

**How the
European Economic
Community's
Institutions work**

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Common Market Commission



***European Community
Information Service***

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The aim of this paper is to describe how the Institutions of the European Community work – particularly those of the Common Market. It is written from the standpoint of the technician rather than the lawyer – which is understandable since its author's daily task is to see that the Community's procedure is applied correctly and smoothly.

It is difficult to say to what order the institutional system of the Community belongs. The Community is much more than an inter-governmental organization. Its Institutions have a personality of their own and have extensive powers. Nor does the Community form a "federal government" to which, in its spheres of competence, the national governments and parliaments might in some way be subordinated. In fact, Community officials have refrained from putting the Community's institutional system into any one of the categories defined by specialists in international law, leaving this task to future historians. If asked to define in a word the institutional system of the Community, they prefer to reply simply that it is a "Community" system.

The Institutions

The Rome Treaty lays down that the tasks entrusted to the European Economic Community – the Common Market – shall be carried out by four Institutions: the European Parliament, the Council of Ministers, the Commission and the Court of Justice.

The European Parliament comprises 142 members appointed by the six national Parliaments from among their own members.

The Council consists of a Cabinet Minister from each of the member governments. The composition of the Council may thus vary according to the subjects on the agenda. Although the Foreign Minister is to some extent regarded as his country's chief representative on the Council, the Ministers of Agriculture, of Transport, of Finance, etc., often take part in meetings, either alone or accompanying the Foreign Minister.

The Commission consists of nine members appointed for four years by unanimous agreement of the six governments. During the whole of their period of office, the members of the Commission must act in complete independence both of their governments and of the Council of Ministers. The Council has no power to terminate the mandate of a member of the Commission. Only the Parliament could procure the automatic resignation of the Commission by passing a vote of no confidence.

The Council and the Commission are assisted by the **Economic and Social Committee**, a consultative body composed of representatives of industry, farming, trade unions, etc. In many matters the Council and the Commission must consult the Committee before they can take a formal decision. The Committee also ensures that both sides of industry and other interests play their part in the development of the Community.

The Court of Justice consists of seven judges appointed for six years by agreement between the governments. It ensures the rule of law in the implementation of the Treaty.

Means of Community action

There are several ways in which the Institutions, acting executively through the Council and the Commission, can take the steps needed to achieve the tasks entrusted to them.

- First, they can adopt **Regulations**. Under the Treaty, Regulations have a general application; they are binding in every respect and directly applicable in each member state.
- They can also issue **Directives** to one or more of the member states. A Directive binds any member state to which it is addressed on the result to be achieved, while leaving it to the national authorities to decide on the form and the means to be employed.
- They can take **Decisions**, to be addressed either to a government, a firm or an individual. A Decision is binding in every respect on those to whom it is addressed.
- Finally, they can formulate **Recommendations** or **Opinions**, which have no binding force.

The Commission and the Council thus provide and transmit the driving force which keeps the entire institutional system of the Communities moving forward, and the way they are geared together is perhaps the most original aspect of the Community system. At the same time the importance and the political authority of the Commission, without which it could not play its full role *vis-à-vis* the Council, stem from the fact that the Commission is responsible to the Parliament alone.

The Treaty gives the Commission extensive responsibilities which can best be outlined by describing it as:

- The guardian of the Treaty;
- The executive body of the Community;
- The initiator of Community policy and the body which gives expression to the interests of the Community as a whole.

The Commission as guardian of the Treaty

The Commission sees to it that the Treaty's provisions and the decisions taken by the Institutions are correctly applied. It is responsible for maintaining an atmosphere of mutual confidence. If the Commission does its job of watchdog properly, each member state can fulfil its own obligations without mental reservation, knowing that its partners are doing the same and that action will be taken against any breach of the Treaty. Conversely, no state can plead any shortcoming of its partners as an excuse for not fulfilling its own obligations. If there are any shortcomings, it is up to the Commission as an impartial body to make inquiries, to give an objective judgment and to prescribe what measures the state at fault must take to correct the situation.

The Treaty lays down a strict procedure for preventing infringements. If the Commission considers that there has been a breach – and it can reach this conclusion either as a result of *ex officio* inquiry, or at the request of a member government, or by investigating complaints from private persons – it can call on the state concerned to submit its comments or justify its action within a specified period (a month or six weeks). If the member state continues the practice in question and if its comments do not induce the Commission to modify its view, the Commission issues a reasoned Opinion (*avis motivé*) and fixes a time-limit within which the member state must comply with it. If the member state does not comply within the time-limit laid down, the Commission may refer the matter to the Court of Justice, whose decision is binding both on the member state and on the Institutions.

