

Address given by Walter Hallstein to the European Parliament (Strasbourg, 20 January 1966)

Caption: On 20 January 1966, in Strasbourg, participating in an exchange of views between the Community institutions on the empty chair crisis, Walter Hallstein, President of the Commission of the European Economic Community (EEC), outlines and justifies the attitude and powers of the Commission vis-à-vis the Member States in accordance with the Rome Treaties.

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Hallstein, *President of the Commission of the European Economic Community* — Mr President, ladies and gentlemen. It is the custom for the Commission to be given an opportunity to speak at these joint meetings, and it is also the custom for it to avail itself of this right, for which it is very grateful, towards the end of the debate. As a result, it has little new to add to the topics under discussion, since, at this stage, all the crucial aspects of the topics have already been addressed.

Today, I have one more reason for finding the situation in which I am speaking to you a difficult one: as you know, despite the broad wording of the agenda, the Commission was not present at the extraordinary Council meeting in Luxembourg, which is the main topic of this debate.

The Honourable Members know — because I have been asked about this here and have, as always, answered unreservedly — that the Commission did not expressly agree to its non-participation in the meeting. Likewise, however, I have made no attempt to conceal the fact that, at the crucial meeting where this Council decision was taken, we did not expressly protest.

Perhaps our action in this regard is understandable. The topics expected to be discussed at the extraordinary meetings were ones for which the Commission generally — if I may just say so — has some joint responsibility. In this respect, we were in two minds as to whether it was right for us to fail to assume this responsibility by agreeing not to be present. When I speak of joint responsibility here, I simply mean the obligation that we have under the Treaty to act as guardians of the Treaty.

All the decisions framed at this extraordinary Council meeting, in whatever form, naturally affect the application of the Treaty of Rome. They affect it either by virtue of certain semi-official arrangements into which the members of the Council are entering over and above what is enshrined in the Treaty or by virtue of certain practices that are being established and that change the way that things are done in application of the Treaty.

I have not made these observations in order to criticise the Council. By keeping silent on this point, we gave the Council sole responsibility for deciding whether or not the Commission should be consulted. I have, in fact, made this brief remark, which serves only as a reminder of facts known to the Honourable Members, so that I may immediately add that, as things have turned out, the Commission now feels even more strongly that, by its silence with regard to this process, it has made a considerable contribution to the pattern of events. That applies to all the issues, moreover, if I may just say so once more, and not only to the issues affecting the Council's relationship with the Commission.

Reference to the responsibility of the Commission was also made in connection with the problem of majority voting.

The way that this debate has gone, in terms of the assessment of the situation, has brought an extremely gratifying and, for ourselves, very reassuring large measure of agreement in relation to the fundamental stance of at least the vast majority of the Honourable Members and also in the Council of Ministers.

Unfortunately, that is not the end of the matter. The real cause for everyone's concern is what sort of agreement will be reached — an agreement which must, of necessity (and we do not underestimate the extreme difficulty of the Council's task), also take some account of the views of the sixth member of the Council if a unanimous solution is to be found. There is, of course, no alternative to a unanimous solution.

Mr Spaak's statements have made me, personally, even more regretful that I was not present at the extraordinary meeting of the Council of Ministers. After all, at that meeting, there was a general hint of optimism with regard to prospects for a solution to the crisis. Those who did not have the privilege of

experiencing these talks at first hand cannot share in this.

Just to repeat: we believe that, by our non-participation, we did, in fact, make a contribution that will perhaps be considered of value once the crisis has been solved and when the question is asked: what did the Commission do? It is possible to achieve something by non-participation.

Now — and this is the difficulty that I am facing at the moment — it might be somewhat tempting to make up for our non-participation in the Council of Ministers' deliberations to some extent by abusing the opportunity afforded by the colloquy in this House. Please rest assured, however, that I have no intention of doing so. It would be quite inappropriate, and this would undoubtedly not be the right way to deal with the matter. And I do not, ultimately, consider myself adequately equipped for the task since, like most of those attending this colloquy, I have in my possession only some of the texts drawn up for the talks. Likewise, the other information that I have is probably not much more than anyone else has — even the general public.

