

Note concerning the Belgian position on the empty chair crisis (Brussels, 12 January 1966)

Caption: On 12 January 1966, Henri Étienne, Head of Division of the Commission of the European Economic Community (EEC), hands to Karl-Heinz Narjes, Head of Cabinet to the President of the Commission Walter Hallstein, a summary note from Jean Maurin, Member of the Executive Secretariat of the Commission, which recalls the details of the development of the political position of Belgium and that of the Belgian Foreign Minister, Paul-Henri Spaak, since the beginning of the empty chair crisis on 30 June 1965.

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

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URL:

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Last updated: 05/07/2016

Brussels, 12 January 1966

Note to Mr Narjes, *Chef de Cabinet* to the President

Further to the discussion that you had with Mr Maurin, I am hereby forwarding to you the following two notes:

- Belgian position on the crisis
- French position in the Council on the qualified majority.

The notes in question were drawn up by Mr Maurin.

You will understand that, because of the fairly short deadline for the completion of the work, it was not possible to review all the documentation which might exist on such wide-ranging matters.

H. Étienne, Head of Division

Brussels, 11 January 1966

Belgian position on the crisis

A number of constant themes may be noted in the Belgian position (Part I). Even so this did not prevent Mr Spaak from amending his view on a number of questions (Part II).

I. The constant themes in the Belgian position

a. The dominant role played by Mr Spaak himself in the positions taken by Belgium cannot be underestimated. It is symptomatic in this respect that Ambassador Van der Meulen, contrary to his custom, often had to leave to his Minister the task of defining the position in the Council. Moreover, contrary to normal practice, the Belgian Delegation was provided with very precise and binding instructions. Mr Spaak took charge of European affairs, which had previously been handled mainly by Mr Fayat.

b. The position taken by Mr Spaak (to maintain the Community; to safeguard Belgian interests; to avoid friction with the absent partner and not to give that partner any legal pretexts; to resume the dialogue; firmness on fundamentals) seems to be explained by considerations in three main areas.

- The personal standing of Mr Spaak (Mr Spaak, father and saviour of Europe).
- The vital interest of Belgian industry in the continuation of the common market, to a large extent independently of institutional considerations.
- But first and foremost: the French-speaking part of the country, especially the French-speaking part of Brussels, which constitutes Mr Spaak's constituency, has in fact been extremely sensitive to French feelings on 'undertakings not honoured' and 'the inclusion of agriculture in the common market' etc. A collapse of the common market could have profound effects on Belgian unity. The policy pursued by moderates, such as Mr Spaak, consists in avoiding any choice between France and a certain form of Belgium which French-speaking circles, rightly or wrongly, believe to be imposed by the Flemish majority.

The fact is that these sections of the population — which, after all, turned their backs on the PSC and Socialist Parties at the May elections — have disowned their Belgian patriotism without, for all that, seeking a solution in Europe. Their reaction is much more cultural than political. It should be added that the same elements, especially those on the right (*La Libre Belgique*), have, since the establishment of the Communities first began, been subjected to anti-ECSC propaganda, although this has been somewhat muted in the case of the EEC and Euratom. The attacks on the members of the executive bodies, which moderated after their move to Brussels, were, nevertheless, virulent from 1952 onwards, so there is nothing unprecedented about attacks of this kind.

Accordingly, it would be easier to persuade Mr Spaak to seek flexible outcomes by sacrificing the position of the Commission, as the latter and its officials, although certainly in error, are viewed by the population, especially in Brussels, as a privileged elite. What could be more normal than to attribute exaggerated ambitions to that elite, and what could be more human than to take them down a peg or two?

While the Belgian population as a whole is not inclined to make a fuss if certain liberties are taken with the institutional system, the question of the seat of the institutions is, by contrast, of paramount importance, especially for the people of Brussels, and the political fate of Mr Spaak would be compromised if the Berlaymont complex were not occupied and if rents were to fall.

Perhaps the fact that Mr Spaak has not finally rejected the dramatic solution put forward by Baron Snoy may be explained by this concern to save the establishments in Brussels at all costs.

