

## Leo Tindemans, The European Council: an initial appraisal and some reflections

**Caption:** Leo Tindemans was Belgian Prime Minister from 1974 to 1978. In January 1977, he gives a first evaluation of the European Council.

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# The European Council: an initial appraisal and some reflections

by

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‘The Summit is dead. Long live the European Council!’ It was in these terms that President Giscard d’Estaing announced the birth of the European Council at the end of the Conference of Heads of Government that took place in Paris on 9 and 10 December 1974. Two years have passed since then, during which time the Council has already met on six occasions. The time may therefore have come to make an initial appraisal of the European Council and to outline some reflections on its future. First of all, however, it would be appropriate to introduce the European Council and to give the reasons for its creation.

## I. Origins

Many are the motives that led to the creation of the European Council. Two of them, however, stand out above the rest, even though they may ultimately be no more than two sides of the same coin. Created on the initiative of Jean Monnet (1), the European Council seems, in fact, to have been established in the first instance to fill a political vacuum and, secondly — and most importantly — to overcome the ‘decision-making crisis’ affecting the European Communities.

### A. A political vacuum

Until that day in December 1974 when the European Council was born, no real decision-making body had existed within the institutional system of the Communities. The Council of Ministers could undoubtedly have played that role; such was its intended purpose, and the growth of its role at the expense of that of the Commission could have helped it to do so. That, however, would have entailed making full use of all the potential offered by the Treaties. And, as Jean Dondelinger explained in his remarkable study devoted to the European Council, the governments of it would have meant the Member States being prepared to let the Council play its role to the full. (2)

Masked during the infancy of the Common Market by the incontestable progress of economic unification, the absence of a genuine decision-making centre did not really make itself felt until the day when the integration process began to reach out into areas in which the automatic mechanisms of the Treaty no longer operated, especially that of customs union, and in which any progress towards closer integration involved the definition and implementation of a common policy. On that day, the absence of such a centre was truly perceived as a void that it was absolutely essential to fill. It certainly seems today as though ‘any real progress in European unification presupposes deeper political commitment, even if the future of the Community is indissolubly linked to the solutions that are found to economic and monetary, social and other problems’. (3)

In this respect, as Dondelinger emphasised, ‘the step taken in December 1974 was not, therefore, a frontal assault designed to rock the established institutional system, but an attempt to fill an apparent void at the very heart of a body that was dangerously short of vitality and exposed to a daily increasing risk of decomposing.’ (4)

### B. A ‘decision-making crisis’

Europe has been irresolute for several years, in spite of the reinvigoration plans that have been initiated, especially those launched at the Summits in The Hague (1969) and Paris (1972). Why should this be? Some have blamed the economic and monetary crisis that is raging in Europe, as in the rest of the world, and this is a valid argument. It has also been said that responsibility lies with the system of decision-making by unanimity which effectively obtains in the Communities and which gives ‘the power to the minority’. (5) This is accurate to a certain extent. Another reason cited is a ‘lack of determination, suggesting that the institutions have run out of steam’. (6) This is, without any shadow of a doubt, the most compelling reason.

The malaise of the Community, however, is not a lack of determination as such. The abstract political will to progress in the creation of a united Europe does exist in each of our countries among a significant majority of politicians of various leanings. But we are not managing to translate that abstract will into everyday reality. The institutional machinery of the Communities, like the political machinery of our countries, is now showing signs of increasing impotence: it is surely not determination that is lacking but the capacity to act.

To seek all the causes would be an excessively ambitious aim, but perhaps we can venture to sketch out an explanation by observing that the Communities are in the grip of what could be called, to paraphrase Alain Peyrefitte (7), the *mal européen* or European disease. In Peyrefitte's view, the powerlessness of the state actually derives from its excessive power: by accumulating so many powers that it becomes incapable, in practice, of exercising them all, the state has imperceptibly let the reins of power slip into the hands of an administration that is not politically accountable. Has Europe not been sliding imperceptibly for some time towards government by experts and technocrats, who are undoubtedly highly competent but incapable of translating their plans and projects into political action? The 'European disease' certainly afflicts the Commission, but it also affects the Council of Ministers, whose debates have become more and more technical, something which only reinforces the role of the experts (8); the fact that these are primarily defenders of national interests makes this development all the more worrying.

