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Originally published as:

Badel, L.; Jeannesson, S.; Ludlow, N. Piers, Eds., L'adaptation des administrations nationales à la construction européenne : une approche historique (1920-1975). London, England: Peter Lang Publishing, 2005.

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You may cite this version as:

Ludlow, N. Piers (2005). Plus que six ambassadeurs : l'émergence du Coreper durant les premières années de la CEE [online]. London: LSE Research Online.

Available at: <http://eprints.lse.ac.uk/880>

Available in LSE Research Online: July 2007

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More than Six Ambassadors:

The emergence of Coreper in the early EEC

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Few international institutions can have developed quite so rapidly, on so slender a legal base, as the European Community's Committee of Permanent Representatives normally known by its French acronym, Coreper (Comité des Représentants Permanents). The Treaty of Rome makes no direct mention of the body. Article 151 in its original form stipulated merely that the Council *could* establish a committee of national representatives if it so chose. Formal treaty recognition would have to await the 1965 Merger Treaty and even then the cautious wording about the role of the committee being to «prepare» the work of the Council of Ministers and to «execute the mandates that it was given by the Council» scarcely captured the variety or the importance of functions that Coreper had already acquired. Despite this belated and limited official recognition, however, the permanent representatives had by the mid-1960s become a central, and at times controversial, component in the EC's institutional make-up. A historical analysis of their emergence is thus overdue¹.

In order to do this, the first part of the article will seek to identify and analyse the multiple functions that Coreper had begun to perform in the course of the EEC's first decade. Four particular roles will be identified: that of vital cog in the Community's production of legislation, that of principal conduit for communication between the member states and the Community institutions, that of arbiter of

¹ Several studies of the permanent representatives do exist. They are, however, all written from a legal or political science viewpoint, rather than being historical studies. Noël, E. & Etienne, H., «The Permanent Representatives Committee and the «Deepening» of the Communities» in Ionescu, G., *The New Politics of European Integration*, London, Macmillan, 1972, pp.98-123; Salmon, J., «Les représentations et missions permanentes auprès de la CEE et de l'EURATOM» in Virally, M., Gerbet, P., Salmon, J., (eds.), *Les Missions Permanentes auprès des Organisations Internationales*, Brussels, Bruylant, 1971; Tortora de Falco, F., *Il Comitato dei Rappresentanti permanenti dai Trattati istituiti alla prassi Comunitaria*, Rome, Giannini Editore, 1980; de Zwaan, J.W., *The Permanent Representatives Committee. Its Role in European Union Decision-Making*, Amsterdam, Elsevier,

important procedural decisions, and finally that of crucial locus of crisis management within the EEC. The second part of the article will then ask what Coreper's emergence reveals about the nature of the Community in the 1960s. Was its growing importance, as some have asserted, an indication of the increasingly intergovernmental nature of the EEC? Or was reality somewhat more complicated than this claim might suggest? Throughout, the article will be based upon an analysis of historical records from the archives of the Community institutions themselves and those of the principal member states of the early EEC.

I. The Functions of Coreper

A. Coreper's legislative role

The task of «preparing» Council meetings inevitably implied a strong legislative role for Coreper. The Council of Ministers was the Community's main legislative institution – the European Commission might start off the law-making process with its unique right to propose legislation, but the Council invariably ended it since ministerial sanction was necessary before any measure could become law². A committee designed to assist the Council in its operation was thus always likely to become deeply involved in the Council of Ministers' most important and most high-profile task.

At first sight the most striking aspect of Coreper's legislative role might appear to be its role in the so-called «A points» procedure. From January 1962 onwards, the Council of Ministers no longer held full debates of every legislative provision. Instead, ministerial time was focused on any proposed legislation where disagreement remained amongst the member states. The remainder was forwarded to the Council, by Coreper, as «A points» – in other words as items that needed no further debate and could hence be passed without ministerial level discussion. For a significant proportion of the EEC's legislative output – 138 out of 192 decisions in 1964 for instance – Coreper was thus the most senior body to review the final text in

1995; and Blair, A., «The Permanent Representations to the European Union» in *Diplomacy and Statecraft*, 12/3, London, 2001, pp.349-369

² The earliest serious study of the Council of Ministers was Houben, P.-H.J.M., *Les Conseils de Ministres des Communautés Européennes*, Leiden, A.W. Sythoff, 1964. Most of the initial academic analyses of the EC system were primarily focused upon the Commission, which was deemed the most original of the new institutions.

any detail³. Ministers had seemingly handed the scrutiny of the majority of European Community law to an unelected body of senior officials.

