

## Note from the European Commission concerning the Luxembourg Extraordinary Council (Strasbourg, 19 January 1966)

**Caption:** On 19 January 1966, Émile Noël, Executive Secretary of the Commission of the European Economic Community (EEC), informs the Members of the Commission of the substance of the debates between the Foreign Ministers of the Six at the first meeting of the Luxembourg Extraordinary Council, held on 17 and 18 January in order to resolve the empty chair crisis.

**Source:** Archives historiques de l'Union européenne, Florence, Villa Il Poggiolo. Dépôts, DEP. Émile Noël, EN. 343.

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European Economic Community  
Commission

Strasbourg, 19 January 1966

Executive Secretariat  
G/33(66)

## Note to the Members of the Commission

Subject: Meeting of the Council of 17 and 18 January. Communication from Ambassador Borschette

Ambassador Borschette received Mr Sigrist on Wednesday 19 January, at 10 a.m. Mr Borschette emphasised that the information that he was imparting to Mr Sigrist was unofficial and asked that the utmost discretion be observed with regard to its substance, particularly if it directly compromised the position of one or other of the Council's members.

Mr Werner would contact Mr Hallstein in order to discuss with him how the Commission would be officially informed.

The information given by Mr Borschette about the tenor of the discussions related to both qualified majority voting and the French memorandum on the Commission.

### A. Qualified majority voting

The Six had essentially been in agreement on the following two guiding principles:

- decisions previously taken unanimously would not be amended in future by a qualified majority;
- decisions that had not been taken by the end of 1965 because of the situation within the Community would have to be taken unanimously when it became possible to adopt them.

With regard to this second point, however, one question had remained entirely unanswered and was a source of concern to most of the delegations, namely whether decisions on the negotiating mandate for the Kennedy Round were to be included among these deferred decisions.

The ideological breaking point had been the French request that majority decision-making be entirely ruled out if a country's 'vital interests' were at stake, the country in question being the sole judge of what constituted its vital interests. The other five delegations rejected this approach and tended towards the formula proposed by Mr Spaak (three readings with intervening consultations).

Finally, Mr Colombo had asked for an agreement that none of the provisions referred to above should take effect until the end of a transitional period. The French Delegation opposed this. Mr Borschette believed, however, that it would be possible to secure a concession from the French Delegation on this point.

### B. Memorandum concerning the Commission (see Doc G(66)31)

The position of the Delegations on the various points in the French memorandum was as follows:

1. The discussion of this item had been confined to an initial 'sounding out'. The Delegations had agreed that they should seek a solution without specifying what that solution should be. Mr Schröder and Mr Luns had insisted on avoidance of the word 'consultation'. The view that had tended to prevail among the Five

was that improving collaboration between the Council and the Commission was the right way to proceed.

2. All of the Delegations believed that the Council be the first to be informed about proposals from the Commission. The main problem for the French Delegation seemed to have been the publication in the Official Journal of proposals that should not have been published without the approval of the Council. This objection seemed to elicit a degree of support from the other Delegations.

3 and 4. The general view had been that these issues were a matter for the Council itself and could be resolved in due course.

5. There had been general consensus that the presentation of credentials should be the subject of a simplified ceremony attended by both the President of the Council and the President of the Commission.

6. There had been general consensus that the Council should provide information within the shortest possible period but that this requirement should apply only when official and important representations had been made to it.

7. The discussion had been limited to the application of the articles cited by Mr Couve de Murville, namely Articles 229, 230 and 231. There had been a degree of consensus in favour of reviewing the problem and seeking a solution that took account of the French views. The Netherlands Delegation had stressed that Article 229 must not be rendered null and void.

8. There had been a degree of consensus on the point that it 'went without saying' that Members of the Commission must maintain a 'degree of reticence' in their public statements. The question whether there would be an explicit decision on this point or advice given informally remained unanswered. Mr Luns had emphasised the delicate nature of the issue, given the political importance of Members of the Commission, and had stressed that reciprocity was needed on the part of governments vis-à-vis the Commission, a view that had seemed to arouse concern in the French Delegation.

9. There had been some movement towards the idea of an annual information programme that would be the subject of deliberations between the Council and the Commission and towards some kind of 'joint management', whereby the Joint Information Service would be managed not only by the Commission but by the Council, too.

10. This item had not been discussed and had been referred back to the Permanent Representatives and experts.

The Committee of Permanent Representatives was to meet in Luxembourg on 26 and 27 January, an arrangement which would adversely affect the organisation of the dinner being hosted by the Commission and the New Year reception.

On several occasions during the discussions, the German Delegation had emphasised the importance that it attached to the issues of the price of milk and the Kennedy Round.