The 'European disease' is one of the fundamental causes of the 'decision-making crisis' besetting the Communities, a crisis reflected in the growing impotence of the Community institutions and in an inability to generate the dynamism on which Europe depends. It was undoubtedly in an attempt to compensate for this decision-making deficit that the European Council was created and that experts and technocrats were deliberately excluded from its ranks. (9)

## II. Characteristics of the European Council

### A. Nature

The final communiqué of the Paris Summit of December 1974 includes the announcement of the birth of the European Council. Points 2 and 3 of that communiqué state that the Heads of Government, recognising the need for an 'overall approach' to Community activities and activities in the field of political cooperation, had 'decided to meet, accompanied by the Ministers of Foreign Affairs, three times a year, and whenever necessary, in the Council of the Communities and in the context of political cooperation'. The text also states that 'these arrangements do not in any way affect the rules and procedures laid down in the Treaties or the provisions on political cooperation in the Luxembourg and Copenhagen Reports' (point 3, fourth paragraph).

In legal terms, therefore, this is not the creation of a new institution but rather a purely political decision designed to ensure personal representation at the highest level at meetings of the Council of the European Communities and at meetings held under the aegis of European political cooperation. It was always held, in fact, that Article 2 of the Merger Treaty of 8 April 1965, through its reference to 'representatives of the Member States', allowed for the configuration of the Council of the European Communities to vary. (10) Consequently, the term 'European Council' — which we owe, incidentally to President Giscard d'Estaing, not to the Paris Summit — merely covers certain meetings of the 'Council of the European Communities'. The difference between these and ordinary meetings of the Council lies, on the one hand, in the fact that the European Council is composed of the Heads of Government and, on the other hand, in the fact that it deals not only with strictly Community matters but also with questions pertaining to political cooperation.

In political terms, however, the event had significant implications.

'From now on,' as Michel Poniatowski wrote, 'the senior political leaders of the countries of Europe have a personal stake in the administration of Europe. They can consider Europe as a single entity and no longer as a collection of technical issues and can gradually extend the European integration process to areas that have not hitherto been covered by the Treaties. In this way, they hold a sort of flexible constituent power. Little by little, the European Council may become a kind of European Cabinet, taking major

decisions and establishing guidelines for the future on a continental scale.’ (11)

In the eyes of Jean Monnet, it constituted the ‘foremost political activity’ (12) and the ‘supreme authority’. (13)

## **B. Operating principles**

### *1. Composition*

The European Council consists of the Heads of Government; France, however, is represented by the President of the Republic, although there would be no legal barrier to his replacement by the Prime Minister. (14)

The Ministers of Foreign Affairs, under the terms of the Paris Communiqué, ‘accompany’ the Heads of Government. The purpose of this rule, it seems, was to ‘overcome certain constitutional difficulties in the Benelux countries, where responsibility for foreign affairs lies solely with the Foreign Minister and not with the Prime Minister’. (15) The argument is not convincing because, as far as the Belgian Constitution is concerned, the Prime Minister’s overall political responsibility entitles him to intervene, when important political choices have to be made, in matters falling within the portfolios of his various Ministers. One might wonder whether the primary motive for involving the Foreign Ministers was not actually a concern to maintain a link with the Council of Ministers.

The Commission also takes part in the meetings of the European Council in the person of its President and one of the Commissioners, who is selected in the light of the subjects under discussion. It has never expressed the view, however, that this restricted representation impinges on its operation as a body. (16)

No one else attends these meetings, unlike the ordinary Council meetings, at which Ministers are accompanied by numerous aides, such as permanent representatives, senior civil servants and specialist advisers.

