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**A Welcome Change:  
The European Commission and the Challenge of Enlargement,  
1958-1973**

N. Piers LUDLOW

The European Commission would no doubt have expected that most of the greatest challenges it would face in the EEC's first decade of existence would come from within the Community. After all, one of the reasons that the Treaty of Rome negotiators had been able to reach agreement, was precisely that a significant number of the most controversial decisions facing the Six had simply been postponed to a later date. Examples of this include the way in which the so-called List G had been employed to delay any decision on the appropriate tariff level for a range of important commodities and products, the manner in which details were deliberately omitted as to the shape and timing of the Common Agricultural Policy, and, perhaps most fundamentally of all, the multiplicity of institutional and political pathways left open by the Treaty of Rome. But to the evident dismay of some of its early members, it very quickly became apparent that the Commission would also have to devote a great deal of time to discussing and then negotiating over the political and economic relationship between the EEC and those multiple Western European countries that had chosen not to sign the Treaty of Rome. Robert Lemaigen, a member of the first college of commissioners, indeed claims that the Commission's first ever substantive discussion, on January 16, 1958, was devoted to this topic.<sup>1</sup> And the pattern, once set, persisted, with the only major alteration coming in 1961 at which point several of the non-member states began requesting actual membership of the EEC rather than simply seeking some type of status as a privileged outsider. If association requests and the debate about British proposal for a free trade area and its aftermath are added to the enlargement negotiations themselves, it is plausible to claim that not a single one of the Commission's first fifteen years of operation passed without the Community's relations with third countries being a major and potentially divisive topic for debate.

An overview of how the Commission handled this challenge is thus overdue. There have in the past been a number of works looking at the way in which the Commission responded to individual association or enlargement requests - especially those of 1961-3.<sup>2</sup> And a few of the memoirs left by those who

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<sup>1</sup> R. LEMAIGNEN, *L'Europe au Berceau. Souvenirs d'un technocrate*, Plon, Paris, 1964, p.7.

<sup>2</sup> See esp. N.P. LUDLOW, *Influence or Vulnerability: the Commission and the first Enlargement Negotiations*, in: R. GRIFFITHS & S. WARD, *Courting*

worked in Brussels during the period contain some general reflections about the enlargement phenomenon and the way in which the Commission responded.<sup>3</sup> But there has so far been no single attempt to analyse and assess the Commission's role in enlargement negotiations throughout 1958 to 1973 period. In attempting to fill this gap in the literature, this article will draw upon the archival records of the Community institutions themselves, as well as the official papers of several of the principal member states and would-be member states.

Two preliminary points probably need to be made before an overall analysis can begin. The first is to acknowledge the danger in any set of generalisations about the opinions and beliefs of an institution, and the particular hazardousness of sweeping statements about an issue as potentially divisive as enlargement. Throughout the whole of the 1960s very different views about the membership of Britain and the other applicants persisted within the Brussels institution, up to and including members of the Commission itself. As a result, statements about the Commission's opinion during this period, have to be taken to refer to the majority viewpoint rather than to a genuinely unanimous stance. And second it is important to highlight from the outset the gap which often existed between the Commission's actual majority view about enlargement at any given time, and the official institutional stance as expressed in public statements and/or the *avis* which under article 237 of the EEC treaty the Commission is required to issue about each membership request. As will become clear below, the Commission was highly conscious of the political stakes at play over the enlargement issue, and was therefore extremely cagey about expressing its real views openly. Its various public pronouncements and still more its official opinions were therefore highly political *prises de position* in which the Commission's genuine view of enlargement blended with numerous tactical considerations and assessments of the risks involved in too firm a decision one way or the other. A proper analysis needs to go beyond the highly Delphic public statements and look for evidence of what the Commission really believed.

In arriving at what might perhaps be described as its internal and confidential assessment of each enlargement

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*the Common Market: The first attempt to enlarge the European Community 1961-3*, Lothian Foundation Press, London, 1996; and N.P. LUDLOW, *A Short-Term Defeat: The Community Institutions and the Second UK Application*, in: O. DADDOW (ed.), *Harold Wilson and European Integration*, Frank Cass, London, 2002.

<sup>3</sup> See R. MARJOLIN, *Le Travail d'une Vie. Mémoires 1911-1986*, Robert Laffont, Paris, 1986; R. LEMAIGNEN, op.cit.; S. MANSHOLT, *La Crise. Conversations avec Janine Delaunay*, Editions Stock, Paris, 1974.

request, the 1960s Commission tended to be affected primarily by two factors, each of which might pull in very contradictory directions. The first of these was a strong sense that membership requests, far more than simple requests for special economic relationships, constituted a compliment to the EEC, a vindication of its progress to date and a recognition of the vitality and prospects of European integration. This was very apparent in 1961 when someone like Sicco Mansholt, vice-president of the European Commission and one of the most dynamic of the early commissioners, could speak of the membership applications deposited by the British, Danes, Irish and Norwegians as 'une preuve du succès de notre Communauté'.<sup>4</sup> And it was perhaps even more of a factor in 1967, when the renewal of Britain's membership bid, coincided with a period during which other aspects of the European project seemed at a low ebb. At a time when the member states of the Community seemed to be acting as if they undervalued both the achievements and prospects of the EEC, it was profoundly reassuring to know that several countries outside of the EEC were extremely eager to get in.<sup>5</sup> No institution like the European Commission whose whole *raison d'être* was pushing forward the process of European integration and whose success (and even survival during the early years) was so tied up with the maintenance of forward momentum in Europe could be entirely insensitive to the potential psychological boost which membership applications could provide.

