

THE COMMISSION, A NEW FACTOR IN INTERNATIONAL LIFE

Address by

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given at the

British Institute of International and Comparative Law

London

25 March 1965

A topic such as the one you have asked me to discuss - the Commission of the European Economic Community as a new factor in international life - might tempt the writer of memoirs or the politician as much as the jurist. After seven years of work in the Commission and the Community, there would certainly be no shortage of recollections and one could begin to draw certain lessons from experience. And the politician might depict the Commission active at the conference table in important discussions on the economic organization of the free world. But I think that it is as a lawyer that this distinguished gathering has asked me to speak today, and it is as such that I should like to describe the Community to you, to explain the position of the Commission, its functions and its special role in international life. With this legal approach, I hope to be able to make clear to you the new relationships established within the European Economic Community. Perhaps this will also throw light on some of the reasons for the successes the Community has achieved during the last seven years.

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I must first recall the main features of the Treaty establishing the Community. It is first and foremost an "outline-treaty". Over wide fields it does no more than formulate a few general guiding principles to serve as the basis of common policies, which have to be worked out and then implemented with constant adjustment to day-to-day situations and problems. In such immense fields as agriculture, transport, external trade, social policy, competition policy, and so on, the Treaty therefore provides a framework for continuous action.

This feature of the Treaty - that it is an "outline-treaty" - is recognizable even in the few sectors for which it sets out detailed rules and timing - I am here thinking of the customs union. Its sponsors were anxious to leave room for subsequent adjustment, either to the gradually changing pattern of economic life, or to unforeseen circumstances.

So the Treaty of Rome is constantly being amplified, adapted or elaborated. Its flexibility has often been proved. This flexibility should not, however, blind us to the rigour of the obligations it lays down or of the hierarchy of authorities it creates. "Outline-treaty" it may be, but it is also a rule by which the Member States, their Governments and their Parliaments, their civil services and their citizens must all abide. To supervise its strict application is not one of the Commission's lighter tasks.

The main novelty of the Rome Treaty is not, however, that it is an "outline-treaty". This feature is to be found in other international agreements. Who would not be struck, for example, by the variety and scale of the operations and policies which have been successfully conducted on the basis of the meagre text of the North Atlantic Treaty? What commands even more attention in our Treaty is the procedures by which it can be amplified, adapted or elaborated, and by which it must be applied. The Treaty does not assign these duties to the Member States, acting alone or meeting in inter-governmental councils, but to Community bodies having their own freedom of action.

These Community bodies - we call them "Institutions" - are empowered to take decisions pursuant to the Treaty, and in many cases they can do so already by majority vote - an arrangement which will be the general rule from the beginning of next year.

And these decisions are as fully binding on the Member States as the Treaty itself, without any further action, such as approval by the national Parliaments, being required of the States.

Far more important, certain of the decisions which the Community Institutions have the power to take are embodied in "regulations", which are "directly enforceable in all the Member States" and which therefore directly create rights and obligations for every citizen. Thus the Treaty controls not only the relationships of the Member States with each other or with the Community, or again with the Community Institutions. It also controls, of itself or by legal acts stemming from it, the legal position of private individuals.

What should we conclude from these facts? Do they not suggest a ready analogy? More than a traditional convention in international law, this "outline-treaty", embodying active policies, forming the basis of institutions with wide powers, creating rights and obligations for each citizen as much as for the highest authorities of the State, does it not remind us of the constitution of a modern State? As a citizen of a federal republic there is no doubt in my mind as to the nature of this constitution. We do indeed find in the Treaty of Rome many features similar to those of the constitution of a federal state, set up in the fields of public activity covered by the Treaty.

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The Commission is one of the Institutions created by those new constitution-makers, the signatories of the Rome Treaty. And they

found themselves faced with a problem shared, I believe, by all who have been responsible for drafting a constitution, that of the separation of powers. They solved it by entrusting the tasks of creating a European system of law and of bringing it into force to two Institutions, the Council and the Commission, while two others, the European Parliament and the Court of Justice, were given the task of control. I should like to bring out the personality of the Commission by describing its share, as compared with that of the Council, in the execution of the Treaty, and showing how it is controlled by the Parliament and by the Court of Justice.