These provisions, which give considerable power to the Institutions, are in fact fully applied. In 1964, for example, the Commission dealt with 24 alleged infringements, investigation of which gave rise to the following results:

In ten cases the state concerned took the necessary corrective action at once, i.e. as soon as the Commission asked for comments.

In three other, very complex, cases the comments of the state concerned led the Commission to look further into the matter, and the Commission has not so far taken the proceedings any further.

In the eleven other cases the Commission has issued a reasoned Opinion. In four of these the states concerned have acted in conformity with this opinion. In the fifth

case – a more complex one – a means of solving the special problems of the state concerned, which led to the adoption of a solution out of line with the Treaty, will shortly be provided through the adoption of Community rules in the matter. The remaining six cases were referred by the Commission to the Court of Justice, which subsequently suspended proceedings in one of them as the state involved had meanwhile taken the action called for. The Court has handed down three decisions which have very largely upheld the Commission's viewpoint. Two cases are still *sub judice*.

In addition, nearly 75 files on suspected breaches were before the Commission at the end of 1964 and were dealt with during 1965.

These figures are large in comparison with the 50 cases brought before the Commission during the first five years of the Community's existence, from 1958 to the end of 1962. This is because the provisions of the Treaty became more stringent as the several stages of its implementation are achieved, while the extension of Community legislation multiplies opportunities for mistakes. Most of the cases during the early years were concerned with customs duties and quotas. Now there are as many which concern the application of the agricultural regulations, and the variety of subject matter is likely further to increase in the future as other common policies come into force. The Commission's "policing" activities are therefore very unlikely to become fewer.

Be this as it may, the measures that have given rise to these proceedings have been of very limited economic significance. As a general rule there has been no question of deliberate action to escape obligations under the Treaty, but of difference of interpretation between the Commission and a member state, on which the Court has decided, or of errors which are almost inevitable when national administrations must adapt themselves to the relevant Community procedures. It would be fair to say that the breaches committed so far have had no great effect on the correct implementation of the provisions laid down in the Treaty.

The Commission as executive body

Considerable executive powers are already vested in the Commission, and they will increase in the future. Both the Treaty and its implementing Regulations entrust the Commission with the task and power of drawing up texts (we might call them "administrative decrees") which give effect to the "European laws" contained in the Treaty or adopted by the Council. As the Council has made great use, particularly in the implementation of the common agricultural policy, of the authority vested in it by the Treaty to confer such executive powers on the Commission, the number of Decisions or Regulations issued by the latter has increased considerably since 1962.

Thus, between 1958 and July 1, 1962 (when the first agricultural market organizations began to function) a total of 55 Regulations came into force, of which only nine were executive Regulations issued by the Commission. In the three months between July 1 and October 1, 1962 the establishment of the first agricultural market organizations (grains, livestock products, fruit and vegetables) led the Commission alone to adopt 70 implementing Regulations. To give another example, in 1964 the Commission adopted a total of 124 Regulations, almost all of which were connected with the administration of the market organizations set up in 1962 and with the establishment of three further organizations (milk and milk products, beef and veal, and rice).

The Commission must also take most of the individual Decisions prescribed by the Treaty or its implementing Regulations. These Decisions may be addressed to a government in order, for example, to grant or to refuse tariff quotas, or to adjust or prohibit a state aid, or to authorize some departure from the Treaty under the safeguard clauses. They may also be aimed directly at a firm or individual: the Regulation on monopolies and restrictive practices gives the Commission exclusive power to authorize economically justified agreements between firms.

The Commission also has direct supervisory powers. For instance, in matters of restrictive practices or transport rates it can, on behalf of the Community, institute on-the-spot inquiries, take samples or make checks at the level of the individual firm.

When the Community was first set up, the Commission had relatively little occasion to take such "individual Decisions". Between 1958 and July 1962 they totalled no more than 200 – and most of them concerned tariff quotas. In this field too, the agricultural and cartel Regulations have

considerably increased the Commission's work. For instance, the Commission must decide at regular intervals, and sometimes even from day to day, on the basis to be used for calculating the levies on grain, rice and dairy product imports. In addition to these almost daily decisions and the administration of the tariff quotas (which formerly made up the bulk of the questions it had to settle) the Commission issued another 205 implementing Decisions in 1964 alone.

