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An opportunity or a threat? : the European Commission and the Hague Council of December 1969

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An Opportunity or a Threat?
The European Commission and
The Hague Council of December 1969

The Hague Council communiqué signalled that the European Heads of State and Government looked back at the Community's first decade of operation with a fair degree of pride. Never before, they speculated, had independent states gone so far in cooperation with one another. Paragraphs five to fourteen, meanwhile, set out an ambitious set of future Community targets spanning all three elements of the broad triptych of *achèvement*, *approfondissement* and *élargissement* that President Pompidou had invited his colleagues to discuss.¹ If these goals were reached, the Community truly would have completed its initial programme, deepened the level of cooperation attained by opening up new areas of EEC activity and widened its geographic scope by admitting several new member states and concluding commercial arrangements with most of the Western European states that were not yet in a position to join. Given that much of the Community's past advance had been based on proposals put forward by the European Commission, and that its ambitious new targets would once again require similar Commission activism, the Brussels body might have been expected to view these conclusions as a welcome pat on the back for its earlier work and an exciting invitation to press ahead in its endeavours. The Commission should also, logically, have welcomed the new degree of consensus that The Hague meeting appeared to indicate amongst the EEC member states, since its role, its personnel and its scope for action had all been adversely affected by previous discord amongst the Six national governments. But as this article will show, Commission pleasure, anticipation and relief, while genuine, coexisted with a degree of discontent. In part this sprang from what the Heads of State and Government chose not to mention in their final communiqué; more fundamentally, it also reflected the forum and manner in which The Hague Conclusions had been drafted and what this demonstrated about the European Community's gradual institutional evolution.

¹ The communiqué is reprinted in full as an annex to European Commission, *Troisième Rapport Général sur l'activité des Communautés 1969*, (European Commission: Brussels, 1970), pp.520-4

Accentuating the positive

Commission pleasure at the outcome of The Hague summit sprang from three main sources. The first of these was the reaffirmation of the Community's political purpose – or to use the language of the communiqué itself, 'les finalités politiques' of European integration. These had all too often been forgotten of late, Jean Rey told the European Parliament, referring no doubt to the way in which EEC negotiations had become dominated by references to narrow national interest (often expressed in purely economic and financial terms) rather than the lofty idealism and *esprit communautaire* which had seemingly characterised the early stages of the EEC's existence.² The Commission had always deplored this trend. Although ready to acknowledge that national interests could and should be pursued through the Community system, the Commission had grown apprehensive about the manner in which Community negotiations from the mid-1960s onwards became ever more dominated by the tactics of ultimatums, linkages, threats and even boycotts.³ A reaffirmation, by the most senior European gathering possible, of the fact that European integration was a fundamentally political process, of greater long-term significance than the financial or economic impact of the latest agreement struck in Brussels, would be a valuable brake on this tendency.

It was also likely to be of value – although for obvious reasons Rey did not say this quite so explicitly – when the Community stood on the verge of an enlargement process which looked likely to bring into the EEC a number of states, with Great Britain to the fore, that had long been suspected of having a rather cool attitude towards the long-term political aims of European integration and a much greater interest in the short and medium term tangible economic and financial gains.⁴ Future Commission representatives wanting to follow Hallstein's lead and persuade observers, not to mention participants and would-be participants in the Community process, that fundamentally the EEC was about 'politics' and not 'business', would

² Débats du Parlement européen. Session 1969-1970. Séance du jeudi 11 décembre, 1969, pp. 165-6

³ For an indication of Commission awareness that national interest had its place within the system, see Hallstein's speech in Kiel. European Commission Historical Archives, Brussels (ECHA), speeches collection. Lecture at the Institut für Weltwirtschaft, Kiel, 19.2.1965; for Hallstein's alarm at the spread of 'non-communautaire' negotiating tactics, see for instance his decision to address letters to national governments in early 1964. ECHA. COM (64) PV 259 final, 2e partie, 29.1.1964.

⁴ Such suspicions had been one of the reasons why some among the Six had so opposed allowing the British applicants an opportunity to recast the Treaties of Rome. See N. Piers Ludlow, *Dealing With Britain: The Six and the First UK Application to the EEC* (Cambridge University Press, 1997), p.56

now be able to refer to The Hague summit conclusions as well as to the more traditional source, namely the Treaty of Rome preamble.⁵

A second, and still greater source of satisfaction for the Commission, was the way in which The Hague communiqué mapped out a bold set of new challenges for the integration process. Under the heading of ‘completion’, there were several summit conclusions which gave the Commission particular pleasure. One such was the member state willingness (paragraph 5) to complete the Community’s transitional period at midnight of December 31, 1969 and to pass into the definitive stage mapped out by the Treaty from 1970 onwards. This decision was seen as a vindication of the way in which the Commission had kept its nerve, earlier in the year, and resisted strong and numerous calls for the transitional phase to be prolonged and the 1970 deadline allowed to pass by unobserved.⁶ Such calls had been justified on the grounds that a Community so at odds with itself and so chronically unable to reach agreement on any significant measures as the EEC of 1969, could not possibly hope to complete its transitional phase on time. The summit communiqué, especially when taken in conjunction with the flurry of Council of Minister agreements that both preceded and immediately followed the Heads of Government’s meeting, appeared to demonstrate that Commission had been right to disregard the Cassandras and press on with the Treaty timetable.⁷