Amplifying, adapting, elaborating the Treaty by acts which directly bind the Member States and in certain cases even the citizens of the Community - all this means developing a system of European law. The Commission and the Council are closely associated in this law-making process.

As regards final decisions, it must be noted that power lies essentially in the hands of the Council. In all fields, whether it is that of fixing in precise terms the obligations arising under the customs union, or that of defining the instruments of the common policies and of setting these in train, or again that of bringing national laws into line or replacing them by European laws, it is always in the last resort the Council which decides. But this does not mean that it possesses discretionary powers. It must respect the objectives and comply with the rules of the Treaty. It is also required to comply with the procedures prescribed by the Treaty. These provide for a majority vote or a unanimous vote depending on the nature of the decision and the stage at which it is taken. The unanimous vote required at the beginning of the transition period will be superseded in most cases in 1966 by a majority vote. These procedures also require close association between

Council and Commission during all phases of the drafting and discussion of European legislation.

The Community's law-making process has often been likened to a dialogue between the European Commission, an independent body whose task is to define and uphold the general Community interest, and the Council, in which the representatives of the six Member States give expression to their own interests and endeavour at the same time to reach beyond them in a Community context. The presence of the Commission introduces a new factor into what might otherwise have been negotiations of the conventional kind between the representatives of sovereign states. It adds another dimension to the whole by providing a constant reminder of a Community interest transcending the interest of each of the participants.

However, if a dialogue is to have meaning and be productive, if a reminder is to be really effective, those who take part in it must be on a footing of equality. For this purpose, the law-making procedure established by the Treaty arms the Commission with the de facto and de jure powers needed for it to exert a considerable influence on discussions and decisions, although it cannot oppose the common will of all the Governments.

First and foremost, the Commission is the initiator of Council decisions. Its task is to set in motion, by its proposals, the entire law-making activity of the Council. With very few exceptions, the Council can act only on a proposal from the Commission. The

Commission has the sole right to initiate proposals. It has a "monopoly". This fact alone gives the Commission's right of initiative a significance greater than the customary right to initiate legislation that we know in our national constitutions. The fact that the Commission has the monopoly in initiating proposals means, however, that it is also obliged to put forward proposals.

Legally it would, of course, be quite proper for the Council simply to ask the Commission to submit proposals on a given subject; what would be the consequences of the Commission declining to do so would, if the worst came to the worst, be an open question. But from the political angle, any lack of spirit of initiative in the Commission, any lack of creative imagination on its part, would inevitably reduce the Council to a state of semi-paralysis and would halt the progress of the Community.

Having the sole right to make proposals, the Commission can assert its own ideas from the very outset and in a highly effective manner, since they must form the basis of all subsequent discussion. Now, by reason of its composition, by reason of the support it enjoys from its own integrated civil service, and because it can always inform itself as to the concerns of Member States and study their difficulties, the Commission is in a position to submit proposals which are truly the expression of a Community interest and have a prospect of being accepted by the Council.

If all of the Commission's proposals to date - with a single unimportant exception - have been approved by the Council, there is no doubt that this is largely due to the Commission's success in putting forward the best possible solutions from the technical angle. In order to achieve this, the Commission does not simply rely on the expert knowledge of its officials in drafting its proposals; it

tries to ascertain and take into account the views of independent consultants, the business circles concerned and government departments. Experts from the Member Governments are brought into preliminary discussions at an early stage. To give you an idea of the scale of this co-operation, I may say that in 1964 about 1 200 meetings - attended by some 12 000 experts - were held under the chairmanship of Commission officials.