By September 30, 1965, 78 proceedings in the cartel field, covering a total of 240 particular cases (some of them now settled) had been initiated by the Commission.

The Commission's role in financial management is also considerable. From the beginning it has had to administer the European Social Fund (which had spent \$31.7 million by the end of 1965 on retraining and resettling 454,000 Community workers) and the European Development Fund. The latter, renewed in 1964 by the Yaoundé Convention which associated 18 states in Africa and Madagascar with the Community, has at its disposal \$730 million to allocate in development grants in the period 1964–69.

Even greater amounts are to be allocated in the future to the European Agricultural Guidance and Guarantee Fund, also administered by the Commission. The sum of \$537 million is allocated to this Fund in the 1967 budget. In a few years, when free trade in farm products within the Community is an established fact, the Fund will have at its disposal each year more than \$1,500 million, which will be used to enable the Community to take over the cost of supporting the agricultural markets in each member state and – one quarter of the total sum – to grant Community help for improving the structure of agriculture.

The Management Committees

We have already noted that it was the Council which, by vesting further executive powers in the Commission, made possible this considerable extension of the latter's management activities. In a great number of cases the Council wished to be sure that these powers would be exercised in close liaison with the member governments. This led to the establishment with the Commission of various committees of government representatives. Some of these are purely advisory, but the most original arrangement and the one which has proved most fruitful in practice is the "Management Committee".

Originally, the Management Committees were a component of the agricultural market organization: one such

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committee was to operate for each main group of products. Because of the success of these Committees, the arrangement was later adopted in other sectors of Community activity.

The procedure is as follows: the implementing measure to be taken by the Commission is submitted as a draft to the appropriate Management Committee, which gives an opinion on it (the votes of members are weighted as in the Council).

The Committee's opinion is not binding on the Commission, which, even after studying this opinion, has complete freedom to make and enforce its own decision. However, if the opinion has been given by weighted majority (12 votes out of 17) and if the Commission does not accept it, the matter is referred to the Council, which then has one month within which it may amend the Commission's decision. If, on the other hand, the Commission decision conforms with the Committee's opinion or if the Committee for lack of a weighted majority for any particular view, has failed to give an opinion, the Commission's decision is final and there is no appeal against it to the Council.

Experience to date has shown that the Management Committee procedure is fully satisfactory. Between July 1962 and March 1965, for instance, there were about 200 meetings of the various Management Committees. Following their discussions, 350 Commission Regulations or Decisions were adopted. It is even more interesting to note that only three of these measures were referred to the Council, which amended only one.

This record gives an idea of the atmosphere of co-operation and confidence that has grown up in the Management Committees between the Commission's staff and the officials of the national administrations which have to apply subsequently the measures enacted by the Commission.

A simple parallel will serve to illustrate the role of the Management Committees, which may be considered as a sort of alarm system. When the Commission differs from an opinion given by weighted majority, i.e. one with the approval of the bulk of the representatives of member states, this is a sign that a difficult situation or a serious problem exists. It is then only reasonable that the Council itself should be able to discuss the matter. The fact that this procedure is scarcely used bears witness to the effectiveness of the system and the excellent understanding between all concerned.

The initiation of Community policy and the representation of the Community interest are no doubt the Commission's most important and perhaps most original tasks. The Commission acts in close cooperation with the Council, so that a description of this aspect of the Commission's activities will serve also to explain the greater part of what the Council has to do and how it does it.

The Common Market Treaty is frequently defined as an "outline" treaty (*un traité-cadre*), as distinct from the Euratom Treaty and the Coal and Steel Treaty, which may be called "law-establishing treaties" (*des traités-lois*). Whereas the latter two Treaties specify exhaustively the general regulations to be applied within relatively narrow sectors, the Treaty establishing the Common Market (apart from its "automatic" clauses on the removal of customs duties and quotas) confines itself to indicating the general lines of Community policy in the main spheres of economic activity. It is left to the Community Institutions – and particularly the Council and the Commission in cooperation with the Parliament – to elaborate the provisions that will be applied in the Community.

In a way, everything connected with economic union was left blank in the Treaty, but these blanks can be filled in by the Community Institutions without any new treaties being concluded or new parliamentary ratification being obtained. The measures that the Institutions are empowered to take are real "European laws" that can be directly applied in all member states and may bring about far-reaching changes in the sectors of the economy they concern. The European Regulations on agriculture adopted by the Council since the beginning of 1962 together form a body of law at least as significant as the entire Coal and Steel Treaty.

