

# Note from Nicolas Hommel concerning French views on the empty chair crisis (Paris, 10 November 1965)

**Caption:** On 10 November 1965, Nicolas Hommel, Luxembourg Ambassador to France, sends a note to Pierre Werner, Luxembourg Prime Minister and Foreign Minister, in which he explains the arguments put forward by France to justify its empty chair policy.

**Source:** Archives Nationales du Luxembourg, Luxembourg. Affaires étrangères. AE 15436.

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## Telex dated 10 November 1965 from HE the Ambassador of Luxembourg to Paris

On the basis of talks between the Ambassador to Paris and Mr Wormser on 9 November 1965, the following points may be made as regards French views on the crisis in the European Communities:

1. French Government response to the joint declaration adopted by the Five at the EEC Council meeting of 25 and 26 October 1965.

Without wishing to insist on matters of form, the French Government feels that this declaration cannot be regarded as coming from the EEC Council, since the latter was not duly constituted. The French response to that declaration is therefore being addressed, through the intermediary of Mr Fornari, Italian Ambassador to Paris, to Mr Colombo in his capacity as President-in-Office of the EEC Council and member of the Italian Government. The French Government has chosen to give an oral response without, however, entirely precluding the possibility of a subsequent written response. This is merely an initial contact on the basis of which consultation among governments may continue on a bilateral basis.

2. Problems and possible solutions

Three problems arise for France:

a. Majority voting after 1 January 1967

In the opinion of the French Government, majority voting should be abandoned and replaced by unanimity. The easiest means of doing so would be to make the appropriate changes to the Treaty. If, however, that procedure met with opposition from the other partners, it would be for them to propose a different method.

b. Powers of the Commission

France does not propose to dispute the Commission's powers, but it would like to see changes to its style, attitude, conduct and practices. This problem might be resolved when the single Commission is established following the merger of the executive bodies. The rotating Presidency provided for in Art. 161 of the Treaty of Rome could serve that purpose.

c. Agricultural financial regulation

Should agreement be reached on those two political problems, the technical question of the agricultural financial regulation could then be addressed.

If a satisfactory solution is found to these three problems, France is prepared to resume its seat in the Council, and the Community will be able successfully to resume its normal activities.

3. Extraordinary Council meeting

With regard to the invitation included in the Council declaration, whereby France would attend an extraordinary meeting of the Council of Ministers in Brussels, France is willing to accept it, provided, however, that the meeting is prepared in detail and that it is held elsewhere than Brussels. In the French Government's view, the climate in Brussels is not favourable, partly because of the proximity of the Commission and the habits of journalists who besiege Council meetings. Furthermore, the idea of a meeting being held before 5 December seems rather unlikely to the French Government, given that the said meeting would require detailed preparation based on a number of contacts.

Lastly, although the French Government is not making its presence at that meeting conditional on the two political provisos, it will attend it only if there is a good prospect of agreement being reached.

The Luxembourg Government's reaction to the French views is set out in the communication addressed to

Mr Spaak on 12 November 1965 through the intermediary of the Ambassador to Brussels. It is given below.

1. Procedural question. We share Mr Spaak's concerns about a process involving bilateral talks. It cannot be rejected as such, given that bilateral contacts have, since the early days of the Communities, prepared and accompanied multilateral procedures; but we must do our utmost to prevent the solidarity among the Five from being eroded by the taking up of unilateral positions. We believe that, in this situation, the Italian Government has a natural coordinating role to play since it holds the Presidency of the Council. That method would have the advantage of situating the procedure in the Community framework.

2. Council meeting. With regard to the special Council meeting, we believe that the prime consideration is to recognise that it is taking place in a Community context. Here, sufficient flexibility must be shown, so that the procedures that are most likely to result in success may be selected.

3. Majority rule. We are concerned about the general nature of the protest made in this regard, which – if our information is correct – seems to concern the very principle of the application of the majority voting rule in the Council. At the same time, we are rather reassured by the fact that, in the final analysis, France does not seem to be insisting on a formal revision of the Treaty. That leaves some room for negotiation. On the substance, we remain of the opinion that, to a large extent, this is an imaginary problem and wonder whether it would not be possible to find a solution consisting of:

(a) reassuring the French Government about the real meaning of the majority voting rule, since that might allow us to overcome the hurdle of the third stage; and

(b) giving France the option of raising the matter again during the work being undertaken in connection with the merger of the Communities.

4. Commission. We are reassured to note that the protest is actually directed at the style and conduct of the current Commission and not, it would seem, at its institutional position. As we have repeatedly said in the past, the appointment of the new Commission will, quite naturally, mark a new departure on new foundations. The French Government's comments on some aspects of relations between the Commission and the governments do, indeed, raise problems that merit reflection.