Constant consultation, often in ad hoc committees, not only enables the Commission to draw on the expertise of trade and industry, science and government; it also enables those consulted to get to know and understand each other's problems. It leads to a "psychological" integration that is at least as important as the integration of legal systems. It is this "psychological" integration which ensures the consolidation of the legal integration already attained and its extension to wider fields of government affairs.

A Commission proposal, however, is not only the end-product of the expertise of a "technocratic" administration, much more, it is an eminently political act. In the first place, it is a political act to select one of a number of possible measures: with due regard to what, on a realistic view, is likely to obtain the Council majority required by the Treaty, the Commission chooses in complete independence the solution it considers most in line with the Community interest. Deciding on the timing of the proposal is also a political act: what was impossible yesterday may perhaps be possible today and imperative tomorrow. The question whether a proposal should be put forward alone or in conjunction with others is also political: linking a number of proposals may make it easier to strike a balance between conflicting interests in a package deal - which was the only way of bringing the marathon sessions of December 1961, 1963 and 1964 to a successful conclusion. However,

this may also lead to a deadlock because each Member State makes its consent conditional upon concessions by the others. The Commission's basic principle is therefore to regard each proposal as a measure to be judged purely on its own merits.

The dialogue between the Commission and the Council, which begins with the tabling of a proposal from the Commission, is governed by an important clause of the Treaty, Article 149, according to which the Council, when deliberating upon a proposal of the Commission, may only adopt amendments to that proposal unanimously.

The Council, when it is unanimous, may thus depart from the Commission's proposal - and this is fair, since the Council is then expressing the common will of governments democratically responsible to their Parliaments. Where the Treaty in any event requires a unanimous decision, Article 149 has no great practical significance; it assumes its full force only where the Treaty permits a majority decision. For here the Member States have only two possible courses of action if they cannot agree unanimously on another text: they must either adopt the Commission's proposal as it stands by majority vote or they must throw it out altogether. This is another fact that raises the Commission's right of initiative far above the level of the familiar constitutional right to initiate legislation.

The Commission, on the other hand, can make any change it wishes to its proposal if it believes that this will facilitate a decision. The success of any such amendment depends not only on

its content but also on its timing. The Commission could hardly assess either of these factors if it did not sit in at Council meetings. And it is not merely an observer: it is also an extremely active and highly esteemed partner, making its voice heard and its influence felt at each phase of discussion in order to reach a Community solution and not hesitating to withhold its approval from decisions that do not give sufficient consideration to the interests of the Community. In such cases the Commission's practice is to decline to amend its proposal. Consequently, the Commission has on occasion been described as the seventh partner at the Council table.

Since the entry into force of the Treaty, the Commission has made full use of its prerogatives. Even in the still numerous cases where the unanimity rule still applies, the importance of its contribution, I think I may modestly claim, has often been admitted by the governments themselves. After the second stage of the transition period, at the beginning of 1966, virtually all Council decisions will be taken by majority vote. The procedure of Article 149 will then come into full play, and to that extent the Commission's influence will be enhanced.

The active presence of the Commission in the Council has, first of all, practical consequences. The Commission finds itself in a central position where, thanks to its independence, it can at all times play the role of honest broker between the governments and can also bring political weight to bear to ensure that formulas for agreement are found.

The political consequences of this system are even more important. As we have seen, the Commission's proposals are the expression of a policy which it has adopted in the light of Community objectives only. The permanence of the Commission during the four years for which its members are appointed ensures the continuity of

this policy. As the Council can only take decisions on Commission proposals, which give form and substance to the latter's policy, it cannot adopt, according to the topic discussed, conflicting regulations with shifting majorities at the whim of coalitions or of battles for influence among governments. Nor is it possible for a majority of the Council to impose on a minority state, without the agreement of the Commission, a measure which would seriously damage its vital interests. If the Commission effectively fulfils its obligations, its intervention is a guarantee to each of the Member States that its legitimate interests will be safeguarded; the Commission prevents the formation of groups exercising hegemony in the Council to the detriment of one or more Member States.