It is worthwhile here to touch upon a comment that is often made – that the Common Market Treaty is less "supra-national" or more intergovernmental, than the Coal and Steel Treaty. In my opinion, this is really a case of optical illusion. The Coal and Steel Treaty laid down in full detail the implementing powers entrusted to the High Authority. In contrast, the powers of implementation of the Common Market Commission in all the fields affected by the Rome Treaty will not be fully known until all the Community's common policies have been adopted. They are known already as far as restrictive practices and agriculture are concerned, and it is clear that these powers are as extensive as those of the High Authority.

The Paris and Rome Treaties are based on the same

The Commission— Council dialogue

principles and set up comparable institutional systems. But as the Common Market is in process of continuous creation and leaves scope for solutions to be found pragmatically and adapted individually to a given sector or situation, the Rome Treaty has perhaps been less alarming even to those people who have most reservations about the structure of the Community. At the same time it makes the balance between the powers of national governments and those of the European Institutions more evident to those who are just beginning to familiarize themselves with the Communities. The difficulties experienced by the Common Market in 1965 in no way invalidate this view.

These considerations can help in achieving a fuller understanding of the role of the Institutions in implementing the Treaty. First of all, they have to create the structure of economic union in Europe out of nothing. The Treaty provides the foundations, but the house itself has still to be built. Once the structure is there, the Institutions will also have to frame Community policy and apply it from day to day. To guide the whole of this process the Treaty makes the Commission today the architect of the new building and tomorrow the initiator of the common policy.

All provisions which are general in scope or of major importance require the approval of the Council of Ministers. With a few specific exceptions, however, the Council can only come to a decision on a precise proposal of the Commission: the initiative must always come from the Commission. If the Commission does not submit any proposals, the Council is paralysed and the Community's progress halted. This is equally true in agriculture, transport, commercial policy, or the harmonization of national legislation.

As a measure of the Commission's initiating activity one can take the year 1964, when the Commission sent to the Council 156 proposals and 96 other communications of various kinds. In the same year the Council adopted, on proposals from the Commission, 80 Regulations, 14 Directives, 55 Decisions and an important Recommendation on the fight against inflation.

The submission of a proposal by the Commission initiates the dialogue between the national governments represented in the Council (the members of which express their national points of view) and the Commission — a "European" body called upon to express the interests of the Community as a whole and to seek "European" solutions to common problems. It might be feared that this dialogue could be distorted if the Commission were in too weak a position *vis-à-vis* the governments — strong in their authority and the attributes of sovereignty. The Treaty balances the situation ingeniously.

By the very fact of formulating the proposal which is to form the basis of the Council's discussion (and it is only on this basis that the Council can discuss) the Commission already acquires real influence. But there is more to it than this. Article 149 of the Treaty, which is perhaps one of the keys to the Community's institutional system, stipulates: "When, pursuant to the Treaty, the Council acts on a proposal of the Commission, it shall, where the amendment

of such proposal is involved, act only by means of a unanimous vote.”

Provided it is unanimous, the Council of Ministers can therefore take a sovereign decision even against the Commission's proposal. And this is only reasonable, since the Council then expresses the common standpoint of all member governments. On the other hand, a decision may be agreed by a majority vote only if it conforms with the Commission's proposal. In other words, if the member states are not in agreement, they can take their decision by a majority vote only by accepting the Commission's proposal, which they have no power to amend. In such a case only the Commission itself can amend its own proposal.

The majority rule can operate, therefore, when the situation is as that:

- either the Council adopts by majority vote the Commission proposal as it stands;
- or it takes a different decision unanimously;
- or it is unable to take any decision.

Thus the Commission has real powers of negotiation in the Council. Discussion can be joined, and it is in fact joined, on ground chosen by the European body.

This dialogue has a momentum of its own. The application of the majority rule – this we know from long experience in the Community – does not mean riding rough-shod over a minority. When formulating out its proposal in the first place the Commission will have taken into consideration the often widely different interests of the member states and attempt to discern the general interest. As is normal in such a small “club”, both the members of the Council and the Commission prefer to agree on a joint position. The possibility of a decision being taken by majority vote can, therefore, encourage a member to abandon an extreme or isolated position, while the concern for harmony may encourage the Commission and those members of the Council who have accepted its proposal to make the necessary efforts to bring about a rapprochement. In this way – and practice has confirmed this rather paradoxical conclusion – the majority voting rule makes unanimous adoption of proposals much easier and speedier. In this subtle game the Commission always has a determining role.