Equally important was the summit’s recognition that agreement would have to be reached, prior to the year’s end, on the financial regulation establishing how the Community’s ever more costly agricultural policy would be paid for, creating the system of Community own-resources the Commission had long awaited and putting in place a greater degree of European Parliamentary control over the EEC budgetary process. (Paragraph 5). This package of measures was not just the outcome of a lengthy and delicate preparation process within the European Commission (although scrutiny of the Commission minutes for 1969 demonstrates that the drafting process had been both time-consuming and divisive); it was also a set of provisions of immense intrinsic and symbolic value to Brussels, which if agreed would consolidate

⁵ For Hallstein’s claim see, for instance, Leon Lindberg...

⁶ The Commission decision to ignore calls for postponement is in ECHA, COM(69) PV 76, 2e partie, 30.4.1969. The institution’s earlier doubts are clear from COM(69) PV 72, 2e partie, 19-20.3.1969. The Commission was very open about its ambivalence on this issue in the *Troisième Rapport Général sur l’activité des Communautés 1969* (Brussels-Luxembourg: Commission, 1970), pp.15-6.

⁷ The most important of the Council agreements was that on CAP finance, reached on December 22, 1969.

even further the CAP – still in 1969 very much the Commission’s flagship policy - would give the Commission a much greater degree of financial independence than it had hitherto enjoyed and would at last bring some tangible reward for the Commission’s long-standing campaign to see some increase in the powers of the European Parliament.⁸ And, perhaps still more important, the package was a virtual re-run of those proposals which, when submitted in March 1965, had precipitated the most serious crisis of the Community’s twelve year history.⁹ Given that one of the key problems in 1965 had been that several member states – Germany and Italy most obviously – had not been prepared to accept that the deadline for agreeing the financial regulation was nearly as sacrosanct and as unbreakable as the French maintained, the recognition by all of those present in the Dutch capital that agreement did have to be finalised by December 31 was of immense importance and rendered much less likely a recurrence of the earlier crisis.¹⁰ This was all the more significant in view of the fact that Italy had been hinting strongly, both prior to the conference and at The Hague itself, that it did not feel itself bound by the 1969 deadline.¹¹ French success in persuading Rumor, the Italian Prime Minister, to put his signature to a communiqué including a firm date was thus a welcome development for both Paris and the European Commission. With the summit conclusions binding all of those who would feature in the forthcoming Council marathon on the subject, the prospects of agreement being reached on the single most important Commission proposal of 1969, were vastly improved. Rey and his colleagues could not but welcome this development.

Also highlighted by the Commission President in his speech in Strasbourg – indeed described somewhat improbably as the single most important outcome in terms of ‘achèvement’ – was The Hague pledge to resolve the ongoing crisis of

⁸ Some indication of the internal Commission debate about this can be gained from ECHA, COM (69) PVs 76, 78, 83, 85 & 86.

⁹ See e.g. Matthias Schönwald, ‘Walter Hallstein and the “Empty Chair” Crisis 1965/6’ and Maurice Vaïsse, ‘La politique européenne de la France en 1965: pourquoi “la chaise vide”?’ both in Wilfried Loth (ed.), *Crises and Compromises: The European Project 1963-1969* (Baden-Baden: Nomos, 2001), pp. 157-172 & 193-214

¹⁰ For the importance of this German and Italian position in 1965, see N.Piers Ludlow, ‘Challenging French Leadership in Europe: Germany, Italy and The Netherlands and the Outbreak of the Empty Chair Crisis’, *Contemporary European History*, vol. 8, no. 2, (1999), pp.245-7

¹¹ Archives Nationales (AN), Pompidou papers, 5AG2/1036, Raimond to Pompidou, 27.11.1969; for Rumor’s comments at The Hague itself, stressing the number of issues that had to be settled alongside the financial regulation, see SGCI archives, Fontainebleau (SGCI), versement 900568, article 386, Ministre des Affaires Etrangères note, MU/SF No. 19 col/CE, 6.12.1969

Euratom.¹² This reflected the European Commission's dissatisfaction with the way in which the 1967 fusion process, had not brought together three healthy institutions, but had instead merged the thriving EEC Commission with the seriously ailing, if not moribund, High Authority of the ECSC and the Euratom Commission.¹³ Any promise of new money, attention, and commitment from the member states to the atomic energy Community might bring to an end this highly unsatisfactory state of affairs.

Perhaps even more enticing for the Commission than the promises of completion were the vistas opened up by those paragraphs of The Hague communiqué dealing with 'deepening'¹⁴. One of the recurrent themes of both the Commission's internal deliberations during the latter half of the 1960s, and of its public pronouncements had been the desire to find new fields of EEC activity now that the original Community agenda – the establishment of a working customs union and the parallel construction of a CAP – was all but complete.¹⁵ After all, a future spent merely maintaining and periodically tinkering with, the existing *acquis communautaire*, would scarcely justify a bureaucracy the size of the European Commission, nor contain much scope for the type of political *engrenage* that many in Brussels still hoped would drive the EEC forward towards out and out political unity.¹⁶ It was hence extremely good news for the European Commission that the Heads of State and Government had collectively decided that the Community needed to press forward into a number of challenging and important new areas of activity.