The Commission is of course free to initiate measures and make suggestions in cases where technically it does not have the right of initiative. It has already made considerable use of this discretionary power, which is not open in like manner to any other institution. As an example, I would mention only the speed-up decisions that put us a good way ahead of schedule in the attainment of customs union.

Although the Treaty itself confers legislative powers directly upon the Commission in only a few cases, we have seen that it does give the Commission considerable influence on the law-making process. In addition, it provides expressly that the Council may delegate powers to the Commission. The Council has frequently done so, particularly in the field in which its law-making activity has been greatest, that is to say the common agricultural policy.

Machinery has thus been established of a kind nowhere foreshadowed in the Treaty - the so-called Management Committee procedure. Before taking a decision, the Commission must consult the relevant Committee, which is composed of representatives of the Member States.

If a Committee, acting by a qualified majority, rejects the proposed decision, the Commission must inform the Council, which can then amend the proposal, again by a qualified majority vote.

This is a novel procedure which is nevertheless in keeping with the principles which determine the constitutional positions of both Council and Commission in accordance with the Treaty. It permits the Member States to leave the final decision on specific matters in the hands of the Council, but at the same time avoids making the Commission subordinate to the Council, either de jure or de facto. It also prevents any Institutions not provided for in the Treaty from being set up with independent powers of action.

It should furthermore be pointed out that the delegation of powers to the Commission by the Council, provided for in a regulation adopted on a proposal from the Commission, is far more substantial than the traditional delegation of powers by national governments. Here, the delegating authority can normally withdraw the powers it confers and resume the exercise of those powers itself. As against this, powers delegated to the Commission can only be withdrawn following a proposal to this effect. Pending such a proposal, the Council cannot withdraw and exercise independently the powers it has delegated.

The same practical considerations which prevailed in the agricultural field - the large number of decisions to be taken, early deadlines to be met, together with the problems raised by the composition of the Council and the fact that the frequency of its meetings is necessarily limited - will certainly lead to further delegations of power as European legislation gradually extends to other fields.

To conclude this outline, I should like to give some figures indicating the scale of the Community's legislative activity. Last

year, the Council adopted, on proposals from the Commission, 80 regulations directly enforceable in the Member States and about 50 decisions addressed to the Member States and binding in all their parts. During the same year, the Commission issued 124 regulations, most of them by virtue of powers delegated to it by the Council, and some 250 decisions addressed to one or more Member States. The figures for 1962 and 1963 were of a similar order. In other words, the law-making machinery I have just described has been tried and tested and is now in constant use.

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Although the making of Community law is chiefly the work of the Council, the implementation of the Treaty, by which I mean its day-to-day administration and the supervision of its proper application, is quite a different matter. Here the Treaty gives the Commission extensive powers which have been further strengthened by delegation from the Council.

The Commission is solely or almost solely responsible for the application of safeguard clauses and waivers written into the Treaty or introduced in pursuance of it. These clauses operate in a variety of fields and according to what are often very different procedures. In certain cases, the Commission has sole power to decide on a measure at the request of a Member State.

In other cases, the Member State concerned may itself apply a safeguard measure, and here the Commission can do no more than request the State to amend or repeal it. In certain cases - especially in the agricultural market organizations - Member States

finally have the right to appeal to the Council against a Commission decision regarding a safeguard measure.

As the custodian of the Treaty, the Commission has a general duty to supervise its implementation. It sees that measures taken by the Member States are in conformity with the Treaty and, in addition, receives and investigates complaints sent to it by governments or by private individuals. In this way, nearly 400 complaints have been filed and dealt with so far by the Commission.

Vis-à-vis the Member States, the Commission possesses wide powers to ensure the proper application of the Treaty. Where it discovers an infringement, it formulates a "reasoned opinion". If the Member State concerned does not act upon this, the Commission may file a complaint with the Court of Justice. Since 1958 the Commission has taken action against various Member States for breaches of the Treaty in something like 100 cases, about ten of which have been brought before the Court of Justice.

