEPs also had a strong functional interest in enhancing the EP's formal powers and with that, their own role in EC politics. Having been directly elected for the first time, finally, gave them the potentially powerful tool to claim popular legitimacy for their institutional (and other) demands.

The institutional reform of the EC to make it more democratic and to overcome its much-lamented institutional and policy "Eurosclerosis" was not just a salient issue for MEPs after 1979, however. At that point, far-reaching institutional reform demands were also firmly embedded in EC-level party organisations and many national political parties, especially on the centre-right. In its 1976 European manifesto, for example, the German Christian Democratic Union (CDU) and Bavarian Christian Social Union (CSU), which dominated the European People's Party (EPP) Group in the EP together with the Italian Democrazia Cristiana (DC), had demanded

"comprehensive parliamentary rights of legislation and control, a European government, which is solely responsible to the directly elected European Parliament [and] a European chamber of states [...]".¹²

At their congress in November 1977, the European liberals had similarly pleaded for "the drawing up of a draft Treaty setting up a European Union".¹³ Demands for reforms in a federal direction extended to some Socialist parties like the Belgian and Italian ones and, further on the left, the Italian Eurocommunists on whose list Spinelli, who was not a member, was elected in 1979.¹⁴

The directly elected EP nonetheless initially focused on using its existing budgetary powers and its established policy of (what it called

¹⁰ Spinelli cited in P. SCALINGI, *The European Parliament: the three-decade Search for a United Europe*, Aldwych, London, 1980, p.155.

¹¹ J.-R. RABIER, R. INGLEHART, *What Kind of Europe? Support for National Independence, Cooperation and Integration in the European Parliament*, in: *Government & Opposition*, 2(1981), pp.185-199; R. INGLEHART et al., *Broader Powers for the European Parliament? The Attitudes of Candidates*, in: *European Journal of Political Research*, 1(1980), pp.113-132.

¹² Cited in H.-P. SCHWARZ, *Helmut Kohl: Eine politische Biographie*, DVA, Munich, 2012, p.398.

¹³ Cited in R. CARDOZO, R. CORBETT, *The Crocodile Initiative*, in: J. LODGE (ed.), *European Union: The European Community in Search of a Future*, Macmillan, London, 1986, pp.15-46, here p.16.

¹⁴ On Spinelli see also P.S. GRAGLIA, *Altiero Spinelli*, il Mulino, Bologna, 2008.

at the time) "small steps" to extract institutional and procedural concessions from the other EC institutions. In 1979 the EP voted down the budget for 1980 but had to make do with minor concessions by the governments at a time when it needed increased budgetary resources to enhance its own managerial and policy-making capacities by hiring new staff for the EP administration and the now much larger political Groups. Thereafter, the EP fought a war of attrition with the governments to increase the scope of the budget and its non-compulsory parts over which it had joint control since the 1970 and 1975 Luxembourg and Brussels treaties.¹⁵ Following the European Court of Justice's (ECJ) 1980 "Isoglucose" ruling, which declared legislation nil and void for not having fully respected the EP's right to consultation, the MEPs also compelled the Commission and the Council to treat this consultation as more than just a routine procedure. Through modifying its own internal procedures, the EP was able to significantly delay the entire legislative process and enforce the more serious consideration of its proposed amendments by the Commission and the Council.¹⁶ Additionally, the Political Affairs Committee prepared and passed a number of own initiative reports targeted at particular institutional issues such as, for example, those by the rapporteurs Karel van Miert, a Belgian Socialist MEP and later member of the Commission, on the EP's role in the legislative process and Dario Antoniozzi, an Italian Christian Democrat MEP, on relations between the EP and the European Council.¹⁷

None of these initiatives led to more than incremental changes. Wide-spread despair among MEPs over the governments' dilatory approach to the issue of European union, which had been on the table since the early 1970s, created fertile ground for Spinelli's initiative. On 25 June 1980 he wrote a letter to all fellow MEPs. He included a translated copy of the speech with his reform demands, which he had just given in the plenary in response to the former EP President (1977-79), Emilio Colombo, the Foreign Minister of Italy, which was holding the Council presidency at the time. In the letter, Spinelli proposed to create what he called an "ad hoc" committee of MEPs to prepare "the necessary institutional reforms". These reforms would require compromises among the different nationalities and political Groups, but the EP was "naturally the appropriate place to strike truly

¹⁵ See A.C.L. KNUDSEN, *The 1970 and 1975 Budget Treaties: Enhancing the Democratic Architecture of the Community*, in: F. LAURSEN (ed.), *Designing the European Union: from Paris to Lisbon*, Palgrave Macmillan, London, 98-123; A.C.L. KNUDSEN, *Delegation as a Political Process: The Case of the Inter-Institutional Debate over the Budget Treaty*, in: W. KAISER, B. LEUCHT, M. RASMUSSEN (eds), *The History of the European Union: Origins of a Trans- and Supranational Polity 1950-72*, Routledge, London, 2009, pp.167-188.

¹⁶ See P.M. LEOPOLD, *Community Law-making: Opinions of the European Parliament*, in: *Oxford Journal of Legal Studies*, 3(1982), pp.454-459; J. NICOLAS, *Le Parlement élu et le processus législatif de la Communauté*, in: *Revue Du Marché Commun*, xxiv, 1981, n.251, pp.491-503.

¹⁷ European Parliament, Doc. 1-207/81; European Parliament, Doc. 1-739/81. See also M. PALMER, *The Development of the European Parliament's Institutional Role within the European Community, 1974-1983*, in: *Journal of European Integration*, 2-3(1983), pp.183-202, here pp.188-193.