Of these the single most exciting was probably monetary cooperation. This was admittedly a field where the European Commission had already taken its first tentative steps. Indeed The Hague communiqué explicitly referred to the Barre Plan of February 1969, one of the early Commission forays into the field of monetary affairs. But the Barre Plan had been more notable for its caution than for its

¹² Débats du Parlement européen. Session 1969-1970. Séance du jeudi 11 décembre, 1969, pp. 165-7

¹³ See the section on 'la crise de d'Euratom' in *Deuxième Rapport Général sur l'activité des Communautés 1968* (Brussels-Luxembourg: Commission, 1969), pp.15-6

¹⁴ It was certainly on this that the Commission's assessment of 1969 chose to dwell. *Troisième Rapport Général 1969*, pp.17-8

¹⁵ It was for instance an important sub-text throughout the discussions of enlargement in the later 1960s. See e.g. ECHA. COM(67) 750 Annexe 2. *Avis de la Commission au Conseil concernant les demandes d'adhésion du Royaume-Uni, de l'Irlande, du Danemark et de la Norvège*, 29.9.1967

¹⁶ For a good example of ongoing faith that spill-over would in the end prevail, see Walter Hallstein, *Europe in the Making* (New York: Norton, 1970), pp.

audacity.¹⁷ To receive member state sanction to go much further and faster towards full economic and monetary union was a huge and potentially highly rewarding development. Here was certainly an area of European activity which would provide ample scope for Commission activism and for large-scale economic and political spill-over. Only a truly moribund institution could have failed to react with excitement to this prospect.

Another reason to welcome member state activism on monetary affairs was the way in which discord and inaction in the field of exchange rates might actually threaten the EEC's existing activities. This danger had already been brought home to the Commission in the course of the preceding year when first the devaluation of the French Franc and then the re-evaluation of the *Deutsche Mark* had brought to an end that cocoon of currency stability within which most of the early phase of European integration had occurred, demonstrated the degree to which unilateral member state actions in the monetary field had the potential to aggravate relations amongst the Six and greatly complicated the operation of the CAP whose centralised price system had been posited on the maintenance of exchange rate stability between EEC nations.¹⁸ Should the 1969 currency movements prove to be harbingers of much more generalised exchange rate instability, then the Community might not merely find forward movement difficult, but could actually discover itself to be moving backwards, with both the CAP and the customs union seriously under threat. Again there were strong reasons for Rey and his fellow Commissioners to be thankful that the summit had not chosen to ignore this issue.¹⁹

Also potentially encouraging for the Commission was the member state commitment to expanding their cooperation in the field of technology. Like monetary affairs, this had long been spoken of in Brussels as a potentially fruitful area for Community expansion. The Commission had for instance reacted to Harold Wilson's rhetoric about a European technological community with a degree of interest that this

¹⁷ See ECHA, COM(69)150, *Memorandum de la Commission au Conseil sur la coordination des politiques économiques et la coopération monétaire au sein de la Communauté*, 12.2.1969

¹⁸ For the anxious Council debates that followed the French and German decisions see Council of Ministers archive, Brussels (CMA), R/2416/69, Procès verbal de la 78^e session du Conseil, 11-12.8.1969 & R2420/69, Procès verbal de la session extraordinaire du Conseil tenue à Luxembourg, 27.10.1969.

¹⁹ The 1969 activity report was explicit about the link between the currency movements, the dangers they posed, and the forward steps taken at The Hague. *Troisième Rapport Général 1969*, pp.14-5

vaguest of schemes almost certainly did not deserve.²⁰ And like monetary affairs, technological cooperation, if realised would both underline the ever greater importance of the European integration process (what field could be better calculated to capture popular imagination than the successful realisation of large-scale joint European high-technology projects?) and offer a terrain in which Commission expertise could be rapidly built up (some of it was already present thanks to Euratom after all) and used to consolidate the institution's vital role as a mediator, broker and catalyst in member state cooperation. High-tech industrial co-operation had long been spoken of a field where pan-European action might lessen the continent's backwardness vis-à-vis the US: ideas for a European armaments pool had for instance been actively discussed during the early and mid-1950s.²¹ The Hague pledge to act in this field could be taken by an optimist as an indication that some of these ambitions were at last going to be realised. It was very much in the Commission's interest to see that they were.

And even one of The Hague's less noted conclusions, paragraph 16 which spoke of ensuring that European youth was more closely involved with the integration process offered the Commission scope to suggest new areas of co-operation. In April 1970, for instance, the Commission submitted an aide-mémoire to the Council in which it outlined a number of ideas about how the Community – and therefore the Commission – might be more active in this field.²² The exact substance of these ideas need not detain us; what was more telling was the way in which the Commission proposal was studded with references to the Heads of Government's communiqué in much the same way that many more recent Commission initiatives take their cue from the conclusions of the European Council. This demonstrates the extent to which the Commission realised, from the very outset of member state summitry, that proposals carrying with them the *imprimatur* of the Community's most senior political leaders would be much harder for the Council of Ministers to reject than ideas advanced purely as Commission initiatives.