Equally important, however, and also tied up with the Commission's self-perception as the motor of integration and the protector of the Community against any potential hazards, was an assessment of how the enlargement process was likely to affect the overall health and vitality of the European integration process. Such a calculation included both economic and practical estimates of how the arrival of new member states with new interests and problems might potentially influence the workings and prospects of each Community policy, and more political evaluations about the impact which enlargement (and the negotiation about enlargement) might have on the general stability and unity of the EEC.

In 1961-3, as had been the case in the earlier debates about relations with Britain recalled by Lemaigen, this assessment led to the widespread view that enlargement was a potential nuisance which might, if mishandled, seriously disrupt the very satisfactory advance of the integration process. The membership negotiations threatened to eat up

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<sup>4</sup> *Débats de l'Assemblée Parlementaire Européenne 1961-2*, Vol.II, p.78; much the same view was expressed by Emile Noël, the former secretary-general of the Commission, in an interview with the author, 16.12.1995.

<sup>5</sup> For Rey's 1967 enthusiasm about enlargement, see *Débats du Parlement Européen. Session 1967-68*, Séance du Mercredi 20 septembre, 1967, p.11

valuable time which might be better devoted to internal consolidation, could cause damaging rifts of opinion amongst the member states, and would afford ample scope for canny British negotiators to play upon the many disagreements which persisted amongst the Six and obtain multiple concessions. Once inside the EEC, moreover, the British and their Commonwealth and EFTA retinuees would require substantial changes to be made to the EEC and to its embryonic policies.<sup>6</sup> That there was 'no joy' expressed at the first Commission debate after Harold Macmillan had announced that the United Kingdom intended to apply was hardly surprising.<sup>7</sup>

By 1967, however, this same set of calculations led to a radically contrasting result. The Community which Harold Wilson approached, was no longer the confident, ambitious and fast-evolving entity of 1961-3. Instead, the Commission was highly conscious of the deep division which existed between France and the other member states, and which had come to the surface most spectacularly during the empty chair crisis of 1965-6.<sup>8</sup> It was also aware that with the CAP and the customs union nearly complete, the EEC needed to devise new challenges in order to continue to advance. The applications received from Britain, Denmark, Ireland and Norway were therefore perceived more as a source of much-needed fresh impetus, rather than as a brake on already rapid forward movement. Furthermore, with the Community's agricultural and tariff policy that much more solidly established, and with Britain's Commonwealth links having withered in the course of the interval between 1961 and 1967, there was every chance that the EEC could be enlarged without serious harm being done to the Community and its policies.<sup>9</sup> Jean Rey and his colleagues therefore greeted news of the UK's decision to apply with a spontaneous pleasure entirely different from the scarcely

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<sup>6</sup> See for instance Hallstein's comments to the Americans, *Foreign Relations of the United States 1961-1963* (United States Government Printing Office, Washington, 1994), vol.13, pp.13-14; for an analysis of the specific policy-related problems British membership would pose, Council of Ministers Archives, Brussels (henceforward CMA), 07.151. Premier document de travail de la Commission CEE contenant une analyse des propositions contenues dans la déclaration de M. Heath faite lors de la session ministérielle à Paris, tenue le 10 octobre 1961. S/05700/61.

<sup>7</sup> The phrase was used by Karl-Heinz Narjes, deputy chef de cabinet to Walter Hallstein, the first Commission president. Interview with the author, 18.05.1992.

<sup>8</sup> R. MARJOLIN, *op.cit.*, pp.322-353.

<sup>9</sup> The contrasting lengths and complexities of the 1961 and 1967 statements setting out Britain's opening negotiating stance rather underlined the change that had occurred. For the 1961 statement, see 'The United Kingdom and the European Economic Community', HMSO, Command 1565, November 1961; for the 1967 equivalent European Commission Historical Archives (henceforward ECHA), BDT 38/84, file 341, SEC(61) 3108, Compte rendu de la réunion des ministres de l'UEO, 04.06.1967.

concealed irritation which Walter Hallstein, his predecessor as president of the Commission, had felt in 1961-3.<sup>10</sup>

Likewise in 1970-2, the Commission was more conscious of the potential rewards that enlargement might bring than the difficulties which it could cause. The struggle between the French and their partners over British membership had poisoned the atmosphere in Brussels and had led to a situation in which even the most innocuous of Community discussions could quickly degenerate into a bitter row about 'la question anglaise'.<sup>11</sup> The only way in which this highly dangerous state of affairs could be solved would be for the much delayed increase in the EEC's membership actually to take place - a step which, Georges Pompidou, the new French president seemed inclined to allow.<sup>12</sup> The Commission of the early 1970s thus had every political incentive to smooth the path of the UK and the other applicants. The last thing which the Community experiment needed was another acrimonious failure of an enlargement negotiation. Furthermore, as had been the case in 1967, Commission estimates of the possible advantages of enlargement highlighted the new policy areas which might be opened up by the entry of new members. One exciting possibility for instance was that the need to address the chronic weakness of Sterling and the ongoing problem of the so-called 'Sterling Balances' might push all of the Community towards far greater economic coordination and monetary cooperation than was currently the case.<sup>13</sup> The Commission could only gain from such a development.

Taken together the sense of approbation and praise for the Community which membership applications seemed to imply and calculations about the extent to which the Community would be harmed or helped by the influx of new members explain the Commission's private estimate of the three enlargement attempts of the 1960s and early 1970s. The first was viewed with a great deal of ambivalence, bordering at times on outright hostility. The second British application, by contrast, and the revival of the British bid by the incoming Conservative government in 1970, were both seen as much more

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<sup>10</sup> See ECHA, COM(67) PV 401 final, deuxième partie, 3 May 1967.