Looked at more closely, however, this procedure did not imply as far-reaching a loss of «political» as opposed to «bureaucratic» control as might at first appear. The vast majority of the «A points» were highly technical items. They were hence precisely the type of issue that is decided well below a senior political level in virtually all democratic states, including each of the Six. The very mechanism of «A points» indeed had been copied from a similar system employed within the French government⁴. There was thus nothing particularly remarkable about a working method designed to spare ministers the need to discuss often highly abstruse and obscure pieces of European legislation. Instead, the «A points» procedure was a sensible step intended to ensure that whenever ministers did gather in Brussels their time and attention could be focused on issues where discord amongst the Six remained and where political judgement and the authority to compromise were therefore required. Given that the Community of the early 1960s was already producing a huge torrent of legislation, monthly gatherings of ministers alone would not have been capable of providing thorough scrutiny of all the draft legislation tabled by the European Commission⁵. Coreper's role in discussing the «A points» was hence much less unusual or controversial than might have been initially assumed.

Considerably more interesting, by contrast, was Coreper's contribution to the genuinely political decisions that the Community took during the 1960s. The main legislative landmarks of the early EEC's development are, of course, associated with a succession of ministerial «marathons» – meetings of the Council stretching over several days and nights and conducted under intense political, public and press scrutiny. In the early years of the decade, indeed, it seemed as if no year would be complete without a nail-biting Brussels negotiation, usually in either December or June⁶. Few of these major political set-pieces would, however, have been able to reach a successful outcome had it not been for the vital preliminary negotiation

³ Salmon, «Les représentations et missions permanents auprès de la CEE et de l'EURATOM», pp.684-687

⁴ *ibid.*, p.684

⁵ Between 1962 and 1965, the Commission was producing on average 50 directives and 80 regulations per annum. All of these needed to be discussed and sanctioned by the Council. Figures cited in European Community Historical Archives, Brussels (ECHA), speeches collection, Hallstein speech, «The Commission, a New Factor in International Life», London, 25.3.1965

⁶ That of December 1960 began the trend, which continued with the marathons of December 1961-January 1962, December 1963, December 1964 and June 1965.

conducted by the permanent representatives. The contribution of Coreper and its individual members to the Community's most significant legislative breakthroughs does therefore need to be examined much more closely.

The permanent representatives' role began almost as soon as the text of each Commission proposal had been communicated to the Secretary General of the Council and each individual permanent representation⁷. For, by the mid-1960s at least, every member state government had become aware of the need to involve their «eyes and ears» in Brussels in the formulation of their European policy as early and as effectively as possible. Each permanent representative was thus likely to be extensively consulted by their government as to what the trend of debate in Brussels was likely to be, what the priorities were of the other governments involved, what national ambitions were realistic and what objectives were by contrast unlikely to prove attainable⁸. Such views were not always heeded. Hans-Georg Sachs, the German permanent representative in 1965, and Bömcke, his deputy, made multiple attempts in the course of the late summer and autumn to warn Bonn that the position the German government had adopted on CAP finance was too out of line with their partners' attitudes to stand any chance of success only to be completely ignored⁹. The discomfort and isolation experienced by Gerhard Schröder, the German foreign minister, when the issue was eventually debated at ministerial level in mid-October, demonstrated however why most governments paid rather more attention to the advice they received¹⁰. The Community expertise and the knowledge of what the other parties to EEC negotiations were likely to do made the permanent representative a vital advisor in each member state's European policy making.

This advisory role continued once the first multilateral discussions were held amongst permanent representatives in Brussels. Detailed reports of Coreper meetings and analysis of what the discussions revealed about the stance of the other member state governments form a substantial and important part of the paper work relating to

⁷ The procedure for transmitting the information to the Council and the member states is described in Historical Archives of the European Community, Florence (henceforward HAEC), Fonds Emile Noël, EN-377, analysis of decalogue, incorrectly dated 23.1.1965 (presumably 23.1.1966).

⁸ All of the member state archives that I have been able to consult, provide multiple illustrations of this trend. For a typical example, see *Documents Diplomatiques Français 1963*, Paris, Imprimerie Nationale, 1999, vol. 1, document 155

⁹ See for instance: Bundesarchiv, Koblenz (BA), Bundeskanzleramt, B136, Bd. 2592, Bömcke to Praß, 1.10.1965

¹⁰ The awkwardness of Schröder's position is very clear from the Council minutes: Council of Ministers Archives, Brussels (CMA), 1304/65, Projet de Procès-Verbal de la 174e session du Conseil CEE, 25-6.10.1965

each EEC decision within the files of the six national governments¹¹. Precise reporting from Brussels, plus the hints often dropped at Coreper meetings about initiatives that ministers were planning to take at Council level, thus reinforced the permanent representatives earlier predictions and allowed each government to formulate its approach well-informed about its partners' attitudes. Given the widely recognised importance of avoiding total isolation in Brussels negotiations and the desire of each government to assume a position that stood some chance of at least of partial success, such information was of great significance¹².