### *2. The Presidency*

The presidency rule observed within the Communities is applied to the European Council, as it was to the Summits which preceded it: the Presidency of the European Council rotates at half-yearly intervals in the order prescribed by Article 2, paragraph 2, of the Merger Treaty of 1965, as amended on the accession of new Member States.

Moves are under way to strengthen the role of the Presidency, particularly in the field of political cooperation. According to the Paris Communiqué (point 4), the President-in-Office was to be ‘the spokesman for the Nine’ and would ‘set out their views in international diplomacy’. He was to ‘ensure that the necessary consultation always takes place in good time’.

### *3. The secretariat*

The Paris Summit did not reach agreement on the question of the secretariat, hence the sibylline formula found in point 3 of the Communiqué: ‘The administrative secretariat will be provided for in an appropriate manner with due regard for existing practices and procedures.’ This secretariat, in fact, is provided jointly by the Secretary-General of the Council, whose staff administer Community matters, and by a few civil servants delegated by the Member State holding the Presidency, who deal with matters relating to political cooperation. (17)

### *4. Meeting places*

The Heads of Government agreed, at least verbally, that two of the three annual meetings — the first and the last — would take place in the capital of the country holding the Presidency and that the other meeting, which would be scheduled for the middle of each year, would take place at the normal venue for meetings of the Council, namely Brussels or Luxembourg. (18) The dual nature of the European Council underlies this choice of meeting places. (19)

### 5. Preparations for and conclusions of meetings

The preparations for meetings of the European Council are effectively reduced to the simplest possible formula. The Heads of Government, in fact, rejected the option of deliberating on the basis of documents that had undergone lengthy preparation and meticulous drafting. Anxious to avoid any unnecessary shackles, they tolerate only brief communications or short memoranda.

The same concern is reflected in the agenda, which is drawn up by the Ministers of Foreign Affairs and proposed by the Presidency, then adopted by the European Council itself at the start of its meeting. It generally includes only a small number of items, and all members have the right at any time to raise any non-agenda item that they wish to have discussed.

The degree of imprecision is even greater in respect of the conclusions. There are no minutes or even, strictly speaking, a final communiqué. Some European Council meetings have nevertheless culminated in a summary of conclusions, drawn up under the responsibility of the Presidency, but several delegations have refused to consider themselves bound by the text of these conclusions. (20)

### C. The first meetings

The first meetings of the European Council were held in Dublin on 10 and 11 March 1975, in Brussels on 16 and 17 July 1975, in Rome on 1 and 2 December 1975, in Luxembourg on 1 and 2 April 1976, in Brussels on 12 and 13 July 1976 and in The Hague on 29 and 30 November 1976.

To date, these meetings have been characterised by a curious alternation of failures and relative successes.

The following achievements can be credited to the European Council:

- (1) the agreement reached in Dublin on both the ‘budgetary correcting mechanism’ and New Zealand dairy products, which served to resolve the ‘renegotiation’ issue raised by the United Kingdom;
- (2) the Rome agreement on a single Community representation at the Conference on International Economic Cooperation (the ‘North-South Conference’);
- (3) agreement on the election of the European Parliament by universal suffrage, reached in Rome, where a date was set for the elections, and in Brussels, where the allocation of seats was established.

At the same time, however, mention must be made of the European Council’s inability to make progress on important issues such as the pursuit of a common energy policy, economic and monetary union and European union.

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Having also objectively analysed the origins and *modus operandi* of the European Council, we should now proceed to an initial assessment of the credit and debit side of the contribution made by that body to the institutional system of the Community, of its good and bad points.

### III. Good and bad points

## A. The good points

The fact that the European Council is composed of the top political leaders of the Member States of the Community endows it with an authority that no other Community institution enjoys. The adoption of an ‘overall approach’ to its entire sphere of activity also enables it to act in a coherent and coordinated manner.

This top-level representation should, in principle, make the Heads of Government more fully aware of their European responsibilities and particularly of the European dimension that overarches almost all national problems today. It is, in fact, of fundamental importance that those whose key task in their own countries is to coordinate and energise government action should be mindful of this new parameter.

