

Interview with Georges Berthoin: the United Kingdom and the European Commission (Paris, 22 July 2005)

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[Étienne Deschamps] How did the English, how did the British regard the Community Institutions, and particularly the Commission, the institution whose seat was in Brussels? How did the British regard this institution?

[Georges Berthoin] They found it difficult to understand the institutional system — but it was not understood very well by the Six either. There was something utterly new that came about as the result of much reflection and the result of a course of events: the Commission. At the international level there is no precedent for an institution that is legitimately responsible for identifying the common interest, for explaining it and, on this basis, for putting forward proposals. I have often explained to the British that the Commission was rather like what exists in the British system, that is to say, the Permanent Secretary, or the top civil servant. You know that in the British tradition, there is a considerable difference between the political side – the members of Parliament who are ministers – and the administration. Just to show you how far this goes: if a minister belonging to one party asks a Ministry's Permanent Secretary for some documents concerning what a predecessor from another party has done, they will not be handed over to him. A note will be made of the issue. In other words, the Civil Service is an independent and neutral entity. And they have managed to maintain this independence in spite of a whole series of attempts made on it, especially in the period of Mrs Thatcher and her colleagues. Why was this so? The British Civil Service is there to represent the public interest; it is the politician's responsibility to decide on this or that course of action, to apply his programme and to explain to the public the reasons why this or that measure is desirable. And as for the political arena, that is the province of the politicians, not the civil servants. Even where leaks are concerned, however planned they may be. In the well known film 'Yes, Minister', this difference is clearly visible. Of course, the Civil Service can manipulate a politician who is new to the job and is not altogether in the know, but the old hands are less easy to manipulate. So I explained to them. I said 'The Commission corresponds to the Civil Service with one difference: it is that in the British system, the Civil Service is, hierarchically speaking, at the disposal of the politician. Whereas within the European system, the European Commission is on an equal footing with the political system, which is represented by the national ministers, the Council of Ministers. Furthermore, the Commission, by contrast with the Civil Service, has become increasingly responsible to the European Parliament, which has power of censure.' That is why they referred to: 'The Brussels technocrats, the Brussels bureaucrats, the Brussels officials...' I would answer: 'Not so. They are political figures because they have political responsibilities, not towards the governments but to the European Parliament.' As a result they finally understood this and they accepted it, for the idea of parliamentary supervision is an easy one for them to assimilate because of the British parliamentary tradition. Besides, when the British entered the European Community, they were behind a certain number of what one might call 'technical' reforms regarding relations between the European Parliament and the Commission. The system of oral and written questions existed already, but it was more widely developed as a result of the British tradition of Prime Minister's question time, when he replies to questions during a tough oratorical jousting match that takes place every week between the Prime Minister and the Parliament. So they finally understood, but that system was rather strange in their eyes. What is more, it was all the stranger for Great Britain's having no written constitution, apart from the European Treaties. It is easy to forget that the only element of a written constitution which exists in UK practice, is that of the European Treaties. As a result they were very suspicious, and one could feel it: within the constitutional policy area they really do not like to have texts that are legally too binding. Why is this so? It is because they always seek the flexibility given by practical compromise, and so forth. The European institutions were, in the end, understood, accepted — with some difficulty — but the British tried to derive the greatest benefit possible. In my opinion, they did not manage to do what they had intended to do, namely, to become the masters of these institutions. The French also failed in this. It is a never-ending battle-ground; the Benelux countries are together on one side, and you will see that the countries of East and Central Europe will be drawn up on the same side. This is because the so-called small countries, which enjoy total equality as regards sovereignty, tend to trust the common institutions, and the Commission in particular, since it represents the common interest, while the large states prefer to practise 'nineteenth century' diplomacy within the European system. And we are right in the middle of a crisis of this nature at this very time. To sum up: suspicion, the strange feeling of finding themselves in a system based on a written constitution that they had never known, and a

degree of disappointment at not being able to control the whole system, since they learned that no one can control it entirely. I think that when they realised that they could not become the masters of the system, they applied the laws in a much more scrupulous fashion than many continental countries did, because the law is the law, but they did not exert themselves unduly to develop it further. There.