As important, however, was the way in which discussions amongst permanent representatives would begin to alter the text of the legislation itself. Strictly speaking, the wording of the draft legislation remained under the control of the European Commission. Until such a time as the Council had actually passed the legislation, the proposal continued to be something that the Commission could alter, or even withdraw, at will. But despite this basic principle, the permanent representatives could and did have a significant impact on the content and wording of the draft law. For a start, the Commission was represented at every Coreper meeting (normally by the deputy Executive secretary – sometimes by the Executive Secretary himself) and followed the evolution of debates very closely. It was thus often prepared to alter its own text, once it became aware of particular member state concerns¹³. The passage of the legislation normally mattered more than the exact wording of individual clauses. Furthermore, the Commission was well aware of the utility of heeding drafting suggestions or substantive amendments put forward during the Coreper meetings. Doing so might win valuable support from the permanent representatives, and greatly improve the legislation's overall prospects in the subsequent Council debate. Creative permanent representatives thus stood a good chance of leaving a substantial imprint on the language and content of many EC regulations or directives, especially, but not exclusively, if they came from the country holding the rotating

¹¹ See for example BA, Bundeskanzleramt, B136, Bd. 2589, Harkort to AA, tel. no. 1402, 2.8.1963

¹² For a clear instance where a permanent representative's knowledge of the other member states' views helped him prevail in an internal policy debate, see Archivio Centrale di Stato (ACS), Ministero del Bilancio e della Programmazione Economica (MBPE), vol. 93, Resoconto sommario della XXXIV riunione del comitato ristretto dei direttori generali dei ministeri tecnici incaricato delle questioni CEE e dei rapporti con i paesi terzi, 20.11.1964

¹³ For a fairly clear example of the Commission fine-tuning its draft legislation in the light of Coreper discussions, see ECHA, PV COM (65) 357, 2e partie, 27.4.1966, item F.

Presidency of the Council of Ministers¹⁴. Few draft laws reached the ministerial level of debate without having been in some way redrafted in the light of Coreper discussions and without containing a number of alterations suggested by the Permanent Representatives themselves.

Coreper was also of importance in determining the timing of ministerial discussions. Council meetings were too infrequent and too overburdened to devote much time to the examination of issues where agreement was all but impossible. The evolution of debate amongst the permanent representatives was thus vitally important in establishing when it was best to seek ministerial involvement¹⁵. If too many of the technical difficulties remained unexplored, there was little point in asking ministers to discuss the issue. The results were likely to be meagre, valuable time would have been lost, and the mood of the Council would most probably have been adversely affected. But equally there were limits as to how much the permanent representatives could achieve in the absence of clear political guidance. It was thus sometimes useful to have a Council level debate in order to determine the general direction of member state sentiment, before allowing a draft law to return to Coreper (or working group) level in order that the details might be worked out¹⁶. A good Council Presidency would thus not only use the trend of Coreper discussions in order to determine when best to ask ministers to intervene, but would also consult the assembled permanent representatives about whether or not they felt a subject to be ripe for discussion at the highest level.

And the permanent representatives' contribution to EEC negotiation continued even when ministers became directly involved. Already by the mid-1960s it had become customary for ministers attending important Council meetings to meet the permanent representative for a detailed briefing – often over dinner the night before¹⁷. Most Council meetings, moreover, would begin with a report by the President of Coreper, setting out orally the progress made in official level discussions and

¹⁴ See for example Borschette's compromise plan which helped pave the way to the May 1966 deal on CAP finance. ECHA, BDT 144/92, SEC(66) 1013, Sigrist report on the 31.3.1966 Coreper meeting.

¹⁵ See e.g. the Commission report on 7.5.1963 Coreper discussions devoted to the agenda of the 8-9.5.1963 ministerial meeting. ECHA, BDT 214/1980, G/460/63, Herbst note on «Programme de travail du Conseil», 8.5.1963

¹⁶ See Borschette's eloquent complaint about how difficult Coreper's task could be in the absence of sufficient political guidance, see CMA, I/5/69, Extrait du Procès-verbal de la réunion restreinte tenue à l'occasion de la 59e session du Conseil, 27-8.1.1969.

¹⁷ For a reference to one such dinner see de L'Écotais, Y., *L'Europe sabotée*, Brussels, Rossel Edition, 1976, pp.19-20

highlighting the key points of the written Coreper report that almost invariably lay upon each minister's desk¹⁸. The report would clarify which parts of the legislative proposal met with consensus and which by contrast were still subject to disagreement. It would also summarise the different national viewpoints, often including the different wordings preferred by each of the six national delegations and the Commission.

The permanent representative, furthermore, would nearly always accompany a minister into the Council chamber, albeit as one of several civil service advisors. On occasion, the permanent representatives would even be called upon to replace the minister altogether. Antonio Venturini, the Italian permanent representative, was, for example, called upon to fill his country's seat for much of the first morning of the Luxembourg Council of January 28-9, 1966 because Emilio Colombo's plane had been delayed by fog¹⁹. Similarly, Jean-Marc Boegner, his French counterpart, was quite often obliged to stand-in for Maurice Couve de Murville, since the French foreign minister's timetable was frequently too full to allow him to stay for the whole of two day Council meetings in Brussels²⁰.