They themselves effectively hold, in embryonic form, the power to advance the process of European integration. They can — though whether they want to is another matter — tap into all the potential and scope of the Treaties to give the Community the impetus that it needs.

A number of rules of procedure adopted by the European Council also reveal elements that could enhance its value. These rules, which are generally very flexible, actually tend to eliminate any state of tension within a Council from which the confrontational element is absent. This is a far cry from meetings of the Council of Ministers in some of its configurations. The following are three examples of principles that ensure the smooth running of the European Council and take the heat out of its debates:

(1) An agenda which is more indicative than imperative.

(2) Refusal to become bogged down in technical details.

This is reflected in the reduction to a minimum of the number of working documents and the fact that specialists do not play a part in the Council’s deliberations.

By refusing to let itself be shackled by working papers that have undergone lengthy and meticulous preparation, the European Council intended to give free rein to its ‘political spontaneity’. (21) In this way, it leaves the door wide open for a free face-to-face exchange of opinions, something which may be expected to facilitate the formulation of a political solution to the problems of the day.

Moreover, the exclusion from the negotiating chamber of the specialists, advisers and senior civil servants who attend meetings of the Council of Ministers and give its discussions an almost public character should enable members of the European Council to put the purely technical aspects of issues to one side and deal solely with their political dimension.

(3) A select gathering.

The limited number of participants in meetings of the European Council enables each of its members to be extremely open, even to the point of revealing the particular national context of a problem and, perhaps, thereby inducing other leaders to adjust their points of view.

As Jean Dondelinger very aptly points out, however, ‘it would be a fatal mistake to believe that the Heads of Government can fill a political vacuum by their mere presence around the Council table’. (22) And this is where it becomes evident that the European Council somehow has the defects of its merits, something which engenders a certain lack of effectiveness.

## B. The bad points

In its present form, the European Council poses certain dangers, to itself in the first instance and then to the other institutions.

### 1. *Dangers facing the European Council*

The first danger facing the European Council is that it will drift into an excess of political abstraction in which a descent into generalities and/or mere declarations of intent is a distinct possibility.

There are, in fact, moments of truth when divergent conceptions must appear in all their technicality, even if the final decision boils down to a political choice. There are, moreover, numerous issues in which political and technical elements are closely linked. Any attempt to separate them would run the risk of rendering decision-making impossible because a lack of familiarity with all aspects of the problem.

The Council of Ministers has demonstrated its impotence, because it has allowed itself to be hampered by technical problems. The same impotence will affect the European Council if it refuses to see the technical aspects of issues and confines itself to the ethereal realm of pure politics.

Moreover, the fact that the European Council finds it impossible to take decisions today in the absence of the full facts often prompts it to refer the matter to a group of experts, which is asked either to examine the technical implications of a political choice or to draft a joint text — a referral that has disastrous effects on public opinion, since it exposes an inability to act decisively. The specialist officials in these groups, however, are often paralysed by having received inadequate or diverse information on the political preferences that have emerged within the European Council. The result is deadlock, failure, which is magnified by the exceptional publicity surrounding the Council's meetings.

A second danger lies in the absence of conclusions that truly reflect decisions taken jointly. This situation is doubly dangerous, firstly because of its impact on public opinion, which is convinced that the plethora of conclusions is no more than a smokescreen to hide a catalogue of failings, and, secondly, because it is liable to make the other Community institutions even more keenly aware of the political vacuum and the absence of guidance.

The third and final danger, which may be more insidious but is no less real for all that, is the risk that a kind of predominance of the large countries will emerge. While the flexible procedures that govern the workings of the Council have advantages, they are not without their drawbacks. Foremost among these is a less rigid attachment to voting procedures, particularly the majority rule designed to guarantee a balance between the 'large' and 'small' countries. Accordingly, there could be a great temptation for the former to impose their point of view on the latter, thereby creating a false impression of unanimity. If this differentiation between participants were accentuated instead of being corrected, it could become a source of disengagement, distrust and even resistance, and this is perhaps the gravest danger that the European Council will eventually have to face.