<sup>11</sup> For a weary French acknowledgement of this fact, see Pompidou papers (Archives Nationales, Paris): 5AG2/1010, entretien en tête-à-tête entre le Chancelier Kiesinger et le Président Pompidou.

<sup>12</sup> Although there had been multiple previous hints that the French line on enlargement was changing, the final admission of this would have to await The Hague conference of December 1969. The summit communiqué acknowledged that 'widening' would happen. See European Commission, *Troisième Rapport Général sur l'activité des Communautés 1969*, (European Commission: Brussels, 1970), pp.520-4

<sup>13</sup> For a discussion of this see ECHA, COM(69)1000, Avis de la Commission au Conseil concernant les demandes d'adhésion du Royaume-Uni, de l'Irlande, du Danemark et de la Norvège, 06.10.1969.

positive than negative events. The internal mood of the Commission was correspondingly much more pro-enlargement on the latter two occasions. But in all three cases, a straightforward expression of such views was not possible. Before the Commission could decide what to say in public about the issue of enlargement, let alone what needed to go in its official *avis*, several more factors had to be taken into account.

The first cluster of additional calculations sprang from an awareness that the ultimate power of decision in membership negotiations lay with the member states and not the Commission. Article 237 of the Treaty of Rome, gave the Commission the task of expressing an opinion, usually assumed to be a preliminary opinion of the applicants. But thereafter the whip hand lay with the national governments who were collectively responsible for the conduct of the membership negotiations.<sup>14</sup> That they also held the power to shape the outcome of these negotiations had been dramatically demonstrated by de Gaulle. Two important consequences followed from this realisation.

For a start it meant that enlargement might still go ahead even if the Commission came out strongly against. Were this to happen the Commission would have to participate in membership negotiations with member states who presumably held an opposite view. And still worse, of course, would be the prospect of eventually finding itself coexisting within the enlarged Community with member states whose path to the EEC the Commission had sought unsuccessfully to block. Given that member states, whether old or new, still retained the capacity to frustrate many of the Commission's ambitions and possessed multiple means to 'punish' the Commission for an unfriendly stance, not least through the degree of financial control they exercised, such a state of affairs was not one which the Commission could easily risk.

Second, it meant that the Commission's best means of influencing the decisions taken in the course of the membership negotiations - decisions which could be of significant importance for the shape and workings of the enlarged Community - was to ensure that its assistance was sought during the membership negotiations. This was far from guaranteed. In the run up to the first set of membership negotiations the Commission had been forced to watch from the sidelines as the French and the Dutch sought to persuade their partners that under article 237 the Commission had solely the

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<sup>14</sup> The Commission had sought to counter this in 1961-3 by refusing to issue a formal *avis* and instead insisting that its opinion would only emerge, bit by bit, as the negotiations progressed. ECHA 38/84, file 99, S/420/61(RU4), Hallstein to Erhard, 08.09.1961.

right to express its view of enlargement prior to the opening of negotiations and should thereafter be excluded from the process.<sup>15</sup> Although this had failed - largely due to the strong contrary opinions expressed by the Germans, Italians and Belgians - it had been an uncomfortable reminder that the Commission's place at the negotiating table was not automatic. As a result, the Commission had every incentive to present itself to the member states as an objective and open-minded body whose presence would be an asset during the talks. This was of course especially true if the Community was deeply divided over the question of enlargement.

As a result caution, vagueness and even deliberate vagueness were sometimes more to be aimed at in an *avis* than a straight talking assessment of an application. Technical judgements and detailed analysis did of course need to be carried out thoroughly. If the Commission's opinion was to have an impact it had to be an accurate document which could not too easily be disregarded by the member states. But equally the Commission had to be extremely careful about expressing its more political judgements about enlargement, since these were likely to be ill-received by some of the member states and were potentially counter-productive should they lead to a situation in which the Commission was either excluded from altogether or marginalised within the membership talks.

Furthermore, the Commission was well aware throughout the period under review that the process of negotiating about enlargement could be an opportunity for the self-styled 'executive' to prove its prowess and utility and even to advance various causes it had long been pursuing. Skilfully handled, a set of highly complex negotiations which would inevitably focus on the *acquis communautaire* - the corpus of pre-existing Community legislation - would offer a valuable opportunity for the Commission to demonstrate how well it understood the functioning of the Community and the means by which the EEC could be adapted to cope with additional members, to show its skill in international diplomacy, and to underline its importance in devising compromise solutions to bridge divisions both between the member states and between the EEC and the applicants.<sup>16</sup> All of this would be of great value at a time when the Commission was pressing hard to rebuff a concerted French campaign to strip the Brussels body

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<sup>15</sup> ECHA, BDT 38/34, No.99, S/04880/61, Herbst's report on the 18.08.1961 Coreper meeting.

<sup>16</sup> For a more detailed discussion of this mediating role of the Commission in 1961-3, see N.P. LUDLOW, *Influence and Vulnerability ...*, op.cit., pp.146-147.

of most of its overseas representative functions.<sup>17</sup> Instead, competence was likely to be rewarded by further attractive negotiating tasks in the future.