European compromises" as something more than "the mathematical sum of national perspectives".¹⁸

Only eight MEPs, who had received Spinelli's invitation in time, met with him in a restaurant in Strasbourg on 9 July 1980, which then lent its name to the new cross-party group, the Crocodile Club. Shortly afterwards, Spinelli reported to fellow MEP Willy Brandt that he had received positive replies from more than thirty MEPs who supported his agenda, including sixteen Socialists, six Christian Democrats, four Liberals, four (Italian) Communists, and three Conservatives.¹⁹ Brandt was a crucial go-between for Spinelli who had close contacts with leading Socialist politicians from his time in the Commission. The former German Chancellor and leader of the Socialist International helped Spinelli to recruit leading German Social Democrat MEPs for his venture, including Rudi Arndt, who was to become the Socialist Group leader during 1984-89.

By the end of October 1980, 78 MEPs of a total of 410 had joined the Crocodile Club.²⁰ They included 21 German MEPs, 20 from Italy, 14 from the United Kingdom, nine from Belgium, six from the Netherlands and four from France, with the low number of French MEPs reflecting lighter forms of Gaullism in French politics characterized by scepticism about the EP's evolution into an ordinary parliament. Of the 78 members, 35 were Socialists, 15 Christian Democrats, ten Conservatives, nine Liberals, and seven Communists. Spinelli had succeeded in recruiting several political heavyweights for his initiative including Brandt and Arndt, the Dutch MEP Piet Dankert, who was to become EP President during 1982-84, Carlo Ripa di Meana, a future Italian Commissioner from 1985 to 1993, and Van Miert; from the Liberals, the German Group leader Martin Bangemann as well as Colette Flesch, the Democratic Party leader in Luxembourg, and the Dutch MEP Hans Nord, EP Secretary-General during 1963-79; and from the EPP, Hans August Lückner, the former Christian Democratic Group leader during 1970-75 and Leo Tindemans, Belgian Prime Minister during 1974-78 and EPP party leader since the formation of the organisation in 1976.

Henceforth, the Crocodile Club met about once a month and disseminated a bi-monthly newsletter in different languages. On 15 October 1980 it formed a smaller editorial group of six MEPs including Spinelli to draft a resolution. The motion for a "Crocodile" resolution was signed by 179 MEPs, which came close to Spinelli's own target of 200, or roughly one half of the total, so that he submitted it to the Liberal French EP President Simone Veil on 10 February 1981.²¹ By this time, several Group leaders had signed up to the motion including Bangemann, the Italian Guido Fanti from Spinelli's own Communist Group, and Ernest Glinne, the Belgian chair of the Socialist Group. Egon Klepsch, the German chair of the EPP Group since May 1977, had not done so, however. Indeed, the relatively low number of Christian Democrats

¹⁸ HAEU, AS-356, Spinelli to MEPs, 25.06.1980 [translation from German version].

¹⁹ HAEU, AS-356, Spinelli to Brandt, 17.07.1980.

²⁰ HAEU, AS-356, Adesioni al Crocodile, 23.10.1980.

²¹ European Parliament, Doc. 1-889/80; HAEU, AS-356, *Crocodile*, Numéro 4, 04.03.1981. See also *La Cee a una svolta*, in: *Il Popolo*, 10.03.1981.

in the Crocodile Club had already indicated political trouble for Spinelli. In fact, on 10 February 1981, the day of the Crocodile Club meeting with Veil, the EPP Group put out a press statement. It argued that although the Group largely agreed with the motion's thrust, it wanted institutional reform proposals to be prepared by the existing Political Affairs Committee – a highly influential EP committee continuously chaired by Christian Democrats since the start of European integration, at that point by the Italian Mariano Rumor.²²

Spinelli addressed the EPP Group's reluctance to support his initiative in the fourth Crocodile newsletter. He needed to secure the largest possible majority for the future DTEU and this absolutely required support by the Christian Democrats as the most cohesively pro-federalist Group. It was bizarre, Spinelli argued, that the EPP of all Groups should create procedural obstacles. In his view a new institutional trajectory in the form of a committee exclusively devoted to debating treaty reform and preparing a coherent project was essential if the EP wanted to succeed until its next direct election in 1984. This task in his view was beyond the Political Affairs Committee's existing sub-committee on institutional affairs. As such, it had fewer prominent members, was smaller and it also met less frequently. Leaving it in charge Spinelli argued, would amount to a "silent burial" for the idea of European union.²³ He felt that some EPP MEPs desired such a "burial" to protect their own influential roles in the Political Affairs Committee. At the same time, Spinelli could only be in charge in a new fully-fledged committee.

Spinelli took great pains to convince the EPP Group to come around to supporting his plan for a new committee to prepare a draft treaty. On 7 May 1981 he wrote a letter to Klepsch and the EPP Group. He referred to the Christian Democrats' "European roots going back to Schuman, De Gasperi and Adenauer" and emphasized the need for cross-party cooperation. After all, the constitutional question "gives rise to political divisions which are different from the usual ones". The future draft treaty was essential to tackle the EC's deep "constitutional crisis". According to Spinelli, only "the Group's top experts in political and institutional affairs" were up to this crucial task and should meet in the new "committee, sub-committee or whatever: here, for simplicity's sake, let us call it an ad hoc committee".²⁴

The Italian federalist MEP then met privately two times with Klepsch who he believed agreed to the creation of a new committee for drafting proposals, albeit delayed until the start of 1982 to coincide with other scheduled changes to avoid upsetting the careful balance across all EP positions and the entire committee structure. Shortly afterwards, however, the German CDU MEP Erik Blumenfeld, who was keen to complete his report about the role of the EP in future accession negotiations, showed Spinelli a draft for an alternative resolution that would in fact have charged the Political Affairs Committee with

²² Cited in *Krokodile am Werk*, in: *Das Parlament*, 25.04.1981.

²³ HAEU, AS-356, *Crocodile*, Numéro 4, 04.03.1981.

