

Note from the European Commission concerning the Luxembourg Extraordinary Council (Brussels, 30 January 1966)

Caption: On 30 January 1966, Émile Noël, Executive Secretary of the Commission of the European Economic Community (EEC), informs the Members of the Commission of the decisions taken by the Foreign Ministers of the Six during the second meeting of the Luxembourg Extraordinary Council, held on 28 and 29 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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Brussels, 30 January 1966
Confidential

Note to the Members of the Commission

Subject: Extraordinary meeting of the Council held in Luxembourg on Saturday, 29 January

Please find attached, at Annexes I and II, the texts adopted by the Ministers at the extraordinary meeting of the Council held in Luxembourg, which was concluded at 12.45 a.m. on 30 January. These texts give rise to the following comments:

a. Preliminary remarks

At the press conference, Mr Werner indicated from the outset that, in the eyes of some participants, the agreements reached were only *ad referendum*.

In reply to a question, Mr Werner said that his comment had referred primarily to Italy and France, adding that this was 'not the first time'.

With regard to the texts that had now been agreed, Mr Werner said that they amounted to a 'declaration of political intent'.

Mr Werner, it should be noted, was at pains to emphasise that these were not 'decisions' of the Council but declarations made within the Council. In other words, it may be concluded that the attached statements must be against the background of the full minutes of the meeting; this applied in particular to the decisions to be taken on agricultural policy.

b. Qualified majority voting

In reply to a question, Mr Werner said that some decisions concerning agriculture which could not be taken unanimously before 1 January 1966 would continue to be subject to the unanimity requirement. It seems that this clause, included at Germany's request, does not cover all of the measures required for the completion of the common agricultural policy, as set out in the list compiled by the Ministers of Agriculture on 29 June 1965, but only the major fundamental decisions that are still pending on fruit and vegetables, oils and fats, milk and sugar.

Replying to another question on decisions concerning the Kennedy Round, Mr Werner said that the decisions on agricultural matters should have been taken in 1965. With regard to the decisions relating to industrial matters, these were very important decisions which would fall within the scope of the general rule on which the Council had now reached agreement; in other words, the terms of the statement on majority voting would apply to these decisions.

c. The list of seven points

Replying to a journalist who had asked whether the list of seven points would include the single Commission, Mr Werner said that no specific decision had been taken on this matter. He believed that the question would be reviewed as contacts developed between the institutions.

d. The timetable

Mr Werner said that, while the agenda of the extraordinary Council meeting was confined to the two questions covered in the adopted texts, the Ministers had also taken the opportunity to exchange views on

the work that had to be done by the Council. It was extremely difficult to agree on precise, let alone binding, commitments. Accordingly, the Ministers had not made any firm decision on their work schedule for the coming months. Nevertheless, the following information was imparted:

– Date of the next Council meeting:

Mr Werner was unable to give an exact date for the next Council meeting.

The budgets would be adopted by means of the written procedure before 15 February 1966.

– Common agricultural policy:

Mr Werner recalled that the question of funding agriculture had been the cause of the split on 30 June 1965. The Council would obviously be meeting as soon as possible in order to resolve that issue. The same priority would be attached to the related decisions in order to ensure parallel development within the Community. The next meeting of the Council would also mark the start of an exchange of views on the other issues considered by the Council at its October 1965 meeting (GATT and approximation with the Common Customs Tariff). These, he said, were the most urgent problems.

– Merging of the executive bodies

The representatives of the governments of the Member States would meet on the margins of the next Council meeting and would begin the discussion of appointments to the single Commission. They would set a date for the instruments of ratification to be deposited, subject to ratification by national parliaments, and would adopt an agreement on the rotation of the Presidency and Vice-Presidency of the single Commission. In reply to a question, Mr Werner said that the merger would not take effect until agreement had been reached on the appointment of the members of the single Commission.

One participant had named 15 July as the date for the completion of the operation.

Émile Noël
Executive Secretary

Annex I

Luxembourg, 29 January 1966

(Document distributed to the press on 30 January 1966 at 1.30 a.m.) – (majority voting)

I. In instances where a decision may be taken by a majority of the Council on a proposal submitted by the Commission, if very important interests of one or more Member States are at stake, the members of the Council will endeavour to devise, within a reasonable period, solutions that can be adopted by all the members of the Council with due regard to their mutual interests and to those of the Communities, in accordance with Article 2 of the Treaty.

II. With regard to the preceding paragraph, the French delegation considers that, in instances where very important interests are at stake, discussions should continue until unanimous agreement is reached.

III. The six Delegations note that opinions differ as to the action to be taken in the event that conciliation is not entirely successful.

IV. The six Delegations nevertheless consider that such differences of opinion do not prevent the resumption of the Community's activities in accordance with normal procedures.

Annex II

Luxembourg, 29 January 1966

(Document distributed to the press on 30 January 1966 at 1.30 a.m.) – (list of seven points)

Close cooperation between the Council and the Commission is essential for the functioning and development of the Community.

In order to improve and further intensify such cooperation at every level, the Council considers it appropriate that the following cooperative procedures, which it adopted by common accord on the basis of Article 162 of the EEC Treaty, should be implemented, without prejudice to the powers and prerogatives of either institution:

1. Before adopting a proposal of particular importance, the Commission should establish the appropriate contacts with the governments of the Member States, using the good offices of the Permanent Representatives; care must be taken to ensure that this procedure does not prejudice the right to propose legislation vested in the Commission under the Treaty.
2. The proposals and all the other official acts forwarded by the Commission to the Council and the Member States must not be published until the latter have been formally notified of their substance and the texts in question are in their possession.

The layout *Official Journal* should be such as to ensure that acts with binding force may clearly distinguished as such. The rules governing the publication of texts in instances where publication is mandatory will be adopted as part of the work that is currently under way on the reorganisation of the *Official Journal*.

3. The credentials of Heads of Mission from third countries accredited to the Community will be presented to the President of the Council and to the President of the Commission, both of whom will be in attendance on these occasions.
4. Representations made to the Council or the Commission on fundamental questions by representatives of third countries will be the subject of reciprocal swift and full notification.
5. With regard to the application of Article 162, the Council and the Commission will consult on the expediency of, arrangements for and the nature of any links that the Commission might establish, pursuant to Article 229 of the Treaty, with international organisations.
6. Cooperation between the Council and the Commission in the provision of information to the Community, a subject discussed by the Council on 24 September 1963, will be reinforced by means of a definition of the programme of the Press and Information Service and joint monitoring of its implementation in accordance with procedures to be determined in due course; these procedures may include the creation of an *ad hoc* body.
7. As part of the financial regulations governing the establishment and implementation of the Community budgets, the Council and the Commission will define the means of improving the efficiency of the monitoring of the commitment, authorisation and implementation of the Communities' expenditure.