The permanent representatives thus found themselves at the very heart of the Community's legislative process. Both individually and collectively they did much to shape the member states' approach to each negotiation. Their own discussions of each issue, furthermore, not only identified those points of lesser importance and disagreement that could be passed onto the Council as A points, but also helped narrow the gap between divergent national positions and identify compromise formula acceptable to the Commission and the member states alike. They played an important function in determining the timetable of ministerial discussions. And when the Council did debate each issue, it did so in a manner which continued to involve the permanent representatives as advisors, providers of background information, and, on occasion, full replacements of absentee ministers. A great deal of the credit for that torrent of legislation that emerged from the EEC between 1958 and 1967 must therefore be given to Coreper and to the individual permanent representatives.

¹⁸ See e.g. Boegner's report at the start of the ill-fated June 1965 negotiations: CMA, R/850/65, *Proces-verbal de la réunion restreinte tenue à l'occasion de la 172e session du Conseil de la CEE*, 28.6-1.7.1965.

¹⁹ CMA, C/12/66, *Proces-verbal de la session extraordinaire du Conseil de la CEE (17-18 & 27-28.1.1966)*; the explanation of why Venturini had to stand-in is in Ortona, E., *Gli Anni della Farnesina. Pagine del Diario 1961-1967*, Milan, SPAI, 1998, p.117

B. Coreper's conduit role

The second vital role of the permanent representatives was as a channel for the flow of information between the member states and the Community institutions. At its most basic admittedly this role could amount to little more than that of upmarket post-office played by all embassies. Community legislative proposals, EC statistical data, and other information was all conveyed from Brussels to the appropriate national government departments via the permanent representation; similarly, national requests for additional material or for clarification about certain Community actions were forwarded to the relevant part of Brussels by each member state's «embassy» to the EEC²¹.

Somewhat further reaching, but still well within the range of normal «ambassadorial» functions, was the way in which the permanent representatives were entrusted with delivering member state messages or *démarches* to the Community institutions. At the height of the 1965 to 1966 struggle between France and the European Commission, for instance, Boegner both wrote in person to Walter Hallstein, the Commission President, and relayed letters from Couve de Murville complaining about «inappropriate» Commission behaviour²². Somewhat more unusually, however, France also used Coreper as a forum to air these grievances before its fellow member states²³. The Commission was clearly worried about this practice, resolving to respond only to complaints transmitted to it directly by the member states²⁴. But it did almost certainly contribute to a situation in which the Five member states other than France were well aware of the difficulties that Paris had with the Hallstein Commission and were not entirely without sympathy for the French case²⁵. This probably goes some way to explaining why the Five were to prove much less determined in their campaign to protect the Commission from French

²⁰ See for example the way in which Boegner and not Couve responded to Brandt's ministerial debut in Brussels: CMA, R/601/67, Procès-verbal de la 212e session du Conseil de la CEE, 10-12.4.1967

²¹ According to Salmon, it was the Italian permanent representative in the early 1960s, Cattani, who insisted upon all such communication being routed through the permanent representation. «Les représentations et missions permanentes auprès de la CEE et de l'EURATOM », p.634

²² For the Commission's discussion of one Boegner letter, see ECHA, COM(65)PV 316, 2e partie, 5.5.1965; for a similar reference to a letter from Couve, COM(65) PV 312, 2e partie, 31.3.1965

²³ ECHA, BDT 214/80, G(65)227, Sigrist note on 27-9.4.1965 Coreper meeting

²⁴ ECHA, COM(65) PV 320, 2e partie, 1.6.1965

²⁵ It was notable that only the Dutch really sought to counter-attack with any conviction. See ECHA, BDT 214/80, G(65)276, Sigrist note on 25-6.5.1965 Coreper meeting

pressure during the empty chair crisis than they were to safeguard the possibility at least of using majority voting²⁶.

Even less in line with normal diplomatic procedure was the way in which permanent representatives were encouraged by the member state governments to oversee and at times to control the wider range of contacts between the Community institutions and member state institutions. Policy-making in Brussels inevitably involved a great deal of preliminary consultation between the European Commission and member state governments. To this end, the Commission invited numerous national civil servants to Brussels, while Commission officials and Commissioners themselves visited the member state capitals in order to sound out national opinions and investigate national practices before submitting draft proposals to the Council²⁷. Such contacts were generally encouraged by the member state governments. By the mid-1960s, however, there were clear signs that several governments wished to control the relentless expansion of this consultation process and to use the permanent representatives in order to do so. The French thus tried to ensure that all civil servants travelling from Paris to Brussels informed the permanent representation of their presence and, where possible, reported back on the content of their discussions with the Commission. And it was at German insistence that the clause relating to Commission consultation in the January 1966 «heptalogue» – the code of conduct for the Commission that was one of the documents that brought the empty chair crisis to an end – suggested that all such consultation be arranged «par l’entremise des représentants permanents»²⁸. The permanent representatives were, in other words, being asked to supervise bilateral contacts between the Community institutions and the member states, as much to facilitate the flow of information between Brussels and the national capitals.

