

'The new "Luxembourg compromise" from Crocodile (March 1994)

Caption: In its March 1994 edition, the monthly journal Crocodile compares the outcome of the informal meeting of the Foreign Ministers of the Twelve, held in Ioannina on 30 March 1994, with the Luxembourg Compromise of January 1966 concerning voting procedures within the Council.

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The new « Luxembourg compromise »

We have been expecting it for some weeks: the new « Luxembourg compromise » has arrived. The Ministers of Foreign Affairs of the Twelve meeting in Ioannina were deemed to succeed in squaring the circle. On the one hand, they had to raise the blocking minority to 27 votes in order to respect the principle of the arithmetic adaptation of the qualified majority and to be sure to get the assent of the European Parliament. On the other hand, they had to give binding political and juridical guarantees to the UK and to Spain, which requested the modification of the political balances within the Council in favour of the big countries. The retained solution has been a decision of the Council (and not a simple declaration as it was proposed by the Greek presidency) approved by applicant countries. According to this decision, « if a number of member states representing between 23 and 26 votes are opposed to a decision by qualified majority, » the Council will try to find a satisfying solution « within a reasonable delay » (whose length is not defined, contrary to the Greek proposal), able to gather at least 68 votes (instead of 64). This formulation reminds closely the evil « Luxembourg compromise » that prevented for 20 years - except for some few cases- the qualified majority vote within the Council. But then, at least, the Luxembourg compromise was only referred to decisions touching « very important interests ». Inveterate optimists will certainly underline the fact that this new Luxembourg compromise will be implemented only till the 1996 IGC and that all Member States as well as the Commission will always have the possibility to ask for a vote, if a simple majority of Member States agree and according to the internal rule of the Council.

Other « habitués » of Charlemagne argue that some Mediterranean agriculture issues could be blocked by a majority of 23 votes (Italy, Spain and Greece) as well as the statute of the European society - lying on the table of the Council since 20 years now... - blocked by Ireland, Germany and UK. On the other hand, why getting so upset about a « de facto » keeping of a blocking minority, if in reality the Council never puts two big states in minority? To these arguments, the pessimists - or should we say the « realists » ? - easily answer that art. 7 of the Council Internal rules of procedure was never implemented to ask for a vote: a vote is usually carried on a decision by consensus and on initiative of the Presidency in office. Furthermore, the Commission - calling on the internal rules of the Council - forgets that it never used its powers to ask for a vote by qualified majority. On the other hand, the declaration of the Commission on the « non – precedent » character of the solution adopted in Ioannina was not even included in the minutes of the Conference of the Member States on enlargement.

Finally, if the blocking minority at 23 votes did not have any concrete consequence, why should the British and the Spanish governments be so attached to it? The reality is that some Member States tried - and they succeeded so far, thanks to the resignation of the others - to modify the decision taking capacity of the enlarged Union, pretending that the Club of the 12 would change its nature when becoming the Club of the 16. This very reasoning was not done neither at the moment of the adhesion of three « Nordic » countries in 1972, representing 16 votes on 58, nor in occasion of the successive enlargement to three southern states gathering 18 votes on 76.

If the conclusion of all this is that the Club of the 12 changes its nature by becoming the Club of the 16, than the EP will be legitimized to ask that the whole of the rules of the Club be modified and not only the decision taking capacity of the Council.

The change of the weighing of the votes within the Council could thus be accepted only if at the same time the powers of the EP are increased, as this latter represents more closely the weight of the population of each Member State. Will the EP fight this battle already announced in several resolutions or will it once more give up to the hard will of some Member States?