²⁴ HAEU, AS-356, Spinelli to EPP Group, 07.05.1981.

preparing proposals.²⁵ As two of his collaborators at the time have recalled, at that point the conflict between Spinelli and some EPP MEPs concerned about their pre-eminence and that of their Group in institutional matters became "unpleasant".²⁶

In the end, Klepsch ensured that the compromise struck between him and Spinelli in their private meetings prevailed when the EP adopted the Abens resolution about the creation of a new Institutional Affairs Committee – named after its first signatory – in plenary by 161 votes to 24 with twelve abstentions on 9 July 1981.²⁷ Spinelli believed that the EP would now "assume the role of European Constituent Assembly" and draft what he called, in inverted commas, a "Constitution Treaty".²⁸ In his view the delay in the setting up of the separate Institutional Affairs Committee in mid-term was a price well worth paying for getting a clear majority in the EP for the resolution, whatever the EPP Group's misleading retrospective claim that this compromise constituted a victory for itself.²⁹

Although Spinelli at one point threatened Blumenfeld with a divisive vote on his original draft resolution, such an outcome would not have been in anyone's interest.³⁰ In the end, Spinelli and the EPP Group mutually depended on each other. Spinelli absolutely needed the EPP Group's support to muster a credible majority in the EP. At the same time, opposing Spinelli in the EP would have required that the EPP Group vote with French Communists and Gaullists against European union – an action that would have been completely incompatible with its own collective identity and public narrative about itself as the most pro-integration Group, as Spinelli also observed retrospectively in an interview with the Belgian newspaper *La Libre Belgique*.³¹

While both sides in the conflict thus had strong functional incentives to compromise, they alone do not explain the resolution of the first crisis in the DTEU process. Instead, both Spinelli and Klepsch, who were committed to the federalist thrust behind the initiative, drew on their combined entrepreneurial leadership skills and intercultural competence to resolve the thorny procedural issue. Throughout Spinelli emphasized his federalist vocation over his Socialist ideological leanings to avoid party politicization. In a

²⁵ HAEU, AS-037, Spinelli to Blumenfeld, 18.06.1981.

²⁶ Interviews Wolfram Kaiser with Virgilio Dastoli, phone, 10.10.2017, and Dietmar Nickel, Skype, 27.10.2017.

²⁷ European Parliament, Doc. 1-347/79. *Le Parlement européen entend se transformer en constituante*, in: *Le Soir*, 11.07.1981.

²⁸ HAEU, AS-037, Crocodile, Letter to the Members of the European Parliament, September 1981.

²⁹ P. FONTAINE, *Herzenssache Europa – Eine Zeitreise 1953-2009*, Racine, Brussels, 2009, p.202.

³⁰ HAEU, AS-037, Spinelli to Blumenfeld, 18.06.1981.

³¹ See W. KAISER, *Europeanization of Christian Democracy? Negotiating Organization, Enlargement, Policy and Allegiance in the European People's Party*, in: W. KAISER, J.-H. MEYER (eds), *Societal Actors in European Integration. Policy-Building and Policy-Making 1958-1992*, Palgrave Macmillan, Basingstoke, 2013, 15-37; W. KAISER, *Christian Democracy and the Origins of European Union*, Cambridge University Press, Cambridge, 2007; *Altiero Spinelli, un Italien enthousiaste et sage*, in: *La Libre Belgique*, 24.05.1984.

letter to Klepsch in January 1981 he already highlighted his close collaboration with De Gasperi over the European Political Community (EPC) treaty in the early 1950s as well as the support by CDU/CSU MEPs like Lückner and Karl von Wogau for his initiative.³² Moreover, Spinelli, who had a German wife, understood the domestic German political context well. Unlike in Italy after the experience of the "historical compromise" between the DC and the Eurocommunists during the 1970s, it was characterized by pervasive anti-communism and polarization between the ruling Social Democrats and the CDU/CSU still in opposition at the federal level at the time. Drawing on his Italian networks, Spinelli worked with leading DC politicians and MEPs to win the German EPP delegation over to his side.³³

At the same time, Klepsch's highly effective leadership of the EPP Group largely depended on his ability to unite its CDU/CSU and DC members. Klepsch had close Italian contacts dating back to his leadership of the youth organisation of the then European Union of Christian Democrats in the 1960s. In the EP he learned Italian and worked closely with the EPP Group's Italian Secretary-Generals during the 1980s. As a result, Klepsch served as a go-between for relations with the DC for Helmut Kohl, the CDU leader and future German Chancellor from 1982 onwards, who shared his own broadly federalist views on the future of the EC.³⁴ In the German EPP delegation Klepsch was prepared to overrule more Conservative members like Blumenfeld who were opposed to closer cross-party collaboration with parties on the left. Moreover, once the Abens resolution was passed, Klepsch made sure that the EPP Group strongly supported the subsequent drafting of the DTEU and its political passage through the EP. In fact, shortly after the creation of the Institutional Affairs Committee the EPP Group submitted a resolution on the first step to realizing a "federal constitution", which was prepared by the Dutch MEP Sjouke Jonker, the Vice-Chair of the new committee.³⁵

Therefore, the cross-party alliance on the DTEU process, let alone the successful outcome, was not a given. The conflict over the creation of a separate committee revealed many national as well as ideological sensitivities. They included fears by German MEPs that they would be seen as working closely with Communists, even of the Italian, not East German variety, for example. Spinelli, Klepsch and others needed to mediate the internal process carefully, strike compromises to address such sensitivities, and to outmanoeuvre individual influential MEPs with an interest in the internal status quo in the EP.

³² HAEU, AS-037, Spinelli to Klepsch, 02.01.1981.

³³ See e.g. HAEU, AS-037, Spinelli to Piccoli, 02.01.1981.

³⁴ On Klepsch see in more detail W. KAISER, *"Allmächtige Spinne im Netz"? Egon A. Klepsch als EVP-Fraktionsvorsitzender im Europäischen Parlament 1977-82 und 1984-1992*, in: M. BORCHARD (ed.), *Deutsche Christliche Demokraten und Europa*, Konrad-Adenauer-Stiftung, Berlin, 2020, pp.199-223.

³⁵ European Parliament, Doc. 1-940/81. See also ACDP [Archiv für christlich-demokratische Politik], 09-001-222, Sjouke Jonker, *Persönliche Anmerkungen zu einigen aktuellen institutionellen und politischen Fragen*, no date [1981].