As regards private individuals, the implementation of Community laws and the supervision of their application is largely the responsibility of the Member States' authorities. However, the Commission may in certain cases exercise its administrative powers of supervision directly. The powers delegated to it by the Council in the fields of restrictive business practices and transport have considerably broadened the Commission's sphere of competence in these matters. However, the usual arrangement is for national government departments to act themselves under the permanent supervision of the Commission. This procedure is moreover common to many federal systems, and is in keeping with their spirit. Nothing could therefore be further from the truth than to imagine that large areas of Community law are enforced directly from Brussels by a centralized international administration entirely cut off from the problems of each territory and knowing nothing of local practices or concerns.

We have seen the variety of the Commission's duties and the range of its responsibilities in the field of legislation and the application of law. We have seen it co-operating closely with the Council and with government departments. It might be feared that the Commission is thereby made subordinate to the Council, at least in practice, despite the express stipulations of the Treaty. But if the Community system is to work properly, the independence of the Commission must be placed beyond question. The Treaty has done this by ruling that the Commission shall be responsible to the European Parliament and to the European Parliament only.

For the European Parliament, with its 142 members appointed by the national Parliaments, has the power to pass a vote of censure against the Commission, and, if this happens, the Commission must resign in a body. The Parliament further exercises constant supervision of the Commission's activities in all fields. In addition to the eight annual plenary sessions, the 13 Parliamentary Committees hold frequent meetings to which members of the Commission can be called to report on, explain or justify the action they take. The parliamentary questions to which the Commission must reply are another potent means of control of which great use is made. In the parliamentary year 1963/64, 134 questions were put to the Commission, and this figure will certainly be equalled in the one now drawing to a close.

The European Parliament has no national groups. Its procedure, like its tradition, makes it the Community Institution "par excellence", watchful to ensure that the Commission upholds only the Community interest, prompt to draw attention to any omission or neglect, even if only apparent, under pressure from the Council or a Member State, and always ready to champion any bold new venture likely to contribute to the Community's progress. In a word, the European Parliament is often the Commission's best ally in the quest for integration.

The Commission therefore depends on the political confidence of the European Parliament. It is from this confidence that it draws the political authority enabling it to act in complete independence of the Council and of the Member States, and fully to discharge all the duties the Treaty lays upon it.

Lastly, the Commission is subject to the judicial control of the Court of Justice, both as a law-maker and as executor of the Treaty. Appeals may be lodged against acts of the Commission by the Member States, and to a limited extent this course is open to private individuals. There is another way for the latter to have the legality of such acts tested by the Court. They may refer a matter to a national court, which must decide as to the legality of the Commission's acts in connection with a domestic measure. This court can, or must, refer the matter of the legality of the acts to the Court of Justice. Since all questions relating to the interpretation of Community law must thus ultimately be referred to the Court of Justice, its jurisprudence is emerging as a key factor in the process of integration.

I have confined myself so far to the internal working of the Community. It would, however, be a mistake to imagine that the Institutions concern only the Member States and have no other role to play than the one they fulfil in relation with them. Many non-member countries looked upon the establishment of the Community as a development likely to affect directly their trade and economy, and that alone would have been enough to justify international interest in the new Institutions. Moreover, the Treaty, by providing that in many cases the Community shall act as a single body in relation to the outside world, makes it a new factor in international life.

Powers and duties in external policy are shared between the Commission and the Council according to rules similar to those I

have just described. The Council must decide in the last resort on the basic principles of the Community's external policy and on important acts committing the Six. The Commission is closely associated with the Council in this work and is also called on in many instances to act on behalf of the Community to implement its external policy. The increasingly important role played by the Community in Europe and in the free world has thus led to a considerable extension of the Commission's international activities, which I should now like to describe to you in more detail.

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We saw that, in several respects, the Treaty of Rome is analogous to a federal constitution. The Community can therefore be said to possess some of the features of a federation, although these are still limited to the economic and social fields. This view is confirmed when we examine the position of the Community at international level. For the Community can both appoint and receive diplomatic representatives. It possesses powers in external affairs by which it can conclude agreements binding both its Institutions and the Member States.