Inevitably there were limits about how complete such control could be. There was little that permanent representatives could do to prevent Commission officials picking up a phone and talking to civil servants in Paris, Rome or Bonn. And equally there was little way of preventing multiple informal contacts between national officials and «Eurocrats» who often shared similar backgrounds and had frequently

²⁶ The difference between the Five’s attitude towards majority voting and the Commission will be extensively explored in the author’s forthcoming manuscript.

²⁷ The Commission estimated that between 14000 and 15000 national experts visited Brussels each year. And Commissioners spent on average 100 days each year travelling. HAEC, Fonds Emile Noël, EN-377, analysis of Decalogue. 23.1.1965 (sic.)

been direct colleagues prior to 1958.²⁹ But the very fact that an attempt was made, would suggest a degree of sensitivity about the growth of bonds between the Brussels institutions and national governments. This aspect of Coreper's growing importance thus underlined a member state desire to keep a hold over the speed of «Europeanisation» very much in line with the similar (and near simultaneous) efforts to check the Commission's effort to establish a direct political rapport with the European population³⁰.

C. Coreper's procedural role

Coreper's third key function was as a forum for the multiple procedural discussions necessitated by the Community's rapid evolution. The Treaty of Rome inevitably left many aspects of the EEC's operation unclear. And the gaps in the treaty text became ever more obvious as the Community's fast early development multiplied the range of EEC activity and the number of unanticipated challenges that it had to confront. Nowhere was this more so than in the field of external relations. A small section of the Treaty did provide some guidance about how the EEC should behave towards its neighbours and international partners. But the general guide-lines set down were in no way adequate to prepare the Community for the tidal wave of international interest that had swept over it during its first years of operation. A largely improvised response was required.

Coreper was central to this improvisation. Ministers met too irregularly to be able to devote enough of their time to nitty-gritty questions such as how precisely an association agreement ought to be negotiated; the gaps between Council meetings were also too lengthy to allow the type of rapid response that was often needed. The Court of Justice, although the ultimate arbiter of the way in which the Treaty was interpreted, also suffered from a slowness of deliberation that made frequent consultation impractical. And while the European Commission had strong views about many of the procedural questions at issue, few of the member states were

²⁸ HAEC, Fonds Emile Noël, EN-343, G(66)65, Sigrist note to Commission, 1.2.1966

²⁹ See for example, the discussion between Michel Gaudet, the French head of the Commission's legal service and former French government colleagues at the early stage of the empty chair crisis, Archives Nationales, Fontainebleau (ANF), SGCI files, versement 900638, article 25, Note pour M. Dromer, 9.7.1965

³⁰ For a discussion of the latter, see Ludlow, N.P., «Frustrated Ambitions: The European Commission and the Formation of a European Identity, 1958-1967» in Bitsch, M.-T., Poidevin, R., Loth, W. (eds.), *Institutions européennes et identités européennes*, Brussels, Bruylant, 1998, pp.307-326

willing to hand over so much responsibility to Hallstein and his colleagues³¹. Coreper was thus the obvious instrument to use. Its members were always present in Brussels, they had the necessary expertise to debate the finer points of treaty implementation, and they would inevitably respect the need for ongoing national control. A significant portion of Coreper's weekly meetings during the 1960s thus featured debate about seemingly arcane procedural questions.

The months preceding the opening of the first enlargement negotiations are a case in point³². Article 237 – that part of the Treaty setting out how the Community should respond to membership requests – offered minimal guidance as to how the negotiations should be conducted. Nor was experience much guide: neither of the possible precedents, the free trade area talks of 1958 and the Greek association negotiations, were remembered very positively³³. It was thus up to the Six – and the permanent representatives in particular – to devise a negotiating mechanism from scratch. Doing so proved both complex and divisive and was only completed in November 1961. The system the permanent representatives finally settled on, moreover, was of great significance in the subsequent fate of the membership bids. In particular, the highly defensive procedure adopted, with its emphasis on protecting the Community's fabric rather than smoothing the applicants' path into the EEC, was at least one important factor in explaining why so much remained to be settled in January 1963 when de Gaulle chose to veto³⁴. Coreper could thus be said to have had an important influence on the 1961-3 enlargement negotiations through its role in determining the ground rules of the membership talks.