Drafting the “constitution treaty”

Once the conflict with the EPP Group was resolved in favour of cross-party collaboration over the DTEU, Spinelli still had to cope with the deep split in the Socialist Group. The internal confusion and dissent in the Socialist Group was so pronounced that Glinne, the Group chair, had a study prepared in May 1982 to summarize the national member party positions on the EC and its institutional reform to create a basis for more cohesion in the future.³⁶ The Group’s central problem was, and remained, the deep split in the French and British delegations, which largely corresponded to intra-party fault-lines over “Europe” at the national level. But even other Socialists, who strongly supported greater integration, were often much more interested in policy issues than in “institutional progress”.³⁷ As Dick Toornstra, one of his close collaborators at the time has recalled, Dankert, when he became EP President at the start of 1982, was “afraid [...] at a time of tremendous unemployment [and] the huge risk of missing out on modern technology [...] of missing out on the future”.³⁸ Similarly, the German MEP Klaus Hänsch, a future EP President during 1994-97, was keen for the EP to focus on policy solutions to demonstrate to EC citizens the benefits of European integration.³⁹ Spinelli in contrast argued that it was essential to strengthen the EP first precisely to address such common European challenges as unemployment more effectively.

The Spinelli initiative galvanized the Socialist Group into paying more attention to institutional reform, achieving greater convergence during the process of drafting the DTEU and investing more resources into trying to influence the national parties especially in France and the United Kingdom. Shortly after Spinelli had launched his initiative and following an internal position paper submitted in June 1980 by federalist Italian MEPs, Arndt – at that time one of the Group’s Vice-Chairs – prepared a paper on institutional matters in August 1980.⁴⁰ In the section entitled “Powers of the European Parliament” he demanded that at the very least no Socialist MEP should be allowed to ask for the repatriation of EC powers to the national level. “Whereas this view can be tolerated in a national sister party”, Arndt insisted, “for the Socialist Group it is unacceptable”. In the light of the Spinelli initiative, moreover, the Socialist Group should determine a collective position inter alia “on what measures it intends to take to strengthen Parliament’s political position within the scheme of the Treaty of Rome”.⁴¹ The watered-down consensus paper approved by the Group Bureau shortly afterwards only asked the Socialists to develop “a common vision of Europe” with the aim of trying to “reach a common

³⁶ HAEU, GSPE-69, Note for the attention of the members of the Socialist Group, Subject: Institutional Reform, Brussels, 03.05.1980.

³⁷ Interview Wolfram Kaiser with Dick Toornstra, Skype, 17.11.2017.

³⁸ Interview Wolfram Kaiser with Klaus Hänsch, Düsseldorf, 16.11.2017.

³⁹ Interviews Wolfram Kaiser with Klaus Hänsch, Düsseldorf, 16.11.2017, and with Virgilio Dastoli, phone, 10.10.2017.

⁴⁰ HAEU, GSPE-69, Italian Group Members, Memorandum, 05.06.1980.

⁴¹ Ibid., Paper on the Position of the Socialist Group in the European Parliament, Draft by Rudi Arndt, 25.08.1980.

position". It made no substantial recommendations as to what such a common position might look like, however.⁴²

Glinne and his successor Arndt understood very well that the Group's deep divisions over the institutional future of the EC limited its ability to play a more central role in EP politics. As Glinne pointed out in response to Arndt's paper,

"the most fundamental problem, and where the group is deeply split, is that of building Europe itself. There is no point closing our eyes to the problems raised by the divergence between those who want to see a stronger Community and the construction of a political Europe and those whose aim is the dilution of the European Community. We cannot remain divided on this point".⁴³

Two years later Glinne once more argued that "the Group [must] not abandon the initiative in this field to the right-wing groups in the Parliament".⁴⁴ It was clear to Glinne that what he called "cracking the rightist bloc" in the EP by winning over centre-left and centrist Christian Democrats to closer cooperation with the Socialists on policy issues was impossible as long as they were strongly federalist but the Socialist Group so ambivalent over institutional reform.⁴⁵

It was equally obvious to Glinne and others, however, that the pro-integration majority of the Socialist Group in the EP could not impose its preference for institutional reform on the national parties. Instead, they had to find ways to influence the national parties' policy positions and selection of candidates for the EP. In some ways, the end of the dual mandate in fact made this task more difficult. In countries like Italy and Ireland MEPs did not even have a right to attend national parliamentary party meetings. Influencing national parties on European issues was even difficult for Groups that were more united on institutional matters than the Socialists, like the Liberals. As two former German Free Democratic Party MEPs have recalled, they were "kind of deported to Brussels and Strasbourg, as the Europeans". Even their Group leader Bangemann "had little influence in the national party on European matters".⁴⁶ Moreover, as the German press spokesperson of the Group and close confidant of Bangemann has insisted, German Foreign Minister Hans-Dietrich Genscher never contributed much to or cared about the European Liberals' formal programmatic commitments even when developing his own 1981 Genscher-Colombo initiative for extremely modest reforms in the operation of the EC.⁴⁷

By 1983, however, the Socialist Group could be more hopeful regarding the prospects of greater convergence on institutional

⁴² Ibid., PE/GS/2007/80, Note for the attention of members of the Socialist Group, 05.09.1980.

⁴³ Ibid., PE/GS/208/80, Note by Mr. Glinne, Updating the Group's Strategy, 25.08.1980.

⁴⁴ HAEU, GSPE-72, PE/GS/161/82, Draft summary report of the meeting of the Socialist Group held in Bradford on 8-11 June, 1982, 09.06.1982.

⁴⁵ HAEU, GSPE-69, PE/GS/208/80, Note by Mr. Glinne, Updating the Group's Strategy, 25.08.1980.

⁴⁶ Interviews Wolfram Kaiser with Mechthild von Alemann, phone, 14.12.2017, and Ulrich Irmer, phone, 29.11.2017.