The right of the European Coal and Steel Community to accredit and receive diplomatic representatives was recognized from its inception in 1952 and several states have diplomatic missions accredited to it. A "High Authority Delegation" was set up in London and accredited to the British Government. The Member States of the European Economic Community have not yet agreed on precise arrangements for external diplomatic representation, but 62 countries - more than half the membership of the United Nations - already have missions to the Community.

Requests by non-member countries to establish a mission to the Community are approved jointly by the Commission and the Council, who give their agrément to the head of the mission. The President of the Commission receives the letters of credence of heads of mission accredited to the Community. The Commission maintains current relations with these missions and keeps the Council informed of their activities.

In this way the Commission is seen as the Community's agent in relations with the outside world. This initial picture will be confirmed by the examination we shall now make of the Community's actual responsibilities in external affairs.

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While not as far-reaching as their internal responsibilities, these external responsibilities give the Community's Institutions wide powers of negotiation. Since the Treaty came into force, the Community has had sole responsibility for negotiations with non-member countries on the common customs tariff. It is also empowered to conclude association agreements with non-member states and to pursue a common commercial policy which must be fully operative by the end of the transition period at the latest. By then, the Community will also have sole responsibility for the conclusion of commercial agreements with non-member countries. Finally, once the transition period is over, the Member States will be able to act only as a body in international economic organizations when matters of special relevance to the Common Market are discussed, and the scope and conduct of their concerted action will be decided on by the Community's Institutions. Meanwhile, there will be consultations in order to reach agreement on concerted action and a common attitude.

In all these fields the Treaty confers upon the Commission a right of initiative similar to that which it exercises in the Community law-making process. The common commercial policy and joint action in international organizations are decided on by the Council on proposals from the Commission. As to tariff or trade negotiations, the Commission makes recommendations to the Council, which then authorizes it to open negotiations. Even if there is a subtle difference here in that the Commission's recommendations to the Council do not have as much legal force as its proposals, the great political significance of this right of initiative is not to be underrated.

The Commission conducts all negotiations on behalf of the Community with non-member countries or with international organizations. This is the case, in particular, for tariff agreements, commercial agreements and association agreements. On these matters it acts within the scope of directives it receives from the Council. Agreements thus negotiated are concluded by the Council, with whom the final decision therefore rests.

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These rules have in practice led to certain developments which are not without interest. For example, to provide a basis for the recommendations which it must submit to the Council before the opening of trade negotiations, the Commission has felt the need to hold "exploratory conversations" with the non-member state concerned. It became clear that it is in the interests of the Community for Council decisions on the opening of negotiations to be based on a report and conclusions from the Commission, even in cases where the Treaty makes no express provision for a Commission recommendation

prior to the Council's decision - for example, in the case of association agreements. For this purpose, the practice of exploratory conversations was made more general: they now take place in nearly all cases where a non-member state proposes to open negotiations with the Community, whatever the type of agreement desired. For example, in 1964 the Commission concluded exploratory conversations with Austria and opened them with Nigeria, the three countries of East Africa, and with Morocco, Algeria and Tunisia.

By these exploratory talks the Commission can acquaint itself fully with the scope and significance of the non-member country's intentions and at the same time inform the country itself of what the Community is prepared to offer having regard to the rules of the Treaty, existing Community regulations, obligations already contracted, or the consequences of agreed common policies in individual sectors. The Commission can thus mark out fairly accurately the area of possible agreement, and can put the Council in a position to take a decision.

As for the negotiation procedure, it was soon to become clear that certain agreements would also bear on fields not covered by the Community's external responsibilities - or not covered during the transition period - since the common principles of its commercial policy have not yet been fixed. The Community has therefore been obliged to envisage agreements which would be concluded both by itself and by the Member States, and to establish ad hoc negotiation procedures. It has adopted different formulas according to cases.