Thus the Commission occupies a central position in the

Council, where it can permanently play the role of “honest broker” – or mediator between governments – at the same time as it supplies the drive and exerts the pressure needed to reach agreed solutions.

The political consequences are still more important. The Commission's proposals are the expression of a policy it has framed with no other consideration in mind than the common interest of the Community as a whole. The permanent status of the Commission during its four years in office ensures the continuity of this policy, and the Council can only decide on proposals submitted by the Commission, which are the means of putting the policy into effect. It is therefore not possible for the Council to adopt contradictory proposals on different subjects through changing majorities, the whims of pressure groups, or struggles for influence between governments. Without the consent of the Commission it is also impossible for a majority of the Council to impose on a country in the minority any measure that would gravely harm its vital interests. If the Commission really fulfils its obligations, it cannot be party to such an action. Its intervention is therefore an important guarantee to the smaller states in particular, and these have always set great store by it.

Unanimity and majority

During the first two stages of the transition period unanimity was required for most Council decisions, so that the procedure described above applied to only a relatively limited number of matters. The Community spirit of the Council members, and also the authority of the Commission and the personal standing of its individual members, nevertheless ensured that discussion was jointed in a satisfactory manner in all cases and that the Commission was fully able to play its part both as moving spirit and conciliator.

At a time when the transition to the third stage on January 1, 1966, would have permitted a considerable widening of the possibilities of reaching decisions by majority vote, the application of the majority rule became the crux of a crisis in the Community. Was it really possible, contended one government, that a member state should be placed in a minority when one of its vital interests was at stake?

It is not possible to answer such a question simply by referring to the texts, any more than it is possible to give an objective definition of a “vital interest”. Furthermore, if we limit ourselves to thinking in terms of interests, it is by no means impossible that, in matters where each member state

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has renounced its freedom of action in favour of the Community, a veto on a Community decision in the name of a national interest would infringe some vital interest of other member states, which are harmed through the paralysis of the Community. On the other hand, those who accept the Community system and have confidence in its internal logic, its Institutions, their rules and their practices, can find in them every guarantee that can reasonably be sought.

The general interest of the Community must of necessity take account of any vital interest of one of its members. The Institutions therefore have a duty to take any such interest into full consideration. Moreover, the close union of peoples which the Community is intended to establish would not be possible if any of the vital interests of one of its peoples were seriously affected. Finally, the system of discussion in the Council which has just been described is conducive to the widest possible agreement. From the opposite standpoint, even when there is unanimity, no member of a Community can ignore the general interest when deciding what constitutes his own interest: unanimity in a Community cannot be equated with an unconditional right of veto.

Thus in a living Community any abuse of majority voting (and this would probably be equally true of the abuse of unanimity) is a theoretical risk which the constant strengthening of internal links through the very development of the Community makes increasingly unlikely, whereas the possibility of making majority decisions gives flexibility and drive to the whole system.

Confidence in the future, in the will to agree and in the wisdom of the Institutions and governments, is therefore the only possible solution. And is not this the real meaning of the conclusions reached in Luxembourg on January 28, 1966, when the Council – the six Foreign Ministers – recognized that the absence of agreement between them on how the majority rule should be applied was no obstacle to their further work in common?

For the dialogue between Commission and Council to be genuine, the independence of the Commission must be guaranteed. To this end, as already indicated, the Treaty stipulates that the Commission shall be responsible to the European Parliament, and to that Parliament alone. The composition of the Parliament makes it essentially a Community body, completely integrated. There are no national divisions, but only political groups organized at the European level. The Parliament exercises permanent control over the Commission, making sure that it respects its role as representative of the Community interest, and always prepared to call it to order should there be any reason to suspect that it is yielding to canvassing by one or more of the governments. Furthermore, the Parliament must be expressly consulted on the Commission's main proposals before the Council takes any decision.

The parliamentary committees play an important part in this field. The Parliament cannot hold more than some six or seven sessions per year, each lasting a week. Between sessions, most of the parliamentary committees meet at least once. Whatever subject it is dealing with, a parliamentary committee invites the responsible member of the Executive to explain his standpoint – whether on decisions taken by the Executive or on proposals submitted to the Council, or on the attitude adopted by the Executive in the Council.