## *2. Dangers to the other institutions*

If the current working methods of the European Council are maintained, the role of the Community institutions will inevitably go on being devalued. Their obligation to comply with decisions that they did not help to shape is surely liable to transform them into mere ratification bodies and technical and legal drafting agencies.

This danger confronts the Council of Ministers but also, and above all, the Commission, to the extent that its power to propose legislation could dwindle in importance until it amounted to no more than the execution of a purely formal act. (23) As for the European Parliament, it is far from being untouched by this development. Informed after the event in the absence of a proposal from the Commission to the European Council and, hence, of an opinion of the European Parliament, and consequently possessing no more than a limited power of amendment, it would no doubt be left even more toothless than when it was first created.

To date, the Commission has been the only institution to be aware of this danger. As Emile Noël points out, the only solution is for it to adopt 'a more committed, incisive and political style, no longer feeding the Heads of Government with proposals full of carefully crafted details but fuelling their debates by presenting them with clearly formulated and sharply contoured political propositions'. (24) This is the direction that it

has followed in the communications it has prepared for the European Council, and its approach has met with some success. (25) The fact remains, however, that these communications do not have the binding nature of proposals and that they are not forwarded to the European Parliament. This creates a twofold risk: first of all, the institutional balance is liable to be upset, and then Community decision-making could give way to an intergovernmental form of decision-making.

To this may be added the further danger of a certain inertia. The Council of Ministers may, in fact, be tempted to refer matters to the Heads of Government as soon as the slightest difficulty arises, the result of which would be an abdication of its responsibilities and, hence, of its authority but also, by the same token, saturation of the European Council.

And tomorrow we are liable to find ourselves in a more serious situation than the one that we are in today. The problem will no longer be the absence of decisions to resolve conflicts of interests but rather the operational paralysis of the institutions.

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In short, while the European Council has raised many hopes, it is also raising a few concerns. The question arising in the context of this study is, therefore, whether it is possible to find a point of equilibrium at which the dangers inherent in that institution can be averted without loss of its advantages.

#### **IV. The future of the European Council**

At the Paris Summit in 1974, the Heads of Government wanted to incorporate the European Council into the institutional framework of the European Communities, because they saw it in the same light as the Council of the European Communities, operating in accordance with a particular set of procedures.

After two years, it seems that the European Council has not managed to find its proper niche. Not being properly integrated into the Community structure, on the one hand, it has failed to generate the required dynamism and impetus; on the other hand, unless due vigilance is exercised, its existence may cause the present institutional machinery to seize up even more tightly. All this results from the fact that, in order to escape from one extreme, namely technocratic and stifling bureaucracy, we have sought refuge in another extreme of opposition and resistance to any cooperation with the existing institutions.

How can some sort of balance be restored? There are several options, which focus on the preparation of the European Council's meetings, on its actual discussions and on the implementation of its decisions.

##### **A. Better preparation**

The mission of the European Council is to play a threefold role in the process of European unification by generating impetus, setting out guidelines and making political choices.

These three types of activity are closely interdependent. Indeed, in some cases they even overlap.

What should characterise this preparation stage, however, is better cooperation among the present institutions and, on that basis, better integration of the European Council into the institutional system of the Community.

##### *1. Impetus*

It is unquestionably a matter for the Council, and the Council alone, to determine the progress and development of European integration. But would it be impossible to grant the European Parliament and the Commission the right to submit appropriate proposals in that direction to the Council?



In this way, these two institutions would have the opportunity to spark off a debate at the highest level. Parliament would thereby increase its stake in the process of European integration, and the Commission would find a new way to exercise its right to propose legislation.

## 2. Guidelines

Just as the European Council is the source of impetus, it is also responsible for indicating the direction in which integration efforts are to be channelled. It should, however, be able to do this on the basis of technical options presented to it by the Commission. This, in fact, is a procedure which has already been followed at some of the summits, (26) and which would serve to associate the Commission more closely with the work of the European Council.