Also potentially available in the course of the membership negotiations were a number of opportunities to advance long-cherished policy aims. In 1961-3 there were several occasions when this clearly occurred. The most celebrated of these (and the most blatant) was the way in which Hallstein sought to use the enlargement talks to bounce the Germans especially into agreeing to a settlement on the financing of the CAP which was highly advantageous to the Community budget. In August 1962 this was done by providing assistance to the Italians and French as they sought to devise a form of wording which would bind not only the British but also the Six to a set of rules for CAP finance which would heavily penalise large-scale importers of food.<sup>18</sup> Then in November the Commission went one stage further by tabling a set of proposals of its own, ostensibly intended to resolve the impasse and thereby allow progress to resume in the talks with the British.<sup>19</sup> In reality, however, the Commission proposals were more about securing the earliest possible agreement on a financial regulation which constituted a major step forward towards a fully working CAP and would furthermore bring a sizeable influx of 'own resources' into the Commission's coffers. In similar fashion, the compromise solutions put forward by the Commission to settle some of the tariff problems raised by the British, 'just happened' to eliminate the tariff quotas secured by the Dutch and long-despised by the Commission.<sup>20</sup> Likewise in 1967 it is quite clear that had the negotiations got underway (the French successfully made certain that this never happened) the Commission would have used them as a vehicle for its hopes of widening the Community budget and adding a set of redistributive regional mechanisms to its policy armoury. In the event a solution along these lines was followed in the 1970-2 negotiations, allowing the Community to take a first

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<sup>17</sup> See for instance the French attempt to prevent the Commission from attending an OECD ministerial conference in January 1966, ECHA, COM(66)PV 346 final, 2<sup>e</sup> partie, 26.01.1966.

<sup>18</sup> See N.P. LUDLOW, *Dealing With Britain: The Six and the First UK Application to the EEC*, CUP, Cambridge, 1997, pp.144-151; and A.C. KNUDSEN, *Defining the Policies of the Common Agricultural Policy. A Historical Study*, PhD thesis, European University Institute, Florence, 2001, pp.401-418; for complaints about this Commission role, see Public Record Office, London (henceforward PRO), FO371/164791, M641/380, Robinson minute, 10.08.1962.

<sup>19</sup> ECHA. BDT 145/88, No.245, S/08146/62. Report No.39 on the thirteenth ministerial session (15-17 November 1962).

<sup>20</sup> ECHA. BDT 145/88, No.245, S/03194/62. Report No.21 on the 21<sup>st</sup> deputy meeting (22-24.05.1962).

step towards what in the 1980s would become its fastest growing policy area.

Finally, of course, the membership negotiations offered an opportunity for the Commission to forge new, and potentially valuable links with the would-be member states. This does not appear to have been much of a priority in 1961-3, although with hindsight the British did identify the establishment of better relations with the Commission as being one of the few positive outcomes of the early frustrating months of negotiation in Brussels.<sup>21</sup> But by 1967 the Commission having seemingly decided that enlargement would happen and that the sooner it did the better it would be, went out of its way to assist and encourage the applicants, even to the point of courting criticism from the French. Extensive information was given to the British, tactical advice was proffered and detailed dialogue was sought out on those issues which threatened to be most problematical.<sup>22</sup> Similarly, Sir Con O'Neill's report on the 1970-2 negotiations pays tribute to the very constructive working relationship which the UK negotiators were able to build up with the Commission. Although the Commission was careful at first not to be too visibly close to the applicants, it soon lost most of its anxieties and played

'an important and indeed an indispensable part, which tended to get more, not less, significant as the negotiations progressed'.<sup>23</sup>

This mixture of dangers and opportunities, led the Commission to qualify its initial judgement about the desirability of enlargement, especially in its public statements. Thus the widespread mistrust which characterised the Commission's view of the 1961-3 membership bids was largely concealed, behind neutral language and a cautious public welcome to Britain and its fellow applicants. Hallstein's September 19, 1961 speech to the European Parliament for instance, betrayed few of his personal doubts, and instead stressed the vital importance of the enlargement negotiations being used as a spur to future progress rather than as a pretext for slowing down the Community's advance.<sup>24</sup> Conversely, the very different majority views of the Commission in 1967 and 1970 were toned down substantially in

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<sup>21</sup> Author's interview with Sir Christopher Audland, 21.02.1994.

<sup>22</sup> For the agreement to start such cooperation see PRO: FCO 30/102, Record of a conversation between the Foreign secretary and the president of the Commission of the European Communities at the British Embassy, The Hague, 4 July 1967.

<sup>23</sup> C. O'NEILL, *Britain's Entry into the European Community. Report on the Negotiations of 1970-1972*, Frank Cass, London, 2000, p.305.

<sup>24</sup> Reproduced in *Europe (Documents)*, 20.09.1961.

official pronouncements. The 1967 *avis*, for instance, while recommending that negotiations begin, hedged its bets somewhat by including a sizeable section which was highly critical of the state of the British economy and which acknowledged the difficulties that this could pose to the Community.<sup>25</sup> These observations were not a purely technical and objective judgement (although they were well grounded in reality, as the subsequent devaluation of sterling would show). Instead they reflected the need to provide the dissenting minority within the Commission with an outlet for their views (it was no coincidence that the section on the British economy was largely drafted by Raymond Barre, the senior French commissioner, and the single most sceptical member of the Brussels body about the case for enlargement), to reassure the French in particular that the Commission was not entirely *parti pris*, and to signal to London that the Commission needed yet more evidence of the UK's new, pro-European stance.<sup>26</sup> The change in the Community's public discourse between 1961-3 and 1967 was much less marked than its private volte-face on the issue might have implied.

In order to provide a full assessment of the Commission's role in the enlargement debate, however, it is necessary to go beyond an analysis of the Commission's general views, whether public or private, and examine the Commission's actual involvement to the negotiating process itself. The second half of this article must thus include a closer look at how the Commission contributed to the 1961-3 and 1970-2 discussions, as well as a brief reference to its participation in the shadow-boxing about the possible opening of membership talks which characterised the 1967 applications. In the process it will highlight those features of the Commission's approach which remained constant, as well as pointing out those aspects of the Commission's performance and stance which had altered over the decade between 1961 and 1972.