²⁰ On Wilson's plans see John Young, 'Technological Cooperation in Wilson's Strategy for EEC Entry', in Oliver Daddow (ed.), *Harold Wilson and European Integration. Britain's Second Application to join the EEC* (London: Frank Cass, 2003), pp.95-114; for Commission interest see, e.g., the 1967 *avis*.

²¹ See Elena Calandri, 'The Western European Union Armaments Pool: France's Quest for Security and European Cooperation in Transition. 1951-1955', *Journal of European Integration History*, No. 1, volume 1, 1995, pp.37-63.

²² ECHA, SEC(70) 1220, *Prise de position de la Commission sur les suites à donner au point 16 du communiqué final de la conférence de La Haye*, 14.4.1970

Commission interest was equally strong in that the final category of action decided upon at The Hague namely enlargement. By 1969, the days had long gone when the Commission had been sceptical about enlargement, regarding it at best as a annoying distraction at a time when much else needed to be done, and at worst as a threat to the unity and prospects of success of the EEC.²³ That sceptical neutrality, bordering on the hostile and tempered only by an awareness that overtly to oppose enlargement would be politically very hazardous that had been the hallmark of the Brussels institution during the first enlargement talks was but a distant memory.

Instead, most members of the Commission (with a few exceptions, notably Raymond Barre) regarded enlargement as a highly positive development which, if properly implemented, would inject new dynamism into the European project, would facilitate the expansion of European integration into new fields, would strengthen the democratic and commercially liberal tendencies within Europe which the Commission wanted to champion and would remove from the EEC's agenda a highly divisive issue that had demonstrated its capacity seriously to disrupt the Community in 1963 and again in 1967-9.²⁴ The Hague resolution, promising the imminent start of talks with Britain and its fellow applicants (although a date was not mentioned it was generally understood that negotiations would begin within six months) was thus welcomed by the Commission.

This was all the more true given the way in which the Heads of State and Government had stipulated in advance that the negotiations would be between the Community and the applicants, not as had been the case when Britain had first applied, a set of intergovernmental talks between the member states and those countries seeking to join. This distinction was much more important to the Commission than might at first seem obvious. First of all it made it likely that the negotiations would be a more *communautaire* process than they had been in 1961-3, and correspondingly would pose less of a threat to the Community fabric, something which the Commission, as guardian of the treaty and the *acquis* was bound to welcome. And second it all but guaranteed a vital role for the Commission. This again contrasted strongly with 1961-3 when the Commission had strongly feared

²³ For a discussion of the Commission attitude in 1961-3 see Ludlow, *Dealing With Britain*, pp.47-8, 165-6 & 240-1

²⁴ For a detailed review of the Commission's *volte-face* on this issue see Ludlow, 'A Welcome Change: The European Commission and the Issue of Enlargement, 1958-1973', unpublished paper presented to the Barcelona workshop on enlargement,

being marginalised in the negotiations and had seen its role preserved only thanks to strong advocacy from the Italians and Germans.²⁵ Within a Community rather than an intergovernmental arrangement, a place for the Commission at the very heart of the process was much more secure.²⁶

The final reason why the promise to enlarge was always likely to please the Commission, was the way in which it seemed to mark the formal end of the tussle between Gaullist France and its partners – a struggle which had frustrated Commission hopes and which had at times appeared to endanger its very existence. The overt confrontation between France and the Five had after all first erupted over the issue of enlargement, the British veto and the ensuing crisis of January 1963 being the first, painful confrontation between de Gaulle and his Community opponents.²⁷ Enlargement had moreover remained an ongoing problem – even when other issues were subsequently added to the dispute. *La question anglaise* had always been waiting in the wings throughout the empty chair crisis – with both France and its opponents making tentative overtures to the British at the very height of the dispute.²⁸ It had moved much more clearly centre-stage in 1967 with the second application – a bid the failure of which seemed once more to bring the Community to the brink of total impasse.²⁹ And it had remained a shadowy but disruptive presence throughout the 1968-9 period. Pompidou indeed had resorted to a theatrical metaphor himself when complaining to Chancellor Kiesinger that the British were like *L'Arlésienne* of Daudet's play – i.e. a character who while never appearing in person on the stage nevertheless succeeded in haunting all the scenes from which she was absent.³⁰ A successful conclusion to the long-running enlargement drama would therefore

²⁵ Ludlow, *Dealing With Britain*, pp. 62-3

²⁶ Rey's delight at this aspect of the summit deal was very clear in his European Parliament speech. *Débats du Parlement européen. Session 1969-1970. Séance du jeudi 11 décembre, 1969*, p. 167

²⁷ For analyses of the January 1963 crisis see Oliver Bange, *The EEC Crisis of 1963. Kennedy, Macmillan, de Gaulle and Adenauer in conflict* (London: Macmillan, 2000); W. Holscher, 'Krisenmanagement in Sachen EWG. Das Scheitern des Beitritts Grossbritanniens und die deutsch-französischen Beziehungen' in Reiner Blasius (ed.), *Von Adenauer zu Erhard. Studien zur Auswärtigen Politik der Bundesrepublik Deutschland 1963* (Munich: Oldenbourg Verlag, 1994); Ludlow, *Dealing With Britain*, pp.200-230

²⁸ For the French hints, analysed with interest by London, see PRO, T312/1015, Reilly to FO, tel. 794, 24.11.1965; for an inept Dutch attempt to threaten the French with the prospect of Britain being drafted in to replace them, Netherlands Foreign Ministry Archives (NLFM), 996.0 EEG, box 176, tel. 623, Bentinck to MBZ, 25.11.1965. With thanks to Helen Parr for the PRO reference.