The committees deal with matters in detail, and as their meetings are held in private they can be given complete and confidential information. Their work (which differs considerably from that of the committees of the British Parliament) has contributed much to extending the influence of the European Parliament on current affairs.

The written questions that the members of the European Parliament can put to the Commission (and to the Council of Ministers) are also a means of parliamentary control that is being used more and more. In the 1965–66 parliamentary year, 129 written questions were put to the Commission.

The widening of the Community's responsibilities will eventually make it necessary for the powers of the European Parliament to be widened also, and for its representative character to be strengthened – for instance through election by direct universal suffrage. In Community circles such a development is felt to be inevitable.

Parliamentary control thus ensures the independence of the Commission, thanks to which the Council enjoys the advantages of the majority principle while being preserved – as far as is possible – from its few attendant risks.

How the Commission works

Such are the main tasks of the Institutions, the nature of their relations and the way in which their powers are balanced. What are their working methods?

The Commission's staff consists of nine Departments (*directions générales*), an Executive Secretariat (which has a coordinating role) and the Spokesman's Group. There are also three services common to all three European Communities – the Legal Service, the Statistical Office and the Information Service.

The total staff of the Commission at present numbers about 3,300, almost 900 of whom are officials in positions of responsibility (Class A), and a large linguistic service. Together with the staff of the European Parliament, the Council of Ministers and the Court of Justice, the total number of Common Market officials is over 4,000.

In the 1966 budget the operational expenses of the staff serving the Commission and the share in the cost of three other Institutions attributable to the Common Market amounted to \$40 million.

Each of the Commission's nine members has special responsibility for one of the main spheres of Community activity (external relations, agriculture, social affairs, etc.), and has the corresponding Department under his authority. The Treaty lays down, however, that the Commission must act as a collegiate body with cabinet responsibility. In other words, all the acts that the Treaty or its implementing regulations entrust explicitly to the Commission (Regulations, Decisions, proposals to the Council, etc.) must be performed by the Commission as a whole. The Commission cannot therefore delegate to one of its members powers in the sphere of his special responsibility that would give him a degree of independence comparable, say, with that of a Cabinet Minister in his own department.

In order that this collegiate system should not paralyse the Commission through burden of work, frequent use is made of what is known as the "written procedure". The members of the Commission receive the dossier and a draft decision on a matter under discussion; if they have not submitted reservations or objections within a fixed period (generally a week), the proposal is deemed to have been adopted by the Commission as a whole. More than 1,700 decisions of all kinds were reached during 1964.

Consequently, only questions of particular importance are placed on the agenda for Commission meetings, which take up one whole day each week.

For the most delicate questions the members of the

Commission meet alone, with no official present except the Executive Secretary and his Deputy. For ordinary matters – or those of a technical nature – the responsible officials can be called in. Although Commission decisions can be taken by a majority vote, most of them are unanimous. The solidarity of the members of the Commission and the underlying unity of their views, which transcend differences in character and background, make quite a considerable impression on anyone who follows the activities of this body. It is therefore rather rare for matters to be put to the vote in the Commission, and when this has happened the minority has always considered itself bound by the majority decision.

Drawing up decisions and proposals

When the Commission draws up its own Decisions and the proposals it submits to the Council, it follows two clearly distinguishable courses: firstly, it defines the main lines of policy which it intends to follow in a given field – the Commission in its political role; secondly, it chooses the ways and means of putting such a policy into practice – the Commission in its technical role.

When the Commission has to lay down the main lines of policy, it first enters into consultation on the broadest possible basis, seeking the opinions of governments, officials and private organizations. Then it decides its attitude, with the assistance of its own staff, but of no one else. This process takes place in the course of often numerous and lengthy working meetings, with weeks of reflection between one draft proposal and the next. This is how the Commission prepared documents as important as the Commission's first memorandum on European problems after the breakdown of the 1958 Free Trade Area negotiations, the proposal to speed up the implementation of the Treaty, the memoranda on the common agricultural policy and on the transport policy, the proposals on the renewal of the Convention of Association with the associated states in Africa and Madagascar, the proposals on a common grain price level, and so on.

On the other hand, when the Commission has to decide on the broad lines and settle the ways and means of reaching a decision of definite political importance, it regularly calls on experts from the six member countries. In such a case the appropriate departments convene and preside over meetings of government experts appointed by each of the national administrations. These experts do not formally commit their

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governments but, as they are aware of the latter's interests and opinions, they perform a useful function in guiding the Commission in its search for solutions that are technically accurate and generally acceptable to the six governments.