The first major element of continuity in the Commission contribution, was the way in which it proved much more at home on the technical aspects of the negotiation, rather than on the underlying political choices. This may at first seem surprising. After all, as Hallstein was fond of repeating, the early European Commission was 'in politics, not economics'.<sup>27</sup> Furthermore, as argued above, the Commission's basic attitudes

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<sup>25</sup> ECHA. COM(67)750, 'Opinion on the Applications for Membership received from the United Kingdom, Ireland, Denmark and Norway', 29.09.1967.

<sup>26</sup> Records of the key drafting meetings are in ECHA, COM(67) PV 6, 2<sup>e</sup> partie, 13.09.1967 & PV8, 2<sup>e</sup> partie, 27.09.1967; for British awareness of Barre's role, PRO, FCO30/103, Marjoribanks to FCO, tel. 247, 30.09.1967.

<sup>27</sup> For one of the most sophisticated formulations of this view, see his speech to the British Institute of International and Comparative Law, 25.3.1965. ECHA, speeches collection.

towards the desirability or otherwise of enlargement were determined by highly political calculations. Yet within the context of the discussions about enlargement, it remained the case that the Commission was best able to exert an influence, and even in certain cases to determine the direction of debate, when discussion centred on technical and economic questions rather than more overtly political issues.

For much of 1961-2 and 1970-2 this was not really a disadvantage. On the contrary, on both occasions Britain and the other applicants' approach posed a large number of highly technical difficulties which needed to be overcome, and the enlargement negotiations were hence dominated by detailed discussions of tariff levels, agricultural subsidies, and possible derogations and exceptions from Community rules.<sup>28</sup> In such circumstances the Commission, with its undeniable mastery and knowledge of the *acquis communautaire*, was able to exercise a great degree of influence. Its figures and in-depth studies provided the raw material for much of the debate, its draft proposals often lay at the heart of the Community's *prises de position*, and its compromise formula were central to a number of the agreements reached.<sup>29</sup> In the first enlargement negotiations, this technical expertise was given its fullest recognition in December 1962, when Mansholt was asked to chair the special committee with which it was hoped that the impasse in the agricultural negotiations could be broken.<sup>30</sup> Whether or not this contribution would have proved decisive is impossible to determine, since de Gaulle's veto intervened before the work of the Mansholt committee was fully completed. But both the praise that the body attracted from the British and the 'friendly five' and the evident anxiety which its debates engendered amongst the French, testify to the way in which the Dutch commissioner was able to use his unrivalled knowledge of the CAP in order to push the member states and Britain towards reaching an agreement.<sup>31</sup> Had the general not intervened, and had the negotiations gone on to reach the agreement which many still believed was within reach, it is therefore likely that a great deal of credit would have been due to the Commission in general and Mansholt in particular.<sup>32</sup>

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<sup>28</sup> The main issues at stake are discussed in N.P. LUDLOW, *Dealing With Britain ...*, op.cit., pp.79-106.

<sup>29</sup> N.P. LUDLOW, *Influence and Vulnerability ...*, op.cit., pp.144-145.

<sup>30</sup> ECHA, BDT 145/80, No.245, S/08134/62, Report No.42 on the ministerial meeting between the Six, 03-05.12.1962.

<sup>31</sup> For British pleasure see PRO, CAB 134/1512, CMN(62) 28<sup>th</sup> meeting, 18.12.1962; for French disquiet Ministère des Affaires étrangères (henceforward MAE), Série DE-CE 1961-6, Carton 519, Note, 18.12.1962.

<sup>32</sup> An attempt to draw up a balance sheet of the Commission's contribution in 1961-3 is made in N.P. LUDLOW, *Influence and Vulnerability ...*, op.cit., pp.148-149.

The way in which the Mansholt Committee was rendered irrelevant in January 1963, however, also highlights the Commission's vulnerability whenever discussions about enlargement moved from the technical to the political. For in the frantic diplomacy which broke out in the aftermath of de Gaulle's January 14 press conference and its apparent rejection of British membership, the Commission, hitherto at the centre of the enlargement debate, found itself marginalised.<sup>33</sup> In the face of the great political choices about the way in which Europe should be organised, about the links which should exist between the two sides of the Atlantic, and about the ability of one member state to impose its will on its partners, the Commission's views and assessments were held to be of little consequence and were scarcely heeded. Instead it was the senior politicians from the key member states, and even the representatives of external powers like the United States, who came to fore, despite their scant knowledge of the precise economic issues upon which debate in Brussels had previously centred.<sup>34</sup> Hallstein, Mansholt and their colleagues became no more than bit players in the political drama of January 1963.

Likewise in 1967 and 1970-2 the Commission was not very effective when the key political decisions needed to be made. Despite his evident desire to see negotiations open between the EEC and the British, Irish, Danes and Norwegians, Rey floundered when trying to devise a mechanism which might pressurise the French into allowing talks to start. Several of his suggestions were rejected as unwise and potentially counterproductive by both the Five and the British.<sup>35</sup> Similarly, his attempt in December 1967 to draw to the attention of the French the dangers which they were running by blocking enlargement once more, only served to aggravate an already tense and fractious meeting and reportedly earned him criticism from German and Dutch ministers who might have been expected to support his stance.<sup>36</sup>

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<sup>33</sup> For details of the diplomacy of January 1963 see O. BANGE, *The EEC Crisis of January 1963. Kennedy, Macmillan, de Gaulle and Adenauer in conflict*, Macmillan, London, 2000; and N.P. LUDLOW, *Dealing With Britain ...*, op.cit., pp.200-226.