²⁹ See N.P. Ludlow, 'A Short-Term Defeat: The Community Institutions and the Second British Application to Join the EEC' in Daddow (ed.), *Harold Wilson and European Integration*, pp.135-150

³⁰ AN, Pompidou papers, 5AG2/1010, Entretien en tête à tête entre le Chancelier Kiesinger et le Président Pompidou, 9.9.1969

underline the fact that de Gaulle had gone and that the EEC's prospects were correspondingly brighter.

This argument neatly introduces the third main source of Commission satisfaction at The Hague summit, namely the way in which the summit itself, and its successful conclusion, appeared to disprove all of those who had predicted that the Community experiment had advanced as far as was likely to be possible.³¹ The Commission itself had of course always denied such predictions.³² To do otherwise would have been to accept impending dissolution. But so halting had been progress at an EEC level during 1968 and 1969, that the doom-sayers had proved ever harder to rebut. Now at last the Commission had something to shout about, a sign of member state dynamism and member state commitment to Europe that had been sorely missed during the preceding couple of years. Furthermore, while Pompidou's words at The Hague were not all entirely comforting to the Commission, the mere fact that the French President was present at all, talking openly and multilaterally to his European colleagues, rather than launching unilateral thunderbolts from afar, was a considerable relief to any institution eager to see European cooperation prosper. Again the distance travelled by the new French President to be present in the Dutch capital could be seen as symbolising the distance the Community had travelled from the nadir of its struggle with de Gaulle.

It was thus unsurprising that it was on this note of renewed confidence and unity that Rey chose to conclude his analysis of The Hague conference to the European Parliament. Having noted that in 1970 it would be twenty years since Schuman had started the integration process, he went on: '... nous pensons maintenant que la Communauté est en train de retrouver ce dynamisme créateur qu'il [Schuman] avait su lui insuffler au départ, et qui nous a manqué dans les derniers mois, [et] c'est avec une meilleure conscience que tous ensemble, Parlement, Conseil de Ministres et Commission, je le répète ensemble, le 9 mai 1970, nous manifesterons avec une énergie renouvelée notre volonté de hâter la construction du continent européen.'³³

³¹ The most famous of such predictions was Stanley Hoffman, 'Obstinate or Obsolete? The Fate of the Nation-State and the Case of Western Europe', *Daedalus*, vol. 95, no. 3, Summer 1966, pp. 862-915

³² See for instance ECHA, speeches collection, Hallstein speech to the Organization of European Journalists, Brussels, 14.4.1967

The wrong conclusions and the wrong venue

Simply to stop there and to conclude that the European Commission was delighted with The Hague summit and excited by the multiple prospects it appeared to open up, would however be profoundly misleading. For both in its public response and still more in its private analysis, the Commission also had reasons to be disappointed at the outcome of the summit, and concerned about the way in which the conclusions had been reached. The second half of this paper therefore needs to explore the less positive side of the Commission's reactions to The Hague.

The first reason for Commission discontent was the omission from The Hague communiqué of a number of issues that the Brussels institution had hoped would be dealt with. Of these the most important was The Hague's failure to reach any significant agreement on the issue of institutional reform.³⁴ The need to strengthen the institutions of the Community had been a very prominent theme of the *aide-mémoire* which the Commission had decided to submit to the member state governments on the eve of the summit.³⁵ In particular, the Commission had highlighted the way in which both the ever-growing number of tasks entrusted to the Community and the prospect of EEC enlargement required an improvement to the current institutional arrangements. According to the Commission, two specific changes were the most urgently needed: first the Council of Ministers needed return to 'leur fonctionnement normal prévu par les traités' - an oblique reference to several perceived Council abuses, but most importantly a complaint about Ministers' ongoing reluctance to make much use of the majority voting provisions contained in the Treaty.³⁶ And second the European Parliament needed to be directly elected.³⁷ This would reinforce the democratic character of the Community and blunt charges that the EEC was an unaccountable technocracy. It might also advance the Commission's long-standing ambition of forging more direct links between the Community institutions and the wider European public, a process which in the long-run would help emancipate the Community institutions from member state control.

³³ Débats du Parlement européen. Session 1969-1970. Séance du jeudi 11 décembre, 1969, p.169

³⁴ Again Rey was quite open about this. Débats du Parlement européen. Session 1969-1970. Séance du jeudi 11 décembre, 1969, pp. 167-8

³⁵ The Commission memorandum of November 19, 1969 was reprinted as an annex to *Le Troisième Rapport Général*, pp. 518-520. A very brief reference to the Commission's internal discussion of this note is in ECHA, COM(69) PV 97, 2e partie, 5.11.1969. It had been largely drafted by Hans von der Groeben.