⁴⁷ Interview Wolfram Kaiser with Lothar Mahling, Düsseldorf, 27.11.2017.

matters. When the British Labour Party's adventure of socialism in one country under the leadership of Michael Foot and Tony Benn after 1979 led to the party's split and devastating electoral defeat in 1983, Dankert seized the initiative. He knew Neil Kinnock well, who was open to re-thinking the party's European stance, and induced him to come to Strasbourg for meetings with the Socialist Group.⁴⁸ Kinnock did so two weeks before the Labour Party's formal leadership vote which he looked certain to win at that point, admitting that "a great deal of serious re-thinking" was required and that withdrawal from the EC, which was still official Labour Party policy, "should be regarded as the last resort".⁴⁹ From then onwards, continental European Socialist parties and the Socialist Group in the EP sought to foster and consolidate the Labour Party's European reorientation to help overcome British opposition to further institutional deepening.⁵⁰

Even more importantly, pro-integration French Socialist MEPs, some of whom like Jacques Moreau were working closely with Spinelli on the DTEU, invested much time and energy to strengthen the European reorientation of their party after its two-year "Union of the Left" experiment in government, when the Communists were allied with the Socialists following the election of François Mitterrand to the presidency in 1981. This experiment and the subsequent economic policy change in the French Socialist Party towards moderate liberalization and privatization during 1983-84 under the influence of Jacques Delors as Economics and Finance Minister, impacted on Mitterrand's own European preferences. In the run-up to the 1984 Fontainebleau summit, which created the Dooge Committee, Mitterrand set forth a clear reform agenda for the EC in his speech to the EP on 24 May 1984, which was now more in line with the preferences of the EP majority than at the start of his presidency. When Delors, a former MEP during 1979-81, became Commission President in 1985, he strongly supported several French Socialist MEPs around the party leader Lionel Jospin, who had been elected to the EP in the previous year, in rewriting the Socialist Party's European programme to support Mitterrand's new approach to European union.⁵¹

This greater convergence of European preferences and the resulting more stable cross-party cooperation on institutional matters within the EP greatly facilitated the drafting of the DTEU. Once the setting up of a fully-fledged Institutional Affairs Committee was agreed, it was crucial to motivate political heavyweights and committed federalists to join it. Indeed, of the 37 full members, more than half were members of the Political Affairs and Legal Affairs committees. Additionally, three Group chairmen and four chairmen of other committees also joined the

⁴⁸ Interview Wolfram Kaiser with Dick Toornstra, phone, 17.11.2017.

⁴⁹ HAEU, GSPE-73, Neil Kinnock MP speaking to the Socialist Group at the European Assembly in response to an invitation from the Group at 8.30 am on Thursday September 15th 1983 at the European Parliament Building in Strasbourg.

⁵⁰ Interview Wolfram Kaiser with Richard Corbett, Brussels, 27.09.2017.

⁵¹ ECHA [European Commission Historical Archives], BAC 408/1991/306, Lamoureux to Delors, Commission des Communautés Européennes, Cabinet du Président, Note pour le dossier, Objet: Projet de déclaration du P.S. sur l'Union Européenne, Réunion à Paris du 24 mai, 28.05.1985.

Institutional Affairs Committee.⁵² Moreover, analysing the committee's work on the DTEU from the outside, the Commission concluded in March 1983 that Spinelli was effective in advancing his agenda because he had created a core group of six so-called permanent rapporteurs – headed by him as coordinating rapporteur – who were preparing the first complete text for the debate and vote in the EP.⁵³ This “sort of enlarged Bureau”, as the Commission called it, met several times in restricted meetings during 1982–83 to coordinate the six working documents with a view to merging them successfully into one single text. Moreau and the pro-integration British Conservative Derek Prag opposed some elements of the draft coordinated report, especially some aspects taken from the heavily federalist input on institutions by the Italian Christian Democrat Ortensio Zecchino. Overall, however, Spinelli managed to control the drafting process so well that according to the Commission, the resulting text was “above the level of constitutional progress which the majority of the European Parliament had in mind [in 1982]”.⁵⁴

Four factors further facilitated Spinelli's successful entrepreneurial leadership. The first was his close collaboration with Mauro Ferri, the Italian chair of the Institutional Affairs Committee. Ferri, a trained lawyer was able to help Spinelli retain sufficient “legal coherence of the text”.⁵⁵ The second factor was the recruitment of four committee officials, who had general knowledge about the EC and legal-institutional matters, came from the four largest member states and importantly, were all highly committed to the objective of European union.

They were Jean-Guy Giraud, who joined the office of President Pierre Pflimlin in 1984, Andrea Pierucci, Richard Corbett, and Dietmar Nickel. The German Social Democrat MEP Hänsch has recalled, for example, that these officials because of their “Spinellian” preferences “looked at me sceptically, is he even for Europe”, just because he wanted to prioritize policy over institutional integration.⁵⁶

For putting the draft integrated text into a suitable legal form Spinelli selected four law professors, who were once more from the four largest member states, to work with him – the third factor to facilitate Spinelli's leadership. Foremost among them was Jean-Paul Jacqu , then President of the University of Strasbourg, who was a specialist in EC institutional law and whom Spinelli had previously got to know at a conference in Padua.⁵⁷ Jacqu  already worked closely with Spinelli on the first full draft text. Working closely with Jacqu  were Francesco Capotorti, a law professor in Rome and former Advocate General at the European Court of Justice between 1976 and 1982; Meinhard Hilf, a professor of European and international law at the

⁵² R. CARDOZO, R. CORBETT, op.cit., p.25.

⁵³ ECHA, BAC 408/1991/43, SP(83)1404/2, Commission of the European Communities, European Parliament, Note to Members of the Commission, 29.03.1983.

⁵⁴ Ibid., SP(83)1404/2, Commission of the European Communities, European Parliament, Note to Members of the Commission, 29.03.1983.

⁵⁵ Interview Wolfram Kaiser with Virgilio Dastoli, phone, 10.10.2017.

⁵⁶ Interview Wolfram Kaiser with Klaus Hänsch, Düsseldorf, 16.11.2017.