Once it has laid down guidelines, however, the European Council must let the Community institutions assume their responsibilities: the Commission's task is to draw up proposals, Parliament amends them as required, and the Council takes the final decisions in the forms for which the Treaties provide, namely regulations, directives and decisions.

## 3. Political decision-making

To prevent the European Council from being turned into an appeals body or immersed in technical problems, it should be clearly understood once and for all that a matter cannot come before the European Council unless it emerges from the procedure before the Community institutions that previously formulated guidelines need amendment or clarification. It is also conceivable, but only in borderline cases, that the European Council might be allowed to intervene to settle a difference arising in the course of procedures involving two or more Member States and relating to a key political issue which is liable to affect the implementation of the decisions to be taken.

These few adjustments, which would not entail any amendments to the Treaties or alter the institutional balance in any way, would make for better preparation of the material to be dealt with by the European Council, for better cooperation among all the institutions of the Community and for better integration of the European Council into the institutional structure.

### **B. Better deliberations**

Improvements could also be made to the way in which the European Council conducts its deliberations.

One of the main concerns of the European Council is to preserve the secrecy of its deliberations and, hence, to exclude experts from its meetings. Anyone who knows the background and is aware of the undoubted advantages of this method must respect this wish, but it is also essential to ensure that discussions are not deadlocked for want of a proper understanding of the technical aspects of a problem. Why should the Council not borrow from the practice of the Commission, which is represented at meetings of the European Council by its President and one of the Commissioners, depending on the item under discussion, and ask the competent Ministers to take part in the discussion of any technical problem that arises — which would mean, of course, that the subject area would determine the identity of the Ministers?

Given the decision taken at the 1974 Paris Summit that the Heads of State or Government would be accompanied by their Ministers of Foreign Affairs, there is no apparent reason why the technically competent Ministers should be excluded if a problem relating to their portfolio is to be discussed by the European Council and if their presence is likely to ensure that the issue is approached more efficiently.

By providing in this way for the occasional involvement of individuals who are more familiar with the technical problems, while avoiding the failings of the Council of Ministers, the European Council might see the nature of problems more clearly, while the Ministers, for their part, would be better informed of the Council's political motives.

### C. Better implementation of decisions

If the decisions taken by the European Council are to be more effectively implemented, the first and foremost requirement is better formulation of the conclusions which it adopts. Any real cooperation with the Community institutions would otherwise be virtually impossible.

Once this major step was taken, it would still be necessary to ensure that the European Council defined more clearly the response that it wanted to its decisions. Designation of the institution responsible for implementation would be an extremely valuable indicator in this respect. Setting a timetable could also prove beneficial in certain cases.

### Conclusion

These few proposals may seem rather modest to some people. When all is said and done, it is simply a matter of improving, of refining, the working methods of the European Council so as to enable it to realise its full potential. The creation of the European Council has been an essential milestone on the way to European unification, because the Communities now have a body with an exceptional capacity to act and with the power to fill the void that has plagued them to date. What must be avoided, however, is allowing this capacity to dwindle by taking its eye off the ball. The European Council represents an exceptional opportunity for Europe, if not its last chance. We have no right to squander it.

(January 1977)