D. Coreper's crisis management role

The final function of the permanent representatives that needs to be described is their role in the management and resolution of crisis within the EEC. The 1960s it hardly needs to be recalled were a time of some tension within the European Community,

³¹ See for example the unanimous member state rejection of the idea that the Commission should single-handedly respond to Iran's desire for a privileged trade relationship in early 1963: ECHA, BDT 214/1980, G/122/63, Noël to Commission, 8.2.1963

³² For a much more detailed review of these Coreper discussions, see Ludlow, N.P., *Dealing With Britain: the Six and the First UK Application to the EEC*, Cambridge, CUP, 1997, pp.53-67

³³ Ludlow, *Dealing With Britain*, pp.51-53

³⁴ Prominent members of both the British and German delegations would retrospectively criticise the procedure adopted for precisely this reason: Roll, E., *Crowded Hours*, London, Faber & Faber, 1985, pp. 118-119; Müller-Armack, A., *Auf dem Weg nach Europa: Erinnerungen und Ausblicke*, Tübingen and Stuttgart, Rainer Wunderlich Verlag/C.E. Poeschel, 1971, p.236

especially between Gaullist France and its five partners. This led to a succession of crises the most celebrated of which was the French boycott of the Community institutions between June 1965 and February 1966³⁵. In each Coreper had an important role to play.

In the first of the crises, that of 1963, the importance of the permanent representatives lay primarily in their role in helping to defuse tension between France and its partners by re-focusing attention back onto the day-to-day agenda of the EEC. In the immediate aftermath of the emotional January 29th meeting at which the British application had been formally postponed *sine die*, a full meeting of the Council of Ministers would have been all but impossible, so high were feelings running³⁶. The permanent representatives could meet, by contrast, partly because they were less directly involved (only two of their number had been part of the national delegations assembled to talk to the British, Danes, Irish and Norwegians), but more importantly because their encounters had become so routine and low-key that they were attracted neither the attention nor the weight of expectation that would have surrounded any ministerial level gathering. Within a week therefore they had fallen back into the habit of doing serious business *à Six*, the tensions surrounding the issue of enlargement not forgotten, but pushed temporarily to one side so that normal Community life could resume³⁷. And where Coreper led, it then became much easier for ministers to follow – by April, the Council too had rediscovered its ability to function and had thrown itself into a serious consideration of the German action plan for a resumption of full EEC operation³⁸.

In 1965, by contrast, the permanent representatives played a rather different, but equally important role. This time the option of putting the tension to one side and getting on with business as usual was not a viable option, since the French chair at each of their meetings was empty. It remained the case, however, that Coreper offered an ideal opportunity for the Five to coordinate their positions in a discreet fashion, without attracting the type of attention that an emergency meeting of the Council would have attracted. As early as July 8, the permanent representatives had

³⁵ The best exploration of these multiple crises is Loth, W., *Crises and Compromises: The European Project 1963-1969*, Baden-Baden: Nomos, 2001

³⁶ See for example Dumoulin, M., *Spaak*, Brussels, Editions Racine, 1999, pp.651-655

³⁷ For the extremely ill-tempered first, post-veto, meeting: ECHA, BDT 214/1980, G/101/63, Noël to Commission, 1.2.1963; for the much more constructive second encounter: ECHA, BDT 214/1980, G/122/63, Noël to Commission, 8.2.1963

thus met to discuss the crisis and to decide how to operate the Community in the absence of one of its members³⁹. And throughout the weeks and months that followed, Coreper would remain a crucial mechanism for keeping the EEC ticking over, discussing tactics and avoiding a situation in which France was able to exploit differences of opinion amongst the Five. It was for instance amongst permanent representatives (meeting informally and without a Commission presence) that the Five debated the best way to approach the decisive Luxembourg meetings at which the crisis was to be eventually solved⁴⁰.

Also indicative of Coreper's centrality had been French reluctance to withdraw entirely from the committee during its boycott. One internal French analysis, drawn up in the immediate aftermath of the June 30th Council breakdown, displayed a fascinating awareness that to not attend Coreper meetings was a much *more* serious step than to boycott Council meetings:

On peut également signaler que les réunions hebdomadaires des Représentants Permanents constituent le lieu normal de rencontre des Six à Bruxelles et que si nous refusons toute réunion, le maintien d'une représentation de la France auprès des Communautés européennes n'a plus de justification. Une attitude négative aboutirait alors à bloquer entièrement les travaux et les contacts. Elle va sensiblement plus loin encore que le refus de participation de Ministres français aux réunions des Six et entraînerait le paralysie complète évoquée précédemment⁴¹.