⁵⁷ Interview Wolfram Kaiser with Jean-Paul Jacqu , Bruges, 17.10.2017.

University of Bielefeld, who had previously worked for the Legal Service of the European Commission; and Francis Jacobs from King's College London, who was later Advocate General at the European Court of Justice between 1988 and 2006. Before their appointment, moreover, links already existed among the four lawyers and with members of the committee secretariat which significantly smoothed the process of producing the final version of the DTEU.

Spinelli's personal qualities, finally, also made a difference. His preferred informal and non-hierarchical working method, which focused on bringing people together, helped break down all sorts of barriers created by bureaucratic rules and practices. They included social barriers between what Martin Westlake has called "exceptional MEPs" and the young officials in the committee secretariat, whom Spinelli sometimes invited along to meetings in his private flat.⁵⁸ Through role play, the officials together with Jacqué, actually convinced him to change his original idea for the DTEU legislative process to avoid anticipated blockages between the EP and the Council.⁵⁹ Spinelli also overcame horizontal barriers between the Groups who were competing for influence. His clean break with orthodox communism in the 1930s and his tireless work for the European Movement also helped legitimize his DTEU work on the EP's centre-right. His close personal contacts with politicians like Brandt and Mitterrand, lastly, gave him direct access to decision-makers outside of the EP, too.

In other words, Spinelli had key "transactional" capacities to translate across social, political, and national divides.⁶⁰ The DTEU was characterized by many compromises and omissions. Thus, to smooth its progress in the EP and make it more alluring to more Eurosceptic MEPs, national parliaments and governments Spinelli had come up with the idea of a formalized national veto for a ten-year transition period, which in legal terms went beyond the informal Luxembourg Compromise. At the same time, the articles on especially controversial issues like monetary union were superficial at best.⁶¹ Spinelli in working with others nevertheless had transformational impact at least within the EP – this in the sense that MEPs eventually passed the legally phrased final DTEU version on 14 February 1984, with 237 MEPs voting for it, 31 against and 43 abstaining – not an overwhelming majority, but a sizeable one considering normal rates of absence and the decision by

⁵⁸ M. WESTLAKE, *Britain's Emerging Euro-Elite? The British and the directly-elected European Parliament, 1979-1992*, Dartmouth, Aldershot, 1994, p.264; Interviews Wolfram Kaiser with Richard Corbett, Brussels, 27.09.2017, and Dietmar Nickel, Skype, 27.10.2017.

⁵⁹ Interview Wolfram Kaiser with Dietmar Nickel, Skype, 27.10.2017.

⁶⁰ For the concept see F.I. GREENSTEIN, *Can Personality and Politics be Studied Systematically?*, in: *Political Psychology*, 1(1992), pp.105-128. Adopted for understanding the role of Commission presidents in I. TÖMMEL, *The Presidents of the European Commission: Transactional or Transforming Leaders?* in: *Journal of Common Market Studies*, 4(2013), pp.789-805.

⁶¹ For a contemporary analysis of the DTEU see R. BIEBER, J.P. JACQUÉ, J. WEILER, *An Ever Closer Union: A Critical Analysis of the Draft Treaty Establishing the European Union*, Office for Official Publications of the European Communities, Luxembourg, 1985.

some pro-DTEU MEPs from more sceptical national parties like the UK Labour Party to avoid internal problems by not taking part in the vote.

Creating pathways for institutional reform

Before 1979 the EP had developed positions on individual institutional questions like its own direct elections and seat, for example. These deliberations had mostly been confined to MEPs in the Political Affairs Committee. In contrast, the Spinelli initiative succeeded in establishing the EP as a collective actor in the constitutional politics of European integration. Although the DTEU was never ratified, the four-year process of drafting it nevertheless had significant impact on future patterns of individual and institutional networking in the EC, the narrative of the "democratic deficit" and the pool of constitutional ideas and concepts available for future reforms to address this deficit.

Changes in patterns of networking were initially informal and incremental. To begin with, several MEPs, who had experience of the constitutional debate in the EP or even played an active role in it, were able to insert aspects of the DTEU agenda into other institutions and forums in new roles. Thus, when the European Council set up the Dooge Committee to discuss institutional reform during 1984-85, it had several members with close connections to the EP who endorsed many key elements of the DTEU. Most strikingly, the Socialist Italian Prime Minister Bettino Craxi appointed Mauro Ferri, the outgoing chair of the Institutional Affairs Committee, as Italian representative. He was supported by Virgilio Dastoli, Spinelli's assistant in the EP who stayed in close touch with the committee now chaired by Spinelli, and with the European Movement, which was deeply embedded in the European policy-making circles of all major Italian political parties. In Belgium, the Christian Democrat Prime Minister Winfried Martens nominated Fernand Herman, a French-speaking Christian Democrat MEP, as Belgian representative, who at the time was serving on the Committees on Economic and Monetary Affairs and Industrial Policy. Drawing on his experience in the Dooge Committee he later became heavily involved in the EP's drive for further institutional reform after the SEA.

While the EP was not formally represented on either the Dooge Committee or the 1985-86 IGC, the DTEU nevertheless enhanced its informal role and input. The Dooge Committee invited Spinelli together with Pierre Pflimlin, the French Christian Democrat EP President, to two of its four meetings before the European Council in Dublin in December 1985, thus reinforcing its links with the EP. It became clear during the meetings that the committee majority and the EP majority strongly agreed on key questions such as the need to overcome unanimity and to give the EP much greater powers. Moreover, the DTEU helped the EP to put its relations with the Commission on a new footing. As Claus-Dieter Ehlermann, who directed its Legal Service from 1977 to 1987, pointed out at the time, the Commission's standing and influence

depended on "its success" in policy terms.⁶² In contrast, despite the relatively low voter turnout, the EP since 1979 could claim direct democratic legitimacy for its proposals. This was something that the Commission, especially under the leadership of Delors, wanted to tap into for combined policy and institutional reform.

