

AMBASSADE DE FRANCE

SERVICE DE PRESSE ET D'INFORMATION

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FRENCH AFFAIRS - No. 187

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THE TEN PROPOSALS SUBMITTED BY FRANCE ON JANUARY 17, 1966

AND THE TIMETABLE PROPOSED BY FRANCE ON JANUARY 18, 1966

AT THE MEETINGS OF THE FOREIGN MINISTERS OF THE SIX IN LUXEMBOURG

1 - Memorandum Containing France's Ten Proposals

One

Cooperation between the Council and the Commission constitutes the driving force of the Community. Such cooperation should be demonstrated at all stages. Consequently, the Commission should, before definitively adopting a proposal of special importance to the States as a whole, consult the Governments at the appropriate level. Such consultation does not jeopardize the power of initiative and preparation that the Commission derives from the Treaty; it merely obliges that body to use the power knowledgeably.

Two

A rule should be made that in no case should the Commission disclose the tenor of its proposals to the Assembly or to the public before the Council has been officially seized of them. The Commission is not a fortiori entitled to take the initiative of publishing its proposals in the Official Journal of the European Communities.

Three

A - The Commission often proposes to the Council decisions which, instead of treating in depth the problems raised, merely give the Commission powers for future action, but without stipulating the measures that the Commission would take in the event that those powers would be given to it (1963 proposal relative to commercial defense, certain proposals on commercial policy).

B - In certain cases, the Commission can receive from the Council the powers required to ensure execution of the rules that the latter lays down. This transfer of competence in no way implies that the tasks entrusted to the Commission should be taken away from the Council. Doubtless, in certain sectors like agriculture, the Council can intervene at the level of execution

through its representation on the management committees. It must, however, be noted that, far from being satisfied with this system, the Commission is seeking to replace the management committees with mere consultative committees that impose no restraint on it (case of the 1965 ruling on ententes; 1965 proposal by the Commission on transport).

C - The powers of execution thereby entrusted to the Commission should be defined exactly and thus should not allow it to make discretionary interpretations or to take responsibility on its own. If not, the balance of powers characteristic of the Community's institutional structure--a fundamental guarantee granted by the Treaty--would not be respected.

Four

The Treaty provides that "Directives shall bind any Member State to which they are addressed, as to the result to be achieved, while leaving to domestic agencies a competence as to form and means."

It must be recognized that, in practice, the Commission very often proposes directives that contain a detailed description of the applicable rules; the only freedom then left to the States is to choose the domestic form which the content of the directives will take, and also to make the various domestic arrangements required.

Obviously, such a practice constitutes an attempt on the part of the Commission to shift the subject matter of such directives from national to Community competence.

Such practices should therefore be abandoned.

Five

In 1959 the Council laid down the rules that were to govern, on a provisional basis, the recognition of diplomatic missions accredited to the Community (letter from Mr. G. Pella, President of the Council, to the President of the Commission, dated July 27, 1959). These rules result in a sharing of prerogatives between the Council and the Commission. Letters of credence, in particular, are presented to the President of the Commission, who has instituted a ceremony for that purpose that is patterned on the one used in the States, while the Treaty of Rome provided that the Council alone can act on behalf of the Community with respect to nonmember countries.

The present practices must therefore be discontinued and the Council re-established in its full prerogatives.

Six

In consequence, foreign representatives' approaches to the Commission should be brought, as early as possible, to the knowledge of the Council or of the representative of the State who is serving as President of the Council.

Seven

The Treaty stipulates in subtle terms, depending on the organizations concerned, the procedure whereby the Community shall entertain relations with other international organizations.

This situation appears to have been forgotten by the Commission, which seems to believe that it holds real discretionary power in this area.

It is proper for the Council to evaluate, case by case, on the basis of the Community's interests alone, the form and the nature of the relations to be established.

Eight

The members of the Commission should be bound to observe proper neutrality in their public statements concerning the policy followed by the Governments of all the member States.

Nine

The information policy should not be devised and implemented by the Commission alone, but jointly by the Council and the Commission. The Council should exercise real control, and not only of a budgetary order, over the activities of the European Communities Information Service.

Ten

The terms and conditions for control over the assumption, approval and execution of Community expenditures should be revised with a view to giving such control an effectiveness that it is manifestly lacking at present.

2 - Timetable Proposed by France

The French delegation, with a view to clarifying certain questions and thus facilitating the discussion, submits to the other delegations the following proposed timetable.

This timetable was drafted by proceeding from the idea that it would be fitting to act so that the crisis which began on June 30, 1965 might be overcome in every respect during the month of April.

In order to achieve this, it would be advisable to reach agreement on the following dates:

One

During the present meeting or during a second one which would be held before the end of January:

- A - Agreement on the problem of majority voting.
- B - Agreement on the problem of cooperation between the Council and the Commission, which was the subject of the memorandum submitted by the French delegation.
- C - Agreement on the date on which the Six are to deposit the instruments ratifying the Treaty of April 8, 1965, which instituted a single Council and a single Commission. For the Treaty to enter into force by April 1, it is necessary, in accordance with Article 28 of that document, for all the instruments of ratification to be deposited before the end of March.

Two

- A - Beginning on February 1, conversations would be opened between the member States on questions concerning the composition of the new Commission and on the implementation of the principle of rotation of the presidency and vice presidencies, which should be settled by March 1.
- B - A meeting of the representatives of the Governments of member States could be held immediately after the Easter recess, that is, on Monday, April 18, 1966, in order to proceed with the official nomination of the 14 members of the new Commission, its President and its three Vice Presidents.

Three

Before Monday, February 7, the budgets of the EEC and EURATOM would be approved in writing so that these documents can be sent to the Assembly.

Four

Thus, discussions could be resumed in Brussels under normal conditions on two pending questions:

- A - The financial regulation which should be adopted before March 31, 1966.
- B - The problems of adjusting national tariffs with regard to nonmember countries, which were left pending on December 31, 1965 on the occasion of the second alignment toward the common external tariff and which should be settled on April 30 at the latest.