<sup>34</sup> See also W. HOLSCHER, *Krisenmanagement in Sachen EWG. Das Scheitern des Beitritts Großbritanniens und die deutsch-französischen Beziehungen*, in: R.A. BLASIUS (ed.), *Von Adenauer zu Erhard. Studien zur Auswärtigen Politik der Bundesrepublik Deutschland 1963*, R. Oldenbourg Verlag, München, 1994, pp.9-44.

<sup>35</sup> PRO, FCO 30/102, Marjoribanks to FO, Tel. 236, 27.09.1967 and following telegrammes.

<sup>36</sup> The record of the meeting itself is CMA: I/8/68 (GB5), extrait de procès-verbal de la réunion restreinte tenue à l'occasion de la dix-huitième session du conseil, 18-19.12.1967. For Dutch complaints see SGCI archives, Fontainebleau, Versement 900639, article 75, Brunet tel. 314, 23.12.1967.

The first indications from the successful 1970-2 membership talks meanwhile also suggest that the Commission was best able to make a meaningful contribution to progress when the subjects were highly technical and not too political. The major decisions of principle were made at The Hague Council of December 1969, where the Commission was a peripheral player present for only part of the time, and at the May 1971 encounter between Edward Heath and Georges Pompidou from which the Commission was entirely absent.<sup>37</sup> Even in Brussels meanwhile, the way in which it was the relatively light-weight and junior Jean-Francois Deniau who emerged as the main Commission voice on enlargement issues, rather than some of his colleagues whose political views might have carried more weight, suggest that once more it was as a guide to the technical intricacies of the Treaty of Rome and not as a major political arbiter that the European Commission made its essential contribution. O'Neill's report indeed goes even further suggesting that in 1970-2 the member states kept 'jealous' control of most of the key issues, and that it was

'in the extremely complicated work connected for instance with arrangements for agricultural transition, with aspects of the Common Commercial Policy and above all with secondary legislation, that the Commission came into its own and gave us invaluable indispensable help'.<sup>38</sup>

Once again therefore the Commission's importance sprang not from high-profile politicking over enlargement, a game in which it could not compete with the strong member state opinions at play, but instead from the lower-key and unromantic, but absolutely essential, work it could do establishing the precise manner in which new member states could take their place in the already highly complex Community system. Technical expertise, not political clout, was the Commission's main asset.

A second major element of continuity is the way in which the Commission held the protection of the interests of existing member states to be more important than the needs and requests of the applicants. That this was highly evident in 1961-3 could of course be interpreted as a sign of the way in which the majority of the Commission was biased against enlargement. Certainly there are indications that British complaints about the Commission's rigid adherence to the rules devised by the Six, periodically spilled over into outright suspicions that the Commission was being deliberately

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<sup>37</sup> For details of The Hague - and the Commission's minor role - see *Journal of European Integration History*, vol.9, no.2(2003) esp. pp.21-22; for an account of the Heath-Pompidou meeting based largely on the French minutes, E. ROUSSEL, *Georges Pompidou*, Fayard, Paris, 1994, pp.437-447

<sup>38</sup> C. O'NEILL, op.cit., p.310.

obstructive.<sup>39</sup> Likewise in 1967 the Commission's rather critical words about the way in which British monetary and economic weakness might pose a threat to some of the ways in which the EEC worked, were seen by some as confirmation that the Brussels institution was essentially opposed to enlargement.<sup>40</sup> But in fact, the Commission's tendency to defend where possible the existing workings of the Treaty of Rome and the *acquis communautaire*, followed naturally from the manner in which the Commission interpreted its task during the enlargement talks, rather than being a reflection of underlying hostility. In the eyes of the Commission its key roles in the discussions with would-be members, were as guardian of the Treaties of Rome and as protector of unity amongst the existing member states. Both of these goals were most likely to be served by sticking close to the existing corpus of Community legislation, since this already represented something upon which the Six had agreed. Too easily to acknowledge the need for major change, by contrast, would risk undermining the Treaty, dividing the Six, and handing a potentially dangerous degree of initiative to an applicant whose knowledge of the Community's inner workings was necessarily limited. However desirable was the goal of enlargement, it could not be purchased in a manner which risked undermining the very Community which the applicants were seeking to join.

This explains why in 1961-3 the Commission seemed so dogmatic in its defence of the existing CAP, and the tariff levels and structure which had been agreed upon by the Six.<sup>41</sup> Undue movement on either issue towards the requests tabled by Heath and the other British negotiators, would create acrimonious divisions amongst the Six and would threaten the degree of policy consensus which the EEC needed to function. The Commission was therefore adamant throughout the 1961-3 talks that the principal onus of adaptation lay on the side of the applicants and not the Community. By 1970 this was a lesson that the British had thoroughly learnt. And alongside the recognition that it was they and not the Community which would have to show the greater flexibility, went an acceptance that in the first instance the Commission would have to look to its internal Community responsibilities rather than to the needs and desires of the would-be members. O'Neill specifically acknowledges that

'helpful and ingenious though they were, the representatives of the Commission could not be definition be completely impartial. It was their duty to defend the

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<sup>39</sup> See e.g. PRO, FO371/164789, M641/281, Roll to FO, 30.06.1962.

<sup>40</sup> *Daily Telegraph*, 07.10.1967.

<sup>41</sup> See for instance Mansholt's speech to the European Parliament, *Débats de l'Assemblée Parlementaire Européenne 1961-2*, vol.1, pp.78-82.

interests of the Community. They thoroughly understood the interests of the Six Member States; and sometimes found ours hard to accept as qualifying for accommodation. In spite of this, and more and more as time passed, they came to play a most helpful part, and to develop a strong commitment to success'.<sup>42</sup>

The Commission, it had clearly been understood, by some at least of the British negotiators, would naturally lean towards the Six but in doing so was neither exhibiting illegitimate bias, nor precluding success - it was simply doing the job it was required to do under the Treaty of Rome.