For example, the Commission, acting on behalf of the Community and of the six Member States, negotiated the Association Agreement with Greece. For the Association Agreement with Turkey, observers

from the six Governments were present with the Commission's delegation. For other agreements (commercial agreements with Iran and with Israel) a combined delegation of the Community and of the governments was appointed, led by the Commission representative. These few examples illustrate the flexibility of Community procedures.

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Although the Community has already responded to a large number of requests for negotiations, its primary aim is still to establish a common commercial policy based on uniform principles in all fields. Joint action by the Member States in international organizations will be the corollary and complement of this common commercial policy.

In order that, in accordance with the Treaty, the common commercial policy (and joint action) should be inaugurated not later than the end of the transition period, the Institutions have already begun to take interim measures.

The first step was to introduce a procedure for consultation between the Member States and the Commission before the conclusion of any bilateral agreement. Secondly, the Member States pledged themselves to include in bilateral trade agreements a clause enabling them to be adapted to the Community's future commercial policy. Thirdly, they agreed to limit the duration of the agreements so that Community agreements can replace them by 1970 at the latest.

Moreover, the Commission has put before the Council further proposals to create without delay the instruments of a common

commercial policy. There is not much time between now and 1970 for transforming national quotas into Community quotas, organizing liberalization along Community lines, phasing national anti-dumping measures into a Community system, converting national export promotion measures (especially vis-à-vis state-trading countries) into Community measures, and, finally, converting national commercial agreements into Community commercial agreements.

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The appearance of the Community on the international scene as sole negotiator for the six member countries, with a single duly empowered representative, that is to say the Commission, is a new and noteworthy development. Not only are the terms of major negotiations simplified, since the points of concern to Community member countries are combined and a single position adopted (in 1966, by majority vote), but also by the mere fact of its unity the Community carries more weight in international relations than it did when its constituent countries were heard separately. For instance, the present tariff negotiations in GATT, the Kennedy round, in fact result, like the previous Dillon round, from the successful consolidation of the EEC. For this reason, the Community and its representatives find themselves bearing new responsibilities commensurate with their enhanced authority. The external relations of an economic association of 180 million inhabitants reflect considerations vastly different in extent and even in kind from those of each of its constituent countries.

The Commission is conducting the Geneva negotiations with the firm resolve to make them a success. The European Economic Community wants to take this opportunity to promote the productivity and

expansion of the economy, to raise the living standards of the poorer countries, as well as of the Six, and to bring about a better distribution of labour in the world economy by liberating the natural forces of free competition. Such objectives call for strenuous efforts - joint efforts. The desired result will only be achieved if the interests of all partners can be balanced on a basis of give and take. Thus this guiding principle of full reciprocity of concessions also underlies the programme unanimously decided on by the Council of Ministers as the platform from which the Commission must conduct negotiations in the Kennedy round. Fortunately, these basic principles are fully shared by our American, British and, in fact, all our other partners in the negotiations.

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The account I have just given of the position and the role of the Commission confirms, I think, that this Institution really is a new factor in international life, both in its impact on the relations of the six Member States among themselves and vis-à-vis the non-member countries.

The system of which the Commission is the most striking feature may be surprising to anyone who thinks in terms of the normal categories of international law. It at once becomes more familiar to an observer who bears in mind the rules of constitutional law and looks for analogies with the structure of a federation. Moreover (and this is very important) experience has proved - and is proving daily - that the system works smoothly. Has it not made possible the most substantial progress achieved in the last fifteen years towards the economic and political union of Europe? The Commission, for its part, in the position our constitutional charter has assigned to it, will do its utmost to keep the Community moving ahead and to ensure that this great economic and political venture of the Six continues to make a massive contribution to the economic and political strengthening of the free world.

Brussels, March 25, 1965.
IP (65) 57

EMBARGO : March 25
18.00 h.