³⁶ *Troisième Rapport Général*, annex, p.520

³⁷ *ibid.*

Unfortunately neither of these changes had been endorsed by the assembled Heads of Government. Both issues had been raised: several leaders, notably Rumor the Italian Prime Minister and de Jong his Dutch counterpart, had called for a change in the manner that the European Parliament was chosen.³⁸ And de Jong had made a comment about Council reform and the need for the Community to use all possible methods that the French at least had taken to be an allusion to majority voting.³⁹ But in neither case had a strong enough push been made for agreement among the Six to have been likely. As a result, the final communiqué contained only a passing reference to the continuing discussions about European Parliamentary elections (and even this was only secured as a result of the last minute insistence of the Italians) and no mention at all of majority voting.⁴⁰ The Commission's hopes for institutional reform were not therefore advanced at all by the summit. Indeed it could even be argued that they were set back, since in the all too obvious absence of enthusiasm for or consensus about either reform at the highest political level, it would be a brave member state or Community institution that pushed too hard for their agreement in the short term. In the light of The Hague the Commission was likely to go on working within the same institutional framework for the next few years at least.

Also disappointing to Rey and his colleagues was the caution demonstrated by the member state leaders on the theme of political union.⁴¹ The Commission had originally been rather sceptical about the political union process, objecting to the non-*communautaire* framework within which it was to be conducted and fearing that it might undermine the ability of the Community institutions to discuss an ever expanding range of topics. Mansholt had for instance told the press in 1962 that 'il est dangereux de participer à la soi-disant union politique, qui n'a rien à voir avec une union.'⁴² By the later 1960s, however, the Commission had ceased to fear the idea and had instead come to believe that any framework that served to co-ordinate the foreign policies of the Six would improve relations amongst the member states and facilitate its own external policy activities. As with enlargement therefore, by 1969 the Commission had shifted from a position midway between agnosticism and outright hostility, to a position of advocacy. It was for this reason that the

³⁸ SGCI, versement 900568, article 386, Ministre des Affaires Etrangères note, MU/SF No. 19 col/CE, 6.12.1969

³⁹ *ibid.*

⁴⁰ *Troisième Rapport Général*, pp.520-4

⁴¹ Débats du Parlement européen. Session 1969-1970. Séance du jeudi 11 décembre, 1969, p.167

Commission *aide-mémoire* of November 19 had specifically called for advance towards political union.⁴³

Once again, however, this Commission expectation had not been fully met. The Hague communiqué did, admittedly, contain a paragraph on political union (paragraph 15). But rather than launching the process outright or at very least affirming the leaders' determination to see the process succeed, this merely charged the foreign ministers to study the manner in which political union might be realised and to submit proposals by the middle of 1970.⁴⁴ It was thus a tentative half-step forward, rather than the bold leap that the Commission had hoped to see.

Still more serious for the Commission than The Hague's sins of omission – i.e. those things that the Prime Ministers and Presidents had chosen not to do – was the way in which The Hague summit could be seen as part of a longer term shift of the EEC's institutional balance away from the Commission-centred pattern of advance that many in Brussels still clung to and towards a much more clearly member-state led approach. This was not of course an entirely new process. On the contrary it had certainly been underway since the mid-1960s and had arguably been happening ever since the Treaty of Paris in 1951.⁴⁵ But the success of The Hague summit undeniably gave it a new dimension that would take some time for the Commission fully to accept.

The first worrying institutional aspect of The Hague for the Commission was the way in which the Brussels 'executive' had been marginalised during the summit itself. As soon as the Commission had heard Pompidou's plan for a high-level European meeting, Rey had approached Maurice Schumann requesting that the Commission be invited to take part. He recognised of course that when the Heads of Government discussed non-Community related matters, the Commission representative should not get involved; whenever Community affairs were discussed, however, it was important for the Commission to be present.⁴⁶ The French, however had been non-committal and it was only under pressure from their partners that they had agreed that Rey (accompanied by one Vice-President, Martino) had been invited

⁴² Cited in *Le Monde*, 27.3.1962

⁴³ *Troisième Rapport Général*, p. 520

⁴⁴ *ibid.* p.524

⁴⁵ This is a theme that will be explored in much greater depth in the author's forthcoming monograph on the European Community's development between 1963 and 1969.

⁴⁶ AN, Pompidou papers, 5AG2/1036, Gaucher to Pompidou, 18.7.1969

at all, and that only for the second of the two days.⁴⁷ Commission protestations about how inappropriate it was for the member states to decide who should represent the nominally independent Brussels institution went unheeded.⁴⁸

The Commission was therefore very displeased to discover that day one of the summit, when it had not been present, had not been devoted to discussing matters outside of the Community's competence, but had instead been used to talk of enlargement and the financial regulation – in other words issues that were clearly Community affairs.⁴⁹ Rey made some effort to complain about this when he finally joined the conference on the second day; that he almost certainly harboured much stronger private misgivings about this way of proceeding is extremely likely indeed.⁵⁰

Also worrying was the way in which neither the Commission *aide-mémoire* nor the European Parliament's resolution about The Hague (November 3, 1969) were referred to in the final communiqué nor, seemingly, made much of during the summit's deliberations themselves.⁵¹ When taken together with the fact, discussed above, that several of the substantive issues that the Commission had identified as most pressing had been ignored, this appeared to suggest that the Heads of State and Government did not feel bound by the rules of Community behaviour or in any way obliged to heed the workings of the Community system.