In most respects, however, the contrast between the different character of the Commission contributions in 1961-3, 1967 and 1970-2 is more striking than the similarity. The biggest evolution was the way in which the Commission appears as the 1960s progressed to have lost much of that anxiety which had been so notable feature of its reaction to the issue of enlargement in 1961-3. This may at first seem unexpected. After all, it is commonly asserted that the early 1960s were a good period for the European Commission, when much went well and spirits in Brussels soared to unprecedented levels, whereas the end of the decade was a time of limping progress and a correspondingly depressed outlook on the part of most of those who worked in the Community capital.<sup>43</sup> It would therefore have been logical had the optimistic and idealistic Commission of the early part of the decade been better able to regard enlargement as an opportunity than the more downbeat institution of the later 1960s. But to assert this would be to misunderstand both the nature of the early 1960s optimism and the characteristics of the later gloom.

The EEC's advance during the 1958-1962 period was frenetic and exhilarating, but not self-assured. Like a cyclist, careering down a slope at an unsustainable speed, the Commission was excited by the speed of progress, but acutely conscious of how little it would take to bring the whole descent to a painful and decisive stop. Remarkable achievements were certainly attainable, but so was total disaster. As a result, the Commission of the early 1960s could at one and the same time, genuinely believe that the EEC was on the fast-track to imminent federation, and fear that France or one of the other member states might leave the Community, thereby bringing the whole EEC experiment to a premature and abrupt end.<sup>44</sup> By the end of the decade, however, the

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<sup>42</sup> C. O'NEILL, op.cit., pp.308-309.

<sup>43</sup> Marjolin's memoirs (op.cit., pp.302-353) contrast 'Les années d'avance' until 1963 with 'Les années de crise' thereafter.

<sup>44</sup> For an example of Commission optimism see Hallstein's speech to the European Parliament, 17.10.1962; for an equally clear instance of pessimism

uncomfortable experience of crisis, whether in 1963 in the wake of de Gaulle's first veto, or in 1965-6 during the empty chair crisis, had tempered Commission hopes but had also demonstrated that the early EEC was more resilient than it had initially feared. The Community of 1967 did not look likely rapidly to evolve into an out and out federation; but nor was it probable that complete collapse and dissolution lay just around the corner. The prospect of enlargement could therefore be looked at with much more equanimity towards the end of the decade than at the start. What in 1961 was seen as a potential shock which might cause the precariously balanced bicycle to topple over altogether, was greeted six years later, as a welcome jolt to a routine process which had neither the excitement nor the risk of the earlier advance.<sup>45</sup>

These differing attitudes fed through into contrasting behaviour during the negotiations themselves. In 1961-3 the defining feature of most of the Commission's activities was extreme circumspection vis-à-vis the applicants and great rigidity in the way in which the Treaty and the *acquis* were interpreted. This was notable throughout the negotiations with the British, particularly in the way in which the Commission stance on many of the substantive issues was highly defensive and often close to that of France; during the key debates about Commonwealth trade for instance, the Commission was every bit as reluctant to allow major exceptions to the Community's external tariff regime as was France.<sup>46</sup> To permit too many exceptions so early in the life of the Common External Tariff (CET) and the CAP, was potentially to cast doubt over the viability of both policies. But Commission sensitivity about the possible dangers of enlargement and consequent defensiveness was still more marked when discussions shifted from the possible entry of the UK to that of Britain's fellow applicants. For in the case of the Danish, Norwegian and Irish applications for membership, not to mention the association requests tabled by the Swedes, Swiss and Austrians, there was a clear belief in the Commission that so many new members and partners would harm the Community rather than strengthen it. This led in July 1962 to a Commission decision to explore the possibility of persuading

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see Mansholt's speech to Louvain University, 22.01.1963. Both in ECHA, speeches collection.

<sup>45</sup> For a more detailed explanation of this phenomenon and how its effects stretched beyond the Commission to the Community as a whole, see N.P. LUDLOW, *The Eclipse of the Extremes: Demythologising the Luxembourg Compromise*, in: W. LOTH, *Crises and Compromises: The European Project 1963-9*, Nomos, Baden-Baden, 2001, pp.260-264.

<sup>46</sup> See for instance the Commission's contribution to the drafting of the Six's opening statement in November 1961. CMA 07.151 Préparation par le Conseil de la réunion ministérielle entre les Etats membres et le Royaume Uni, ainsi que la déclaration commune des six. S/05701/61, Commission draft, 04.11.1961.

the applicants other than Britain to settle for associate rather than full membership.<sup>47</sup> Similarly, in October of the same year, Hallstein spoke to the European Parliament about the need for an enlargement 'doctrine' - an innocent enough sounding concept, but one which in the context of early European integration, could only be translated as meaning that the Community should establish the criteria which would allow it to pick and choose amongst those states seeking to enter.<sup>48</sup> Had it been able to impose its vision, therefore, it seems very likely that the 1962 European Commission would have sought to postpone the approach of all but the British, so as to lessen the shock of enlargement to the still fragile EEC system.

By 1967, however, all had changed. The Commission *avis* of that year specifically rejected the French claim that the Community institutions would not be able to cope with ten or more member states.<sup>49</sup> On the contrary, the Commission appeared to have believed that institutions and policies which had weathered the internal Community storms of the previous four years were resilient enough to survive in even a substantially enlarged EEC. There was therefore no repetition of the attempt to differentiate between applicants, either in the abortive talks about talks of that year, or in the actual negotiations from 1970 onwards. And while the Commission was, as noted above, keen to protect the status quo on certain issues, notably that of CAP finance, its whole attitude denoted a greater willingness to embrace change and evolution than had been the case a decade earlier.