Resume of a speech given by the President of the Commission of the European Economic Community, Professor Walter Hallstein before the British Institute of International and Comparative Law, Law Society, LONDON

25 March 1965.

"The EEC Commission, a new factor in international life" was the title of a lecture given today in London by Professor Walter Hallstein, President of the EEC Commission, to the British Institute of International and Comparative Law. Professor Hallstein, who has been President of the Commission since it was set up in 1958, explained its role and functions and the extent to which it had contributed to the achievements of the European Economic Community.

President Hallstein recalled that the Rome Treaty was an "outline treaty", imposing certain rigid obligations, but otherwise open to flexible development. Under it there was close association in all phases of decision-making between the Council of Ministers and the Commission. The presence of the latter, he said, "introduces a new factor into what might otherwise have been negotiations of the conventional kind between the representatives of sovereign states". He stated that the Commission plays several roles, viz.:

Initiator. The Commission has the sole right to initiate proposals on the basis of which the Council of Ministers will take its decisions. The Commission's ideas, which are thus the basis for all subsequent discussions, are the result, at the technical level, of consultations with the widest possible range of independent opinion, Government representatives, and economic interests. The Commission's proposals are also highly political, however, both as regards their contents, which must provide the basis for compromise between the member governments and as regards their timing; "what was impossible yesterday may perhaps be possible today and imperative tomorrow".

Honest broker. The Council of Ministers can only amend Commission proposals by unanimous decision: otherwise it can only refuse them (which has virtually never happened) or vote on them (from 1966 onwards by weighted majority voting). The Commission, however, may amend its proposals at any time. It plays an active part in Council sessions, and is thus able to act as honest broker in finding a solution which is in the Community interest and acceptable to all member countries. In addition, the fact that Commission members are appointed for four years ensures an element of continuity and coherence in the work of the Community.

In the agricultural sector a special system has been evolved for cases where the Council has delegated powers to the Commission: before taking a decision the latter consults a management committee composed of representatives of the member states and having the right of appeal to the Council; this enables the Commission to act but leaves the right of final decision in the hands of the Council.

Watchdog of the Treaty. An important task of the Commission is to supervise the proper application of the Treaty. It is responsible for the application of safeguard clauses and waivers. Also it has powers to enforce Treaty rules and Council decisions; when it discovers an infringement it formulates a "reasoned opinion" calling on the member state in question to desist; if it does not do so the Commission may take the case to the Court of Justice.

Politically, President Hallstein emphasised, the Commission is responsible only to the European Parliament which has the power to pass a vote of censure obliging it to resign. The Commission works closely with the Parliament, taking part in the eight plenary sessions a year and in numerous parliamentary committee meetings; it also replies to parliamentary questions. It is dependent in its work on the political confidence of the European Parliament.

The Commission's role in external affairs.

In the external affairs of the Community, Commission and Council are again closely associated, the EEC President explained. In many cases the Commission is the Community's agent in relations with the outside world.

62 Countries have accredited diplomatic representatives to the Community and the Commission maintains current relations with these missions.

In tariff or trade matters the Commission makes recommendations to the Council, which then authorises it to open negotiations. It is the Commission that conducts negotiations on behalf of the Community. The agreements which are negotiated are concluded, however, by the Council.

In some cases where fields outside Community competence are involved, the Community and the member states together take part in the negotiations and conclude the agreements.

President Hallstein pointed out that by its growing unity, the Community carries more weight in international negotiations than would the separate member states. He said that the Kennedy round and also the Dillon round of tariff negotiations which preceded it resulted in fact from the successful consolidation of EEC.

In conclusion the President of the EEC Commission insisted that the Commission was a new factor in international life both in its impact on the relations between the member states and vis-à-vis other countries. Its role could best be understood by analogy with the structure of a federation. Above all, he said, the system "works smoothly". It had made possible "the most substantial progress achieved in the last 15 years towards the economic and political union of Europe". The Commission would do its utmost "to ensure that this great economic and political venture of the Six continues to make a massive contribution to the economic and political strengthening of the free world."