These considerations of substance serve to explain more fully the position taken by Mr Spaak.

– Maintaining the Community

From the first week of the crisis, the only instruction given by Mr Spaak to his representatives was to ‘maintain the production machinery’, to put it in strike terms. This implies that it is possible to confirm technical agreements but that no commitment can be entered into by the five partners.

– Avoiding all unnecessary friction with the absent partner

From the first week in July, the Belgian Delegation recommended doing only what was absolutely necessary.

Mr Van der Meulen won support for the proposal that, for the moment, ‘we limit action to communicating general orientations, conducting an exchange of views and, where appropriate, recording agreement between the delegations. But no decisions should be taken in the absence of a delegation’.

Moreover, the French delegation must be informed immediately and regularly (Permanent Representatives Committee, 8 July 1965).

During the second half of July, Mr Van der Meulen expressed doubts about the appropriateness of continuing discussions on the development of the Community. Consequently, he asked the Permanent Representatives Committee itself to decide whether a task fell under the heading of management or of development. He began by asking the Secretariat-General to draw up a list of matters pending according to whether they fell into one or the other category.

The other delegations would not commit themselves explicitly to such a clear-cut distinction and, in the end, the Secretariat was instructed to draw up a list of decisions to be taken by 30 September and, later on, by the end of the year.

In addition, at the most recent meeting of the Permanent Representatives Committee, held in July, Mr Venturini was able to secure acceptance of the view that it was important not to change anything in the normal operation of the groups. It was for the respective chairmen of the working groups to call meetings and to draw up agendas; the Permanent Representatives Committee would — as in the past — retain a right to take charge of matters under consideration.

Council decisions: as from the meeting of the Permanent Representatives Committee on 14–15 July, Mr Van der Meulen took the view that the Council could take decisions only by the written procedure for the moment.

Validity of the Council: Mr Van der Meulen had declared the Council meeting on 25–26 July to be

inopportune, but the German, Italian and Dutch delegations stated openly that they were in favour of the Council meeting being held.

The Belgian delegation seemed hostile to the inclusion of the financing of the common agricultural policy on the agenda, stating that it noted the position of the Presidency on this matter.

Some days before the Council meeting of 25–26 July, Mr Van der Meulen had declared to his colleagues that Mr Spaak required, as a condition of his participation, that, prior to the adoption of the agenda, an exchange of views should be held in the Council with the object of determining whether the Council could meet without its French member.

The thinking of Mr Spaak at the time emerges from a report published in *La Libre Belgique* on 14 July 1965 on the position taken by Mr Spaak at the extraordinary session of the NATO Council held in Paris (13 July 1965). On that occasion, Mr Spaak had an hour-long meeting with Mr Couve de Murville. Mr Spaak stated, in particular, that in his opinion Paris was right on several points in dispute and that he thought that France had not shown any particular intransigence.

Mr Spaak indicated that, in principle, he did not favour five-member meetings and that the rule of unanimity still applied in the EEC. He expressed doubts as to whether the Council meeting on 26 July in Brussels would actually take place. He explicitly referred to contacts which were being restored on a bilateral basis and expressed the hope that, later on, meetings would again be held with six members attending.

At the Council meeting of 26 July 1965, a preliminary exchange of views on the situation was held, as Mr Spaak had requested. He stated that, while opposed to the meeting of the Council, he had bowed before the majority. Now, the first thing to be done was to set the limits within which the Council could work.

Mr Spaak took a first step towards his partners by accepting that the Council could ‘deliberate’, but he raised some other questions of a legal nature: can the President of the Council ask the Council to vote on matters of substance and on the agenda? As the question of voting had not been resolved, he did not want a vote to be taken. The necessary decisions could be taken by the written procedure on the ECSC model. Before the next meeting of the Council, the governments should seek among themselves a solution to the problems arising from the absence of a partner.

On this occasion, President Hallstein thought it premature to carry out legal studies which would show France to be in breach of the Treaty.

In view of the determination of his partners, Mr Spaak backed down by accepting the following summary which Mr Fanfani had made of the discussion:

‘Everyone recognised that it was the duty of the President to convene the meeting. No contentious intention was attributed to anyone.