Several members of the Delors I Commission had been involved with the DTEU process. After his appointment as a Commissioner, for example, Carlo Ripa di Meana, the Italian Socialist, who had been an MEP during 1979-84, argued strongly at a Commission meeting to prepare the 1985 Milan summit for supporting the EP's DTEU agenda in the face of member state reticence.⁶³ Delors, an MEP during 1979-81, was sceptical about the DTEU's strongly federalist thrust and as a result did not have good relations with Spinelli. He nevertheless kept in closer touch with the EP leadership than his predecessor Gaston Thorn.⁶⁴ As he told Pflimlin at a bilateral meeting to prepare the Milan summit, he saw a close link between his economic reform agenda for the EC and the EP's demands for institutional deepening. "Decisive progress concerning the internal market and technology cooperation requires institutional changes", he admitted. Linking both, he insisted, was not "a tactical, but a pedagogical tool".⁶⁵ In other words, Delors was keen to some extent to merge his more functionalist approach with Spinelli's federalist design.

During the early drafting stages of the DTEU Commission officials had routinely reported to the Commissioners on the EP's deliberations. When it turned out that Spinelli was able to reignite the debate about constitutional reform and to some extent create media publicity for his initiative, the Commission responded by creating the internal Groupe Union européenne (also called the Ehlermann Group) in July 1983.⁶⁶ Below the political level of informal and formal contacts between both institutions, Ehlermann strengthened existing cross-institutional legal networks.⁶⁷ During the drafting of the DTEU in 1983-84 he came to work very closely with Jacqu , who was to become a key thinker and broker in

⁶² C.-D. EHLERMANN, *Das Parlament mu  berechenbar sein. Zum Verh ltnis von Kommission und Europ ischem Parlament*, in: *Zeitschrift f r Parlamentsfragen*, 2(1982), pp.185-190.

⁶³ ECHA, BAD 408/1991/306, R union informelle de la Commission, Villers-le-Temple (31 mai - 1 juin 1985), D bat institutionnel (pr paration du Conseil europ en), 14.06.1985.

⁶⁴ See also N.P. LUDLOW, *Relations with the European Parliament*, in: *The European Commission 1973-1986. History and Memory of an Institution*, European Commission, Luxembourg, 2014, pp.231-241.

⁶⁵ ECHA, BAC 193/2001/200, Commission des Communaut s Europ ennes, Cabinet du Pr sident, Chef de Cabinet, Compte rendu de l'entretien avec M. Pflimlin, 28 May 1985, 31.05.1985.

⁶⁶ ECHA, BAC 391/2003/73, JUR(83)D/03385-AMC/fg, Note pour le Groupe de M. Ehlermann - R union du 12 juillet 1983, 08.07.1983.

⁶⁷ On the importance of legal networks for European integration see e.g. A. VAUCHEZ, *Brokering Europe. Euro-Lawyers and the Making of a Constitutional Polity*, CUP, Cambridge, 2015; M. RASMUSSEN, *Establishing a Constitutional Practice: The Role of the European Law Associations*, in: W. KAISER and J.-H. MEYER (eds), *Societal Actors in European Integration. Polity-Building and Policy-Making 1958-1992*, Palgrave Macmillan, Basingstoke, 2013, pp.106-128.

European institutional law and Director of the Council's Legal Service from 1992 to 2008.

Informal access routes to decision-makers had their limits, however, something that the EP also realized during the DTEU process and subsequent Dooge Committee and IGC. At the party level, for example, the EPP organized a meeting with Christian Democrats from national parliaments in Luxembourg on 30 June 1982 to mobilize them to support the DTEU process.⁶⁸ The EP leadership also used occasional meetings with the Presidents of national parliaments such as in Luxembourg in July 1981 to propagate its institutional reform agenda.⁶⁹ Moreover, Spinelli travelled to the national capitals after the EP had passed the DTEU to garner support for it. One key lesson that the EP as a collective actor learned from the DTEU experience was, however, that more systematic cooperation with national political parties and parliaments was essential for coordinating pressure from below on national governments in any future IGCs.⁷⁰ Thus, the EP took the initiative in setting up the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) in 1989. This committee held its first meeting in November 1989 and coordinated parliamentary input into the Maastricht Treaty negotiations.

The DTEU experience also influenced the democratic deficit narrative in the EC for some time to come. First, the EP majority continuously and quite dramatically talked up this deficit. After all, the worse the EC's governing practices looked, the greater the legitimacy of radical reform demands. Even if the EC had adopted the DTEU, however, not all would have been well in the state of Brussels and Strasbourg. The EP trapped itself in the democratic deficit narrative. Between one fifth and three fifths of citizens in the different member states actually believed at the time of the third direct elections that the EP already had "competences comparable to national parliaments".⁷¹ From this perspective, citizens may have been tempted to ask whether the EP was not part and parcel of the democratic deficit rather than its solution as it had apparently done nothing to remedy it – this the more so as it was clearly suffering from its own institutional deficiencies such as low attendance by many MEPs.

At the same time, the EP's proposed remedy for the democratic deficit was arguably simplistic. As it argued in the 1989 Toussaint Report, the loss of powers by national parliaments had "not so far been offset by any transfer of those powers to the [European] Parliament".⁷²

⁶⁸ ACDP, 09-001-082/2, Friedrich Fugmann, Die Debatte über die institutionelle Frage, 13.07.1982.

⁶⁹ HAEP [Historical Archives of the European Parliament], PE1 P1 230/PARL PARL-19810704 0060, Marc Dandelot, Projet de compte rendu de la Conférence des Présidents des Parlements des États Membres de la Communauté et du Parlement Européen, Luxembourg, 03-04.07.1981.

⁷⁰ See also P. HAROCHE, *The Inter-parliamentary Alliance: How National Parliaments Empowered the European Parliament*, in: *Journal of European Public Policy*, 7(2006), pp.1010-1028.

⁷¹ O. NIEDERMAYER, *The 1989 European elections: campaigns and results*, in: *European Journal of Political Research*, 1(1991), pp.3-16, here p.4.