Ironically, however, the need for Commission leadership (and defensiveness) during the technical negotiations had also declined because the applicants were now much better at formulating their requests in a manner compatible with the Treaty of Rome. In 1961-3 the British case especially, while firmly argued, displayed a great deal of ignorance about how the Community and its policies actually worked.<sup>50</sup> This had at least two important results. First, it meant that all of the Six were immediately forced onto the defensive, a position where the Commission, as guardian of the EEC status quo, was bound to thrive. Secondly, it tended to mean that when substantive talks between the British and the Six did take place, they did so more often than not, on the basis of a Community rather than British text. This last was normally elaborated by the European Commission. A case in point would

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<sup>47</sup> See ECHA, COM(62) PV 194, 2<sup>e</sup> partie, 18-19.07.1962.

<sup>48</sup> *Le Monde*, 19.10.1962.

<sup>49</sup> ECHA. COM(67)750, 'Opinion on the Applications for Membership received from the United Kingdom, Ireland, Denmark and Norway', 29.09.1967.

<sup>50</sup> This point was made by the British negotiators themselves in their postmortem to the negotiations, PRO, FO371/171442, M1091/542G, 26.02.1963.

be the vital 'comparable outlets' debates of the summer of 1962 where the British were crucially forced to concede in July that their own proposals were fundamentally unacceptable and that the way ahead lay on the basis of the modified Commission text which lay at the heart of the Six's stance.<sup>51</sup> By 1970, however, the EEC found itself negotiating with British and other EFTA negotiators who had spend almost a decade seeking to enter the EEC, and had in the process learnt a great deal about the manner in which it functioned. Their starting proposals were therefore that much better targeted, and their subsequent concessions, well calculated to win agreement from the Six without forcing them to table an alternative text. This meant that the Commission - still the most likely source of Community counter-proposals should these have proved necessary - was less often able to define the basic wordings around which agreement was sought. Instead, the majority of agreements reached were done so on the basis of the applicants' texts.<sup>52</sup> The Commission role was correspondingly reduced.

The final change was also perhaps a slightly negative one from a Commission point of view, in that it centred on the declining prominence of individual commissioners in the context of the 1970-2 negotiations. Nine years earlier, Hallstein, Marjolin and Mansholt had been key figures in the negotiations, well able to play a crucial role both in the discussions with the British and still more during the vital internal deliberations of the Six. So great indeed was the task of maintaining the fragile unity amongst the existing members states, that the Commission's contributions during the closed-door debates of the Six was absolutely essential in allowing the negotiations to progress as far as they did. Paul-Henri Spaak for instance chose the aftermath of the most intensive of all the ministerial meetings, to praise the Commission for its 'souple autorité' which he believed had done much to preserve the Community intact.<sup>53</sup> In 1970-2 by contrast it would appear that few of the commissioners were able to play a comparable role. Jean-Francois Deniau, the commissioner entrusted with the direct responsibility for the enlargement process did make a valuable contribution. But even he would appear from the British assessment of the talks to have had a lower profile than his predecessors in 1961-3, and none of his colleagues made much of an impact at all.<sup>54</sup> This may of course have simply been a reflection of the fact that the Six were more united and less in need of Commission mediation than had been the case during the first enlargement talks. And it may also have been accentuated by the diminished

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<sup>51</sup> CMA, RU/M/45/62 (part 1), Annex II, Statement by the Lord Privy Seal.

<sup>52</sup> See C. O'NEILL, op.cit., pp.309-310.

<sup>53</sup> *Le Monde*, 07.08.1962.

<sup>54</sup> C. O'NEILL, op.cit., pp.306-307.

need for Commission textual suggestions noted above. But also responsible was the way in which the early 1970s Commission lacked individuals of the calibre of the earlier Hallstein body: with Mansholt now seriously ill, Franco Malfatti, the new president, lacking either the authority or the knowledge of his predecessors, and Barre too isolated in his scepticism about enlargement to match the impact which Marjolin, his direct predecessor had had. It was perhaps fortunate that Commission leadership and mediation was less necessary than it had been in 1961-3, since it is possible that had the need arisen, the Commission's ability to provide what was asked of it would have been less impressive than before.

Enlargement while a near constant issue for the Commission to deal with during its first fifteen years of existence, can therefore be seen as measure of how much the Commission had changed over that period, rather than how similar its position remained. Most marked of all was the evolution of its basic attitude, from mainly hostile with only its tactical awareness of how counterproductive overt opposition could be tempering its negativism, to almost wholly favourable. This in turn marked the evolution from an ambitious but apprehensive institution, hopeful of attaining success very rapidly, but haunted by the constant fear of failure, to a more mature and balanced body, conscious of both the inherent strengths of, and the short to medium term constraints upon, the Community within which it functioned. Also important were the changes in the calibre of the Commission's leading figures and a lessening need for the Commission to play the central role in the enlargement talks, largely because of the way in which the applicants had become accustomed to the workings of the Community and were better able to tailor their membership bids to fit with the methods and habits of the EEC. Even in 1970-2, however, despite its somewhat lower profile role, the Commission did more than enough to confirm that lesson which the first set of enlargement talks had demonstrated, namely that any discussion which revolved around the *acquis communautaire* and the precise rules and regulations of the European Community, would be one in the process of which, a great deal of importance would be attached to the opinions, tactics and performance of the European Commission. If debate about enlargement had become a fixture in the life of the Commission, a salient role for the Commission had become an inescapable part of every discussion or negotiation about the widening of the EEC.