There was agreement on some essential points:

1. The Council may meet
2. It may deliberate
3. Circumspection requires that, in attending to formalities, the situation should not be exacerbated unintentionally.

The absence of a partner increased the responsibility of the five remaining members of the Council towards the Community. They must not allow the Community to be paralysed. But they must also make allowance for the absent delegation in order to facilitate its return.

For this reason, everyone favoured a procedure whereby the legal question would not be considered until a later stage and whereby discussions requiring a vote would be avoided. But, for the moment, what mattered

was to do everything necessary to ensure that the Community continued to function. For that reason, everyone was agreed for the time being to apply the written procedure.’

With regards to the financing of the common agricultural policy, the Belgian Delegation on the Council took up the suggestion of Mr Werner that the French Government be asked to accept the date of 1 November 1965 for the financial regulation. This could be applied retroactively to 1 July 1965. Mr Fanfani did not greatly favour such an approach to Paris. What should be done was to continue the work in a Community spirit and to instruct the Permanent Representatives to prepare the next meeting of the Council, which would be held on 7–8 October. No one opposed that date.

On 9 September, General de Gaulle held his press conference. On 16 September, the Permanent Representatives Committee resumed its work, commencing with a consideration of the Commission memorandum.

‘Mr Van der Meulen noted that everyone was affected and disconcerted. He said that it would be some time yet before a position could be adopted. It was necessary to pass on to the discussion of political matters — particularly that of knowing how to bring to the attention of the absent delegation the results of all that was going to be done — within an appropriate and certainly more restricted framework.’ He stated again in writing: ‘We must conduct this discussion without prejudice to the diplomatic resources which may be applied.’ As regards matters of substance, the Belgian Delegation has been particularly active in seeking a compromise which would not give any pretext to the French delegation on the subject of undertakings which might not have been fulfilled.

At the same meeting of the Permanent Representatives Committee held on 16 September, it turned out that 7–8 October could not be adopted as a date for the Council meeting. As Mr Van der Meulen knew the reservations of Mr Spaak with regard to the holding of the Council meeting, he stated that he was not in a position to give any undertaking on 25–26 October, the Council itself having set the date for 7–8 October.

Mid-September saw the publication of the articles of Baron Snoy, whose themes were taken up by Senator Étienne de la Vallée Poussin.

At the same time, Mr Pompidou and Mr Couve de Murville made firm declarations.

In the Permanent Representatives Committee on 21 September 1965, Mr Van der Meulen stated that he had received instructions to avoid for the moment any decision or policy orientation on the tactics to be adopted with regard to France.

He reserved for his Minister the option of considering this question in the Council on 25–26 October. He nevertheless accepted that, if, in the weeks ahead, the other delegations confirmed in the name of their governments the approach which had just been agreed, that would be an important reason for the Belgian Government to revise its attitude (to seek an agreement on the financing of the common agricultural policy, on the understanding that no amendment of the Treaties may be accepted until the normal life of the Community has resumed). In other words, if France wants to secure the financing of the common agricultural policy, it must sit at the negotiating table.

In the days which followed, the question of the Spaak Plan was addressed for the first time, and contacts took place, in particular with Mr Hallstein.

After 25 September, Agence Europe let it be known that Mr Spaak was proposing not the holding of an intergovernmental conference, but of a meeting of the EEC Council. Agence Europe indicated that, after the crisis of 30 June but before General de Gaulle’s press conference, Mr Spaak was strongly inclined towards a compromise, and it was not impossible that, at the time, the convening of an intergovernmental conference had been envisaged. Mr Spaak held the view that there had to be a meeting and that it should, of course, be within under the aegis of the Community institutions. If that was necessary to secure the return of France, a meeting of the Council could be held without the Commission. If France wanted a revision of the Treaty, it

had only to follow the procedure laid down in Article 236, which provides for unanimous decisions.

On 27 September, the debate organised by the Junior Bar Association of Brussels took place between Mr Spaak and Mr Schuman.