I should like to draw a different conclusion from the introduction that I have taken the liberty of giving prior to the few words that I should like to say on the main issue: namely, that our experience hitherto — limited, of course, to the talks between the members of the Council and the inactive member of the Council — has made us hope that the conduct mercifully referred to by Mr Spaak as an absolute exception will not continue indefinitely. I am making this observation because I am not sure how long the talks will last.

The Commission would be grateful if the Council would give some thought to the Commission's participation in this discussion. I shall not specify what form this might take. To avoid misunderstandings I should like to add straight away that it is not a matter of prestige that has led me to ask for some thought to be given to the possibility of the Commission participating in some way in this discussion.

To come now to the specific topic of the relationship between the Council and the Commission: Mr Spaak has given an assurance, which I did not find surprising because I, too, considered the solution to which he agreed in this instance to be self-evident, although I am nonetheless grateful for it. I am referring to the assurance that, when the issues pertaining to the 'relationship between the Council and the Commission' are finally settled, it will be borne in mind that these are issues that can be settled only by common accord between the Council and the Commission. Article 162 of our Treaty spells that out. Mr Spaak has given examples of the various individual topics pertaining to the 'relations between the Council and the Commission'. The topics concerned are relations in general but also the handling of foreign affairs; as he rightly said, this is a special area of close cooperation between the Council and the Commission. I should like to express my thanks for this assurance.

So, I come now to my factual observations on these matters. Most importantly at this time — and this will undoubtedly not be the last time that the Commission has occasion to speak about these issues, the Honourable Members and the Council of Ministers can rest assured that, in so far as the Commission is involved in resolving the crisis, it is prepared to act with utmost good will and to do all it can to help achieve a solution.

I must point out that, from our perspective, the cooperation that has taken place hitherto between the Council and the Commission — and I say that with grateful thanks to the Council — has been good, or even very good. But that does not mean that it cannot be improved. We are willing to listen to any suggestions made to us in this regard, and we shall not mind at all if they include things that perhaps also amount to a criticism of our practices.

I must, however, add a footnote to the information chapter. If the desire for reform is actually based only on what has leaked out, on the report of these few mishaps, which the Commission has spontaneously put right itself without any prompting from outside, then this desire for reform does not have sure and firm foundations.

That is my first point. I hope that what we say here will also be taken on board. The rest of what I have to say on the issue will only underline what has already proved to be an overwhelmingly unanimous view in

this debate.

This is an acknowledgement that, as with all the problems we face — and particularly the institutional problems — we can settle the crisis only if we remain standing on the firm and solid foundation of the law. The particular hallmark of these endeavours to achieve European unity is that they were not initiated with the use of force and have not continued with the use of force. On the contrary, their sole instrument has been the law — freely agreed treaties — and the confidence that these treaties will be observed.

The treaties must be observed, first, because we should otherwise obviously be abandoning a principle that is one of the proudest possessions of Western culture — respect for the law; and, second, because the particular treaty that we are discussing is a good treaty. It is a good treaty because it establishes a good and fair balance, at a practical level, between benefits received and sacrifices made by the Member States concerned and, at institutional level, between the amount of influence exercised by the various institutions of this Community.

If there are points in it that need improving and are worth improving, that is a matter for a revision of the Treaty. A treaty revision is not a breach of a treaty. The Treaty itself provides for revisions of the Treaty, although only in certain forms. In so saying, we must not overlook the fact that such Treaty revisions are not only necessary — and the problem of a Treaty revision not only arises — where changes to the text of the Treaty are concerned. Wherever a binding arrangement is made, establishing practices that are not in accord with the Treaty provisions, that, too, — in factual terms — is a treaty revision.

Mr President, ladies and gentlemen, let me close by expressing my grateful thanks, first of all to the President of the Council and the members of the Council who have given us this information, which the Commission has also found extremely useful. Thank you to all who have defended, and have promised to defend, the Treaty and the Community so resolutely and unwaveringly. Lastly, thank you too for the sympathetic way in which you have received all these statements from the Commission. *(Applause)*