Finally Rey himself seemed to have had little impact on the course of discussions at The Hague. On the basis of the French record at least (and it has to be acknowledged that this may well not have been an entirely objective source as far as the Commission role was concerned) Rey made only one significant speech, an intervention that provoked little response from the other conference participants, and left no mark at all on the process of drafting the communiqué.⁵² The summit seemed

⁴⁷ AN, Pompidou papers, 5AG2/1036, Raimond to Jobert, 15.9.1969; for a more detailed discussion of the Commission role, including an unsuccessful attempt to get Rey invited to *both* days, see SGCI, versement 900568, article 386, Boegner to Quai, tel. 1281-94, 11.11.1969

⁴⁸ Rey was asked by the Commission to make this point strongly to Luns. ECHA, COM(69) PV94, 2e partie, 15.10.1969

⁴⁹ The most complete record of the summit is the French record: SGCI, versement 900568, article 386, Ministre des Affaires Etrangères note, MU/SF No. 19 col/CE, 6.12.1969

⁵⁰ *ibid.*

⁵¹ The European Parliament's resolution of November 3, 1969 is also reproduced as an annex to *Le Troisième Rapport Général*, pp.516-518

⁵² SGCI, versement 900568, article 386, Ministre des Affaires Etrangères note, MU/SF No. 19 col/CE, 6.12.1969. A French analysis of who contributed what to the drafting process – which again underlined the Commission's minimal role – is in the same folder, *Commentaires succincts sur le communiqué de la Conférence au Sommet*, undated.

therefore to have underlined rather than rebutted the subordinate status of the European Commission within the Community system.

The second source of institutional discomfort for the European Commission, was the way in which the summit could be perceived as just the latest in a series of deviations from the normal mechanisms of Community negotiation. In the months prior to The Hague, the Commission had grown increasingly alarmed at a number of unorthodox institutional decisions taken by the member states. First it had been unhappy about the prominence given to an informal meeting of Community finance ministers, convened at Garmisch-Partenkirchen, and not subject to the usual rules and procedures of Council of Ministers meetings. Such gatherings, it stressed, should in no sense replace more traditional Council meetings, and should be given much less publicity.⁵³ Then, more seriously, the Commission had felt obliged to protest in April about the manner in which Gaston Thorn, as Council President, had organised a working-lunch with his fellow foreign ministers to discuss Community affairs without the Commission being present.⁵⁴ Even when the Dutch Presidency made sure that the representatives of the Brussels body were invited to subsequent working lunches, Rey and his colleagues continued to feel uneasy about a type of meeting that eschewed the standard Council format.⁵⁵ And finally the Commission had disliked the way in which neither France nor Germany had seen fit to consult their Community partners prior to their changes of currency parity.⁵⁶ Instead the Council had had to be rapidly summoned to ratify what was already a *fait accompli*.

These examples of non-*communautaire* behaviour came on top of an ongoing series of blows to the Commission's own prestige and capacity for autonomous action. In December 1968, for instance, the Commission had become embroiled in a lengthy tussle over how far it would be able to negotiate for the Community in the planned talks with the ACP countries about the renewal of the Yaoundé convention.⁵⁷ The upshot of this procedural battle – resolved only at the end of January 1969 - had been that when talks were conducted at ambassadorial level, the Presidency of the EEC side would be held by the Chairman of COREPER and not by the Commission

⁵³ ECHA, COM(69) PV 63 final, 2e partie, 15.1.1969

⁵⁴ ECHA, COM(69) PV74 and 75, 2e parties, 16.4.1969 & 23-4.4.1969

⁵⁵ ECHA, COM(69) PV98, 2e partie, 11-12.11.1969

⁵⁶ ECHA, COM(69) PV92, 2e partie, 29-30.9.1969

⁵⁷ ECHA, COM(68), PV60, 2e partie, 11.12.1968

representative.⁵⁸ And then in June, Rey had not been received by President Nixon when on an official visit to the US – a striking contrast to the behaviour of earlier US administrations that had gone out of their way to emphasise the importance and esteem in which they held Commission delegations.⁵⁹ Added together these multiple incidents seemed to demonstrate the slippage in the Commission's power and prestige since the heady days of the early 1960s. And this made it all the harder for the Commission to look with total equanimity as the key decisions concerning the Community's future membership, agenda and direction were taken at an intergovernmental forum at which Commission participation was incomplete and largely ineffective.