Here, the Spaak Plan was set out in tangible terms, the point being made that a Council meeting must be called in Brussels 'to consider the situation'. Mr Spaak expressly agreed that technical questions could be included on the agenda, particularly the agricultural problems. That was a major concession by Mr Spaak.

Mr Spaak stated his opposition to the revision of the Treaty and added that, even if the Commission had made tactical errors, that would not be sufficient to amend its basic functions. On the other hand, if an interpretation of the Treaty were called for, a discussion was possible. By way of example, he said 'the principles of the common agricultural policy were laid down by majority decision, and some think that we shall make use of the majority rule to review them. That is not possible. No government can think that.'

Mr Spaak regarded the question of the qualified majority as a major problem.

It should be noted that *La Libre Belgique* (1 October 1965) interprets the Spaak Plan in its own way:

'The Spaak Plan

1. Suggests a meeting of the Council of Ministers without the EEC Commission, in other words an intergovernmental meeting as indicated by General de Gaulle in his press conference;
2. Proposes that agriculture be included in the common market in accordance with the wishes of France to reach agreement on the question of the financial regulation;
3. Provides for certain adjustments with regard to progress towards the qualified majority which would prevent putting France into a minority position on the agricultural problem from 1 January next, the date on which majority voting will come into effect.'

29 September: discussion between Mr Fanfani and Mr Couve de Murville in New York in the presence of Mr Venturini.

At the meeting of the Permanent Representatives Committee of 30 September, Mr Spaak set out the basic position of his Government, which had been passed on to all the governments of the Member States: the crisis must be resolved on the basis of the Treaty and using the instruments of the Treaty. There should be no revision of the Treaties. Agricultural financing was viewed as particularly important, but it was not possible to accord priority over other areas of the common market either to it or to agricultural policy. The position of the Commission must not be jeopardised. Cooperation between the Commission and the governments could perhaps be improved further.

Mr Spaak's entourage seemed annoyed that the Plan did not meet with the enthusiastic support of the Commission (*La Libre Belgique* of 7 October 1965: 'Excessive zeal, Mr Hallstein!').

On 8 October, Mr Spaak sent his Plan to his Dutch and Luxembourg partners. Suddenly, it seemed that the Dutch did not accept agricultural matters being discussed in the absence of the Commission. This view would also be supported by Bonn, once Bonn and Rome had also received the Spaak Plan. Germany was opposed to agreements on problems relating to the 'conduct of the Commission' and the qualified majority. It accepted that application of the principle of the qualified majority should be avoided when vital interests were at stake, particularly at a time when the Community was still being formed.

Between 6 October and 25–26 October, the Permanent Representatives Committee actively sought a formula for agreement on the financing of the common agricultural policy. It proved that the Belgian concern (no irreversible agreement or *diktat* from the Five) tied in with German concerns that no firm commitment

should be made which would have to be agreed a second time. Consequently, the inclination was to leave blank certain points which would still have to be considered by the Six. Otherwise, the Five would agree outline policy but would not take any irreversible decisions.

In the interim, the budgetary problem was becoming a matter of urgency. The commitments entered into by the Belgian Government in the Berlaymont affair obliged it to establish a position in favour of the budget, since the automatic formula of provisional twelfths could not cover these commitments. In the same way, Belgium needed cover for the Euratom research and investment budget.

As the Deputy Permanent Representative of France had given to understand that France could agree to the use of the written procedure for an operating budget (which would involve only the increases already approved), the Belgian Delegation focused all its efforts on securing agreement among the Five in favour of a budget pruned in this way, but including the buildings. The Belgian Delegation was manoeuvring, very adroitly moreover, to ensure that the other delegations did not add to the budget other appropriations which would be difficult for France to accept and which could lead the Council to adopt a qualified majority position against France.

Yet, at the Council meeting of 20 November, Mr Spaak agreed that the Council should hold a special meeting on 21 December to consider the budgetary situation if France had not accepted by then. However, this position was not absolutely inflexible. Indeed, at the Permanent Representatives Committee meeting of 6 January 1966, when it proved that France had still not approved the preliminary draft budget, Belgium certainly agreed to the convening of a Council meeting on 31 January but denied that the purpose of that meeting would be to take a 'decision' on the budgets. The sole purpose of the meeting would be to review the budgetary situation.