These meetings of experts are held very frequently. In 1964, for instance, about 1,300 meetings of this kind were organized by the Commission on the most varied subjects connected with the implementation of the Treaty. Every year this procedure thus provides an increasing number of civil servants from the member countries with a truly "European education".

These meetings also enable contact to be made at the administrative level between Community officials and government officials. They are supplemented by many consultative meetings organized by the Commission or its various departments, with, for example, leaders of the Community-wide groupings of trade unions, employers' associations, farmers' unions, and traders' associations.

Some of these committees are on a permanent footing. The Council has for instance, acting on a proposal from the Commission, set up the Short-term Economic Policy Committee, the Budgetary-policy Committee and the Committee for Medium-term Economic Policy, all composed of senior government representatives. The committees dealing with occupational training and the free movement of workers are mixed (government experts and delegates from both sides of industry). Finally, the Commission itself has set up with the leaders of all the various interests concerned several advisory committees on, for example, the main classes of agricultural produce or for the study of certain social problems.

The results of all this preparatory work are eventually laid before the Commission, which has to take the final decision.

This, then, is how proposals submitted to the Council by the Commission are drawn up. The same procedure is also very often used to frame Regulations or Decisions which the Commission can itself adopt, but in the preparation of which it tries to ensure the participation of the national administrations.

When the Council has before it a Commission memorandum of general scope or a proposal on a well-defined subject, it entrusts the preparation of its discussions either to an *ad hoc* committee of senior officials (for example, the Special Committee on Agriculture) or to one of its permanent committees (*groupes de travail*), of which there is one for each main branch of the Community's activities. The work of these bodies is coordinated by the Committee of Permanent Representatives, a committee of the ambassadors of the six member countries to the Community, which prepares the work of the Council by functioning as a committee of ministerial deputies.

The Commission is represented at all meetings of the permanent and special committees, and of the Committee of Permanent Representatives, so that the dialogue begun at the level of the national experts can be continued with officials duly appointed by their governments.

Council decisions may only be taken by the Ministers themselves, though on less important questions and where unanimous agreement has been reached between the six Permanent Representatives and the representatives of the Commission, the decision is taken by the Council without further discussion.

On the other hand, all questions of major importance or of political significance are thoroughly discussed in the Council by the Ministers and the members of the Commission, who take part in the Council meetings as of right. It is at this point that the rules of Article 149 described above, are applied.

These meetings are not a pure formality – as is sometimes the case with ministerial meetings in other international organizations – but working sessions at which discussion is often prolonged and fierce and the final result for a long time uncertain. Sessions of the Council are moreover very frequent and often protracted. In 1964, for example, the Council held 36 sessions, lasting in all 67 days. When a decision is near on a particularly thorny problem, the Council may settle down to a "marathon session". Everybody in the Community remembers the marathon session on the agricultural regulations which went on for nearly three weeks at the turn of the year 1961–62. And that was not the only one of its kind. . . .

The Community style

These, then, are the rules and the facts that seem most typical of the functioning of the Common Market's Council of Ministers and Commission and – more generally – of the Community as a whole.

The *style* of our Institutions in Brussels is best conveyed by three of their salient features:

The Institutions, and particularly the Commission, are not inward-looking. On the contrary, they are focal points for the constant interchange of opinions and suggestions of governments and civil servants, of members of the European Parliament, and of representatives of labour and managements.

There are strict legal rules that must be rigorously respected, but at the same time the maintenance of permanent contracts creates that common spirit and mutual confidence which ensure the necessary flexibility.

Private organizations, parliamentary representatives, national civil servants and ministers have real confidence in the impartiality of the Commission.

After nine years' experience of the Common Market, and even longer experience of the European Coal and Steel Community, and after several crises weathered – and the most recent was also the most serious – it would seem that the efficacy of the Community system, the strength of the Institutions and the roots they have taken among the peoples of the Community are proved beyond any doubt. True, the pace at which the Community advances has always depended on the will of the member governments and of the peoples composing it. However, as long as respect for the Rome Treaty remains a common foundation of the policy of the member states, we may rest assured that there will be no difficulties, however great, which it will not in the last resort be possible to resolve, as we move forward to the complete establishment of the European Communities.

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