- (1) See Jean Monnet's *Mémoires* (Fayard, 1976, pp. 589 *et seq.* ; English translation *Memoirs*, Collins, 1978, pp. 501 *et seq.* ). Monnet's aim in launching his initiative was to create a sort of European Cabinet, which he called a 'Provisional European Government'.
- (2) See Dondelinger, J., *Le Conseil européen*, 1975, pp. 5 to 8.
- (3) Tr. from Dondelinger, J., *op. cit.*, p. 10.
- (4) Tr. from Dondelinger, J., *op. cit.*, p. 4.
- (5) 'La carence du Conseil européen' ('The impotence of the European Council'), *Le Soir*, 17 April 1976. The author of the article rightly emphasised that 'the detestable practice of voting by unanimity, far from alleviating problems, has actually complicated them quite considerably. A government confronted by an issue which is objectively difficult for it can no longer claim that it has been outvoted by its partners. It must take the decision itself and must choose whether to consent to the measure which it dislikes and which is unpopular at home or withhold its consent and block the decision of the others'.
- (6) Monnet, J., *Memoirs, op. cit.*, p. 502.
- (7) See Peyrefitte, A., *Le mal français*, Plon, Paris, 1976.
- (8) Jean Dondelinger provides a caustic illustration of this omnipotence of experts when he says that, in the Council, 'not a single comma is displaced without at least a hundred experts having deliberated on the matter in six languages' (tr. from *op. cit.*, p. 92). See also Norrenberg, D., 'Un modèle institutionnel déficient: la Communauté européenne', *Res Publica*, 1976, pp. 210–211.
- (9) This concern to exclude experts had already manifested itself at several summits, which is further evidence of this need felt by the European Council for *débureaucratisation*, to borrow an expression used by Philippe Lemaître in his article headed 'Un bilan négatif' in *Le Monde* on 21 October 1976.
- (10) See Blumann, C., 'Le Conseil européen', *Revue trimestrielle du droit européen*, No 1, 1976, p. 5.
- (11) Tr. from Poniatowski, M., *Conduire le changement*, Fayard, Paris, 1975, p. 202.
- (12) See Monnet, J., 'Urgence', *Trente jours d'Europe*, December 1974, p. 8.
- (13) Monnet, J., *Memoirs, op. cit.*, p. 516.
- (14) Cf. Blumann, C., *op. cit.*, p. 6. As Blumann points out, it is 'a minor issue at first sight but one that could cause some political difficulties in the future. Given the role of France in the European Communities, the presence of the Prime Minister in the European Council instead of the President of the Republic would be liable to transform its meeting into a kind of mini-summit (...). This could lead to further immobilisation of the institutions'.
- (15) See Noël, E., *Les rouages de l'Europe*, F. Nathan — Editions Labor, Paris and Brussels, 1976, p. 44. 'The Heads of Government, however, have already met on several occasions without the Ministers of Foreign Affairs, particularly at working dinners.'
- (16) See Noël, E., *op. cit.*, p. 51: 'Adherence to the principle of collective responsibility is ensured by means of the Commissioners' detailed discussion of the main subjects placed on the agenda of the European Council and a detailed record of the tenor of these discussions, the significance of the conclusions reached and their political background.'
- (17) See Dondelinger, J., *op. cit.*, p. 21, and Noël, E., *op. cit.*, p. 44.
- (18) See Noël, E., *op. cit.*, pp. 44–45, and Blumann, C., *op. cit.*, p. 4, note 8.
- (19) See Blumann, C., *op. cit.*, p. 4, note 8.
- (20) See Noël, E., *op. cit.*, p. 49, and Dondelinger, J., *op. cit.*, p. 30, note 1.
- (21) The expression stems from Noël, E., *op. cit.*, p. 46.

(22) Tr. from Dondelinger, J., *op. cit.* , p. 66.

(23) Cf. Blumann, C., *op. cit.* , p. 12, Noël, E., *op. cit.* , p. 51, and Dondelinger, J., *op. cit.* , pp. 43 and 55.

(24) Tr. from Noël, E., *op. cit.* , p. 51.

(25) See Noël, E., *op. cit.* , p. 51: 'Most of the European Council's specific conclusions have been adopted on the basis of such communications, examples being the conclusions on the budgetary correcting mechanism [...] and on the participation of the Community as such in the North-South dialogue'.

(26) For example, point 8, seventh indent, of the Final Communiqué of the Copenhagen Summit, dated 15 December 1973, states that 'The Heads of State or Government, mindful of the importance they attach to problems arising from international trade in primary products and raw materials, asked the Commission to prepare a detailed study and to put proposals to the Council'. ( *EC Bulletin* , No 12/1973, p. 10).