The position of 'sacrosanct self-interest' taken by Belgium in budgetary matters inevitably caused some annoyance to its partners. At one point, the Italian Delegation gave to understand that it would reject the appropriations on the buildings if the oranges affair was not suitably resolved. Also, Mr Van der Meulen had to give up a certain number of increases in appropriations in the Euratom research and investment budget in order to secure the agreement of the other four partners on a budget.

The Council meeting of 25–26 October was overshadowed by the provocative statements made by Mr Couve de Murville in the National Assembly on 20 October.

Mr Spaak, contrary to his usual prejudice against meetings of the Council with five members present, felt that the meeting on 25 October was more worthwhile than ever.

In the Council, Mr Spaak joined with unusual vigour in putting pressure on his German counterpart to accept the guidelines on financing. Moreover, he made a number of major concessions in order to secure the agreement of the other four partners to the Spaak Plan (declaration of the Council; search for a solution to the problems which took account of the Treaties and their institutions; instruction to the President of the Council to establish contact with the French Government; adoption of the agricultural policy in accordance with Community procedures; meeting in Brussels, agenda limited to a consideration of the general situation of the Community).

On the other hand, France was not required to accept the invitation by any specific date.

In addition, the governments agreed among themselves that they would not accept any amendment of the Treaties.

At the Council meeting of 29–30 November, the position taken previously was confirmed. At that meeting, the five countries seemed to be agreed among themselves on 'up to what point would be going too far' with regard to the French demands. Here, too, the position of Belgium seemed to be in line with that of the other partners.

Since 26 October, Mr Spaak, like his four partners, had endeavoured to avoid being enmeshed in the process of bilateral talks with France, and solidarity among the Five had had no more ardent devotee than Mr Spaak.

The tone of the announcement by General de Gaulle that he was standing for President and his subsequent declarations did not result in the slightest change in Mr Spaak's position. On the other hand, after learning the results of the first round and before the second round, Mr Spaak lost no opportunity to make it known that the continuation of the Community with five Members would be 'the solution of despair'. Between the two rounds, Mr Spaak was, in this way, invoking a threat when he referred to the Snoy Plan.

II. Development of the Belgian thinking

Closer examination shows that, whatever the concern of Mr Spaak may have been to see the dialogue with Paris resumed, he was always careful not to become isolated from his Benelux partners. For the matter in hand, Mr Spaak's action won the agreement of his two Benelux partners, although positions on the future outlook might differ (see, in particular, decisions taken by five members).

Gradually, Mr Spaak moved away from the idea of diplomatic talks and back to that of discussions within the Community framework. He abandoned the idea of a discussion of the common agricultural policy without the Commission. He accepted prior solidarity among five members: no amendment of the Treaty; prior determination of fall-back positions.

On the other hand, Mr Spaak did not compromise with his partners when it came to 'not being in the wrong' in relation to the absent delegation. This had been the case, in particular, as regards the tariff changes which entered into force on 1 January 1966. Finally, it seemed that Mr Spaak was not in favour of scheduling an ordinary Council meeting for 31 January 1966.

At the Council meeting of 25–26 October, he declared his readiness to defend the Community thinking at the Colloquy, which he did not want to be postponed. Mr Spaak's position vis-à-vis French prevarication became increasingly impatient.

With regard to the Commission, it could be noted that the criticism levelled at it ceased after 26 October, apart from the burst of anger at the Council meeting of 29–30 November, when the oranges question was considered.

The negative attitude towards the Commission seemed to reach a peak in the first few days of October, when the Commission appeared to raise difficulties as regards the adoption of the Spaak Plan. This was also the time of the publication in *La Libre Belgique* of the article on the conditions in which the proposals on financing were adopted in the Commission. The article in question could have been inspired only by interested parties with an intimate knowledge of the matters in question.

Since then, Belgium has held firmly to the position that the only thing that can be done at the extraordinary meeting of 17–18 January is to seek 'possibilities for a substantial improvement in relations between the Commission and the Member States'.