Finally, the very success of The Hague seemed to consecrate that disappearance of the Commission's agenda setting-power which had been threatened throughout the 1960s. The early European Commission liked to style itself as the motor of the European Community and believed that one of its key assets in carrying out this dynamic task was its unique capacity to determine the direction in which the Community moved. As Hallstein explained at length in a lecture in London in March 1965 which in many ways represents the high water mark of his institutional ambitions (it was delivered a mere three months before the outbreak of the empty chair crisis), the Commission's monopoly of the right to propose Community legislation gave it a unique capacity to direct the Community and represented a clear demonstration of the political independence enjoyed by the Brussels body.⁶⁰ Member states could and did ask for legislative proposals to be made; but the Commission was under no obligation to heed these requests.⁶¹ Furthermore the Commission had shown in 1962, in 1964 and again in 1969 that it could use this power to set the Community agenda to draw up extensive work programmes, designed to map the EEC's course over the year or two ahead.

Even before Hallstein delivered his London speech, however, this ability to plot the Community's course had been under threat. In 1963 it had been a member state – West Germany acting through its foreign minister Gerhard Schröder – that had devised the action plan that had pulled the EEC out of the crisis caused by the failure

⁵⁸ ECHA, COM(69) PV65, 2e partie, 29.1.1969

⁵⁹ The Commission minutes only allude briefly to the episode. It is clear from the text nevertheless that the Commission had been bruised by the incident. ECHA, COM(69) PV 83, 2e partie, 24-5.6.1969

⁶⁰ ECHA, speeches collection, Hallstein lecture to the British Institute of International and Comparative Law, 25.3.1965

of the first enlargement talks.⁶² And over subsequent years Germany in particular, but latterly other member states also, had revealed signs of having acquired a taste for such behaviour, submitting a succession of action programmes and work timetables.⁶³ The Commission's own efforts, meanwhile, whether in 1962, 1964 or 1969 had remained largely unimplemented. The success rate of unilateral national attempts to set the Community agenda was sufficiently patchy, however, for the Commission still to feel that it retained some claim to be able to set the Community agenda in the short and medium term. It did after all still control the timing of most single legislative proposals. Its 1969 effort, moreover, suggested that it perceived a role in bringing together and making more coherent the multiple national suggestions for Community advance that had already been made.⁶⁴

An agenda set by agreement between all Six Heads of State and government was something else entirely. As argued above such a document would be very hard for any Council of Ministers meeting to ignore. By the same token, however, it was all but impossible for the Commission to disregard. As a result it could be construed as a serious blow to the Commission highly valued autonomy and independence. No longer would Rey and his colleagues be able to decide what targets to work towards or what priorities to identify. Instead they would be largely bound by the agenda and priorities that had been set by Pompidou, Brandt and their fellow leaders at The Hague.

To make matters worse, the very success of the Community's first major summit meant that it was unlikely to remain a once-off event. France's 1974 suggestion to institutionalise Community summitry and create the European Council still lay some way off, of course. But it was widely known that several of the participants of The Hague Council believed that further meetings between Heads of State and Government would be useful, and their initial success was only likely to encourage them to meet again. The Commission was therefore under serious threat of

⁶¹ *ibid.*

⁶² Schröder's plan is examined in some depth in Oliver Bange, 'Picking Up the Pieces. Schröder's Working Programme for the European Communities and the solution of the 1963 crisis.' (Unpublished Ph.D, London, 1997), pp.158-225

⁶³ Germany had submitted plans in 1964 and 1967, France one in 1968. See CMA, R/121/64, Procès verbal de la réunion restreinte de la 121ème session du Conseil CEE (3-5.2.1964); R/601/67, Procès verbal de la 212 session de la Conseil CEE (10-12.4.1967); R/2111/68, Procès verbal de la 51ème session du Conseil (4-5.11.1968)

⁶⁴ Rey's presentation of the Commission's latest plan is in CMA, 505/69, Procès verbal de la 66ème session du Conseil (25-6.3.1969)

seeing the last vestiges of its power to set the Community's agenda – and thereby claim in some senses at least to lead Europe – being arrogated by a gathering of Community leaders that was not even subject to the rules and conventions governing the Council of Ministers. For the Commission's long-term sense of its own mission and purpose, this was a profoundly depressing development.

Conclusions

The Hague summit was not therefore a wholly positive event for the European Commission. The demonstration it provided that the Six were still committed to the European cause was of course highly welcome. And the agenda that it set, both in the month that separated the meeting from the end of the Community's transitional period and over the following few years, offered a very welcome opportunity for the Brussels body. There would be ample scope for Rey and his successors to prove their technical competence and their ability to broker agreement amongst the member states.

And it was also important to see the Community move decisively in the direction of enlargement and away from some of the most acrimonious divisions of the recent past. Taken together, The Hague conclusions did seem to indicate that the Commission would have plenty to do in the short and immediate term, and plenty of scope to demonstrate its continuing usefulness within the Community system. But institutionally what happened at The Hague was more of a threat than an opportunity not simply because the Commission's institutional desiderata were ignored, but also because the very fact that it took a meeting of the Heads of State and Government to get the Community back on track demonstrated that the European leadership role once aspired to by Hallstein now belonged ever more clearly to those who ruled Europe's individual member states. The Commission's future, while busy and far from marginal, did not look like being a rapid advance to wide-ranging political power. Europe might have been on the move once more after the successful summit, but it was not quite the type of Europe which the European Commission had long hoped to see.