⁷² European Parliament, OJ C187, EP minutes of 17 June 1988, 18 .07.1988, p.229.

This view ignored, however, that improving national parliamentary scrutiny of government policy-making in Brussels could also have contributed to addressing any democratic deficit in the EC governance structures and practices. Moreover, the EP paid no attention to sources of legitimacy other than parliamentary ones, such as the greater involvement of what later were to be called "civil society" organisations in politics and policy-making.

The DTEU, lastly, also had significant impact on the continued evolution of constitutional ideas and concepts which were later taken up in IGCs or the 2001-03 European Convention. One of the DTEU's key innovations, which prefigured later reforms, was its coherent legal definition of subsidiarity and of EC membership criteria. The definition of subsidiarity was largely thrashed out in long discussions between Spinelli, Jacqu  and Ehlermann during 1983-84. Spinelli initially treated it as a key federalist principle, which would allow the future European Union to take the initiative on transnational issues which could be better resolved at European than national level, while protecting the interests and powers of the member states, regions and localities. In contrast, Ehlermann was afraid that its incorporation into the treaty would give governments and national parliaments with more strongly intergovernmental preferences a lever to oppose European solutions on the grounds of national traditions and powers, and to curtail the Commission's ability to develop effective EC-level legislation.⁷³ The definition of criteria for EC membership in turn drew on a long debate that had started with the EP's 1962 Birkelbach Report prepared in response to a possible application by Franco's Spain.⁷⁴ The DTEU's definition prefigured the so-called Copenhagen criteria and the incorporation of membership criteria in the 2009 Lisbon Treaty.

Conclusion

Although the DTEU was never ratified by national parliaments and did not enter into force, this article has demonstrated that the process leading up to its adoption by the EP and beyond nevertheless impacted on European integration. In particular, the drafting of the DTEU highlighted the extreme lack of internal cohesion on institutional matters among the Socialists as the largest political Group, which severely curtailed its ability to play a leading let alone dominant political role in the EP. This structural weakness, which the Socialist Group felt acutely during the DTEU process, galvanized its members and leading associated individuals like Delors and Jospin to accelerate the European reorientation of the French Socialists and the British Labour

⁷³ Interviews Wolfram Kaiser with Jean-Paul Jacqu , Bruges, 17.10.2017, and Richard Corbett, Brussels, 27.09.2017.

⁷⁴ Cf. E. DE ANGELIS, E. KARAMOUZI, *Enlargement and the EEC's Evolving Democratic Identity, 1962-1978*, in: H.A. IKONOMOU, A. ANDRY, R. BYBERG (eds), *European Enlargement Across Rounds and Beyond Borders*, Routledge, London, 2017, pp.143-165.

Party after 1983. This in turn facilitated the emergence of the broader cross-party consensus on institutional reform behind the SEA and the Maastricht Treaty. This consensus was never a given, however. Entrepreneurial leaders in the EP like Spinelli and Klepsch had to address national and ideological sensitivities, outmanoeuvre influential MEPs with interests in the status quo within the EP, and carefully craft compromises to achieve consensus on the larger constitutional vision and concrete institutional issues.

At the same time, the EPP Group, which was much more united on institutional matters, became equally aware of the need to construct a centrist majority for institutional reform. After the direct election of the EP it was no longer possible to treat institutional reform as a matter of symbolic politics for publicly reinforcing the Christian Democrats' own image as the party of Europe in the tradition of Schuman, De Gasperi, and Adenauer. The EP's new direct legitimation put an end to flowering resolutions without political follow-up. The 1979 elections reinforced the need for broad support in the EP for institutional reform which required cooperation, not confrontation with the Socialist Group – pressures that helped prepare the ground for the formation of the informal "grand coalition" between the two largest Groups after 1984-86.⁷⁵ Although primarily motivated by internal functional reasons, the emergence of this "grand coalition" arguably facilitated the EP's response to the collapse of communism, the end of the Cold War, and German unification during the second half of the 1980s and in the early 1990s. It also became necessary to mobilize qualified majorities in the EP for passing legislation after the entry into force of the Maastricht Treaty at a time when Euroscepticism began to grow.

The DTEU process also impacted on relations between the EP and the Commission and Council, which went beyond the inter-institutional agreements about cooperation concluded during the 1980s. The DTEU experience reminded the EP and its leading political Groups to invest more resources again into working with the Commission as an ally over institutional reform. During Delors' presidency, the EP moderated its demands for the formal upgrading of its role in policy initiation and began to see the benefits of combining institutional reform with policy integration as in the SEA, although the EP majority considered its institutional changes woefully inadequate. The EP majority also sought to forge links with member state governments that were more sceptical about institutional reform. Thus, Pflimlin, as well as the chairs of the Political and Institutional Affairs committees, Roberto Formigoni from the DC and Spinelli, as well as Klepsch and Conservative MEPs met with Malcolm Rifkind, Minister for Europe in the Foreign Office and British representative on the Dooge Committee, for a whole day in April 1985. The DTEU process also induced the EP to institutionalize regular vertical cooperation with national parliaments and to invest more resources after the initial phase of internal consolidation after 1979

⁷⁵ See also W. KAISER, *Shaping Institutions and Policies. The EPP Group in the European Communities*, in: L. BARDI et al., *The European Ambition. The European People's Party Group and European Integration*, Nomos, Baden-Baden, 2020, pp.23-88, here pp.54-57.

into working with national political parties and parliaments to put pressure on member state governments to act on institutional reforms.

Lastly, following the example of the EPC drafted by the Ad Hoc Assembly of the European Coal and Steel Community in 1952-53, the DTEU updated the pool of constitutional ideas and concepts from which decision-makers could draw for subsequent institutional reforms like the SEA and the Maastricht Treaty. This included the detailed discussion, definition and phrasing of legal notions like subsidiarity as in the discussions between Spinelli, Jacqu  and Ehlermann during 1983-84. In these various ways, therefore, EP was a significant actor and the DTEU process mattered: it created important pathways for the constitutional politics of European integration.