In the light of this document it therefore becomes much less surprising the French made certain to retain a *de facto* permanent representative in Brussels during the seven month boycott. Thus while Boegner did symbolically return to Paris, Maurice Ulrich, his deputy remained, and continued to send detailed reports back to his government about all that was happening at a Community level⁴². Furthermore, the Five took advantage of his presence to ensure that they had an easy channel of communication to Paris. One of the first tactical decisions taken by the Five (at a Coreper meeting of course!) was that the Italian president of Coreper would brief Ulrich fully on all that had transpired amongst the permanent representatives as soon

³⁸ CMA. R/295/63 Procès-verbal de la réunion restreinte tenue à l'occasion de la 100e session du Conseil de la CEE, 1-2.4.1963

³⁹ ECHA. BDT 214/80, G(65) 347, Sigrist note on COREPER meeting, 8.7.1965

⁴⁰ For Dutch reports on these discussions: Netherlands Foreign Ministry archives, 996.0 EEG, box 177, Spierenburg to MBZ, tels. Nos. 4 & 6, 13 & 14.1.1966

⁴¹ ANF, SGCI files, versement 900638, article 25, unsigned note «Les conditions de participation française aux travaux des Communautés européennes», 3.7.1965

⁴² For an example of Ulrich's reporting back to Paris: ANF, SGCI files, versement 900638, article 25, tel. No. 1016/24, Ulrich to Couve, 26.10.1965

as each meeting had ended⁴³. The French archives thus contain almost as full a record of the Coreper meetings that the French boycotted as they do of meetings prior to July 1965⁴⁴!

The exceptional circumstances of both 1963 and 1965 did thus underline quite how central to the Community's operation the permanent representatives had become. Their expertise, their near constant presence in Brussels, the effectiveness of their rapport with their opposite numbers, and their discretion all combined to make them an invaluable tool for effective multilateral cooperation. They could not replace ministers entirely, of course. For the major decisions, the extra political clout and the political legitimacy that elected ministers carried was absolutely essential. Furthermore, if governments were to draw as much electoral credit as possible out of their actions in Brussels it was important to have prominent politicians, not unknown civil servants, associated with the key steps forward. But for both the day-to-day management of the EEC and the spade work needed to prepare the ground for the «historic» achievements, the low-profile activism of Coreper was much more effective than the more charged atmosphere of monthly Council meetings, let alone the drama of the periodic Council marathons. The dry and limited mandate set out in the Council's internal regulations and then belatedly incorporated into the 1965 merger treaty, barely captured either the importance or the variety of Coreper's tasks.

II. The anathema of supranationality?

So what does Coreper's prominence reveal about the EEC as it emerged in the 1960s? Its first significance is almost certainly as an indication of how great the work load of the Community had become compared to that test-bed of European integration, the European Coal and Steel Community (ECSC). Under the original ECSC model, it had been assumed that monthly meetings of the Council would suffice to scrutinise the activities of the High Authority and to give the member states a sense that they had some control over the process. In practice this had not proved quite enough and a limited forerunner of Coreper had emerged in the form of COCOR, the Comité de

⁴³ ECHA. BDT 214/80, G(65) 367, Sigrist note on the COREPER meeting, 15.7.1965

⁴⁴ See for instance ANF, SGCI files, versement 900638, article 25, tel. 1007-10, Ulrich to Couve, 22.10.1965

Coordination⁴⁵. But the assumption itself had said much about the limited scope of ECSC activity.

Within the much wider EEC framework, the demands placed upon national ministers and their civil servant assistants were much greater from the outset. Coreper thus came into being at once and within three years had in effect reproduced itself with weekly meetings of the deputy permanent representatives being organised alongside those of the permanent representatives themselves⁴⁶. (Rather confusingly these were known as Coreper I; those of the more senior body were spoken of as Coreper II.) Furthermore, there was a dramatic proliferation of other bodies within the Council pyramid designed to cope with the vastly increased work load of the EEC. At ministerial level, there were thus frequent meetings of agricultural ministers, in addition to those of foreign affairs, as well as somewhat less frequent get-togethers for ministers of finance, of transport and of social affairs. At senior official, level Coreper I and Coreper II were meanwhile mirrored by the emergence of the Special Committee on Agriculture for CAP matters, article 111 committee for commercial diplomacy (and especially for GATT negotiations) and specially convened «deputies'» committees for enlargement negotiations⁴⁷. And beneath Coreper innumerable working groups proliferated, each handling much of the detailed law-making and administration required by the broad EEC policy agenda⁴⁸. Coreper's prominence is thus both a symptom of the wider emergence of the Council pyramid as the true heart of the Community system, and a result of this process, since the sheer variety and number of interlocking Council bodies only increased the importance of the permanent representatives as the only people able to exercise some degree of oversight over this multiplicity of committees and ministerial gatherings. Coreper and

⁴⁵ COCOR's emergence is discussed in Spierenburg, D. & Poidevin, R., *The History of the High Authority of the European Coal and Steel Community. Supranationality in Operation*, London, Weidenfeld and Nicholson, 1994, p.60. Significantly COCOR's members were *not* permanently based in Luxembourg but instead gathered in the ECSC headquarters only when the need arose. Salmon, «Les représentations et missions permanents auprès de la CEE et de l'EURATOM», pp.609-610

⁴⁶ The institutionalisation of Coreper I was a French suggestion. Salmon, «Les représentations permanents auprès de la CEE et de l'EURATOM», p.651

⁴⁷ The emergence of the Special Committee on Agriculture in 1960 is referred to briefly in Knudsen, A.-C., «Defining the Policies of the Common Agricultural Policy: A Historical Study», Ph.D. thesis, European University Institute, Florence, 2001, pp.241-243; article 111 committee is discussed in Coombes, D., *Politics and Bureaucracy in the European Community*, London, George Allen and Unwin, 1970, pp.190-191; for the role of the deputies in the 1961-3 enlargement negotiations, see Ludlow, *Dealing With Britain*, p.68

⁴⁸ Lassalle, C., 'Les comités et l'évolution institutionnelle de la CEE', *Cahiers de Droit Européen*, No.4, 1968, pp.395-419

its numerous imitations thus epitomised the distance that the European experiment had travelled since the much more narrowly focused ECSC.

Even more importantly, however, the rise of Coreper also demonstrated how tightly the member states wished to control the EEC. Under the original Treaty of Paris model, acceptance of supranational integration had been taken to mean that each country was willing to relinquish much of its sovereignty over the two economic sectors (coal and steel) concerned. The High Authority would take most key decisions and while the member states would be consulted through the Council of Ministers, they would have limited scope to debar the supranational executive's path⁴⁹. Under the Treaty of Rome, by contrast, not only had the Council become that much more central to the whole decision-making process, but the multiplication of subordinate bodies within the Council pyramid (with Coreper very much to the fore) meant that the member states retained a strong ability to go on steering the EEC's operation even when the ministerial Council was not in session⁵⁰. Periodic oversight had been replaced by constant control.

Contrary to some of the more extreme claims made, however, this did not constitute a reversion to traditional intergovernmentalism. For a start the Commission was highly active at a Coreper level. It was always represented, at times by its most senior official and wildest negotiator Emile Noël, and had multiple opportunities to explain its point of view, defend its ideas, and fine-tune the text of its proposal so as to maximise its chance of winning Council support. It also was frequently able to deploy its expertise in devising bridging formulas and compromises so as to build member state consensus where none originally existed. And in a committee that never voted, the fact that officially the Commission had no vote was not of any great importance. The preliminary testing of the Commission's ideas in a Coreper setting could thus be seen as facilitating the Commission's task of devising legislation that could win member state approval, not making it more difficult.

Furthermore, as the Commission was quick to realise, the permanent representatives could become powerful supporters of the European cause generally

⁴⁹ This was the theory. In practice, of course, the High Authority found it necessary to obtain clear Council sanction for most of its important decisions. As a result, it ended up operating in a fashion that foreshadowed many aspects of the Treaty of Rome system. Poidevin & Spierenburg, *The History of the High Authority of the European Coal and Steel Community*, esp. pp.649-655 and Gillingham, J., *Coal, Steel and the Rebirth of Europe, 1945-1955. The Germans and French from Ruhr Conflict to Economic Community*, Cambridge, Cambridge University Press, 1991, pp.299 ff.

⁵⁰ This theme will be extensively explored in the author's forthcoming monograph.

and of specific Community proposals within the national government of each member state. As Noël put it in January 1966, «Les Représentants permanents défendent sans doute les intérêts de leur Etat membre auprès des Communautés, mais en même temps, ils sont comme tous les bon ambassadeurs, les meilleurs avocats de la Communauté⁵¹.» For this reason, the Executive Secretary of the Commission saw little threat in the idea, discussed at the Luxembourg Council, that the Commission be asked to consult more directly with the permanent representatives while in the process of drafting its legislative proposals. Rather than a handicap, better relations between Coreper and the Commission could actually become an advantage⁵².

Not everybody in Brussels was as pragmatic as Noël admittedly. Both the memoirs of an early Commissioner like Robert Lemaigen and the tone of several European Parliament reports testify to a widespread belief that Coreper had somehow usurped a role to which the Commission and the Parliament should have aspired⁵³. But such ideas were based on a totally unrealistic assumption that the member states would easily or lightly relinquish control over the vital aspects of their economic well-being that had become wrapped up in the EEC. It was instead much more sensible to regard the emergence of Council structures that allowed national governments to participate in the integration process and retain a strong degree of collective control, as a vital precondition not merely of member state willingness to implement the original EEC agenda, but still more of their acceptance that other still more sensitive political and economic issues could be brought into the Community's remit. Coreper and all that it symbolised was thus not just an effective mechanism for the day-to-day management of the EEC in the 1960s. It was also an essential component in a structure that could expand beyond the narrow sectoral approach pioneered by the ECSC.

⁵¹ HAEC, Fonds Emile Noël, EN-377, analysis of decalogue, 23.1.1965 (*sic.*)

⁵² *ibid.*

⁵³ Lemaigen, R., *L'Europe au Berceau. Souvenirs d'un technocrate*, Paris, Plon, 1964, pp.85-88; for parliamentary concern, see e.g., the Deringer report, document 74, *European Parliament Reports 1962-3*, pp. 36-38