

'The United Kingdom joins Europe: mapping a route' from Le Monde

Caption: On 18 January 1962, the French daily newspaper Le Monde analyses the implications of the United Kingdom's request for accession to the European Communities, made on 9 August 1961 by British Prime Minister, Harold Macmillan.

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The United Kingdom joins Europe

Barely recovered from their labours in Brussels, where they completed the agriculture dossier, the Ministers of the Six are about to embark upon negotiations with the United Kingdom. In the Belgian capital, on Thursday, they will be meeting Mr Heath, the Lord Privy Seal. The experts and the replacements have done a good deal of work since the previous Ministerial meeting, although they have been unable to complete the tasks that were assigned to them by the Ministers. Numerous statistics have been bandied about on both sides, especially on the 25 products that the United Kingdom wants to have exempted from the common external tariff, manufactured articles exported by Canada, etc. Progress has finally been made in drawing up a classification of products from the non-industrialised Commonwealth countries. However, the real negotiations have not yet begun. Once again, the ingeniousness of the experts will be tested to the limit. Mr Pierre Uri, who, as we know, played a major role in the drawing up of the ECSC and Common Market Treaties, has contributed three articles setting out a series of suggestions designed to help the United Kingdom to ... join Europe.

I. — Mapping a route

by Pierre Uri

The British application for accession to the Common Market, which necessarily entails its simultaneous entry into the coal and steel 'pool' and Euratom, is the most striking confirmation of the success of European policy, not just of the scale of its results, since the moves towards integration are progressing apace in a climate of expansion, but also of the strategy adopted towards the United Kingdom. There have been two opposing concepts. One, accepting the inevitable delays and slow progress, took as its rule to give no ground unless England followed in our footsteps — the Mendès France method. The other approach was to go ahead, confident that England would face the facts and would come and join the pack — this was the Jean Monnet wager. Experience was decisive. Similarly, there were two ways of rejecting the mongrel compromise of the free-trade area: for fear of an enlarged and mysteriously distorted competition, the temptation to transpose the protectionist tradition to the Six; the refusal to superimpose two contradictory constructions, one of them affirming that a set of conditions is needed in today's economic world if the barriers to trade are to be lifted, the other that such conditions are entirely useless. The contradiction has been avoided, and the more intensive Europe is in the process of gradually absorbing the more extensive Europe.

Towards rapid negotiations

The fear of thus losing in intensity what would be gained in extension reflects a misunderstanding of the practical situation. The United Kingdom's absence has consistently raised doubts in the Netherlands and a sector of German opinion, in support of President Erhard, and a majority of industry. The prospect of Britain joining eliminates the tensions and disagreements that have, on more than one occasion, hampered the development of common economic policies and attempts at political union. Opposition is fading among the Six, and the agreement with the United Kingdom, far from postponing a tightening of European union to some dim and distant future, will straighten out the twists and turns along the path. Benelux is now asking for the United Kingdom to be brought into the political project discussions without further delay. Nevertheless, it is seen as a reasonable precondition that the United Kingdom should join the Common Market before it is admitted to the new section of the club. There is only one way of overcoming these conflicting demands: it is that negotiations on admission to the economic communities should be conducted fairly rapidly, so that the United Kingdom may not only participate effectively in the Common Market from 1 January 1963 but also eventually acquire the right to take part in devising the political project.

It is perfectly possible to conduct the negotiations in a few weeks if both sides know how to take full advantage of the Treaty of Rome; unlike the ECSC founding Treaty, which was a treaty of rules, this is a treaty of procedures, as required by the complexity and scope of the problems. In other words, it leaves it to the interplay among the institutions to arrive at appropriate solutions as experience is gradually acquired, where necessary adding to, and even modifying, the solutions sketched out in the basic legislation. It would,

in fact, be a contradiction in terms to try to settle the problems in advance and to enter a Community whose purpose is to settle problems as they arise. Adopting the same line of reasoning, it is sufficient to plan for the adjustments to the institutions and procedures that are needed when a new member joins and, as the Treaty itself does in many passages of its articles and annexes, use protocols to set out certain guidelines of principle that offer a response to the concerns to which the creation of the new grouping gives rise, both for the founder members and for the new member.

Adjusting the institutions

Adjusting the institutions does not raise any particular problems when their members are appointed by each country. This is true of the Assembly, the Economic and Social Council, the Board of Directors of the European Investment Bank and, lastly, the Monetary Committee.

In the last instance, each country appoints two members. In the other instances, it goes without saying that the United Kingdom will be on an equal footing with Germany, France and Italy, provided that, in the case of the Bank, it makes the same contribution as Germany and France. The problem is more delicate with the Commission and the Court, on which the countries as such do not strictly speaking have a representative but whose members are appointed by common consent. The only limit is that there cannot be two members of the same nationality. In practice, this nationality limit has been reached for each of the largest countries in the Commission, which also includes one member from each of the Benelux countries. The Court consists of seven Judges, one from each country plus a second Italian Judge, with a second French and a second German representative holding the complementary positions of Advocate General. There would be no great difficulty in increasing the number of members of these supranational institutions by two to make room for the British, except that some preliminary consideration should be given to the consequences of the accession of other countries. Colleges of this kind are not efficient and do not reflect the spirit of the institution unless their membership continues to be relatively small in number. To avoid over-inflation as new Member States join, it will be necessary to discard the rule of unanimity applicable to appointments. It would be a good opportunity to enhance the independence of members from their national governments if it were laid down that no State may oppose the re-appointment of a member of its own nationality to the Commission or Court. Perhaps the increase in the number of States may even lead to the European Assembly playing a more important role in the appointment of the executive bodies. In the immediate future, the Treaty would allow changes to the number of seats to be determined by the unanimous consent of the Council of the Community.

Voting in the Council

For the operation of this Council, the Treaty states, as regards qualified majority voting, that votes are weighted on the basis of very simple arithmetic, in line with clear-cut principles. No State, however large, must be able to block a decision on its own; if no one large State has a veto, the three Benelux countries, which jointly account for less than half the population of that of the large States, must not be able to block a decision either. By giving Luxembourg one vote, two each to Belgium and the Netherlands and four to each of the large countries, the qualified majority would be 12 out of a total of 17. The vote count is sufficient, even if the votes are from only three countries, to approve decisions based on Commission proposal, which is generally the case. Nevertheless, the additional condition of a majority of countries is required in exceptional cases or if a decision that has to be taken by a qualified majority does not require a prior proposal. In this way, there is always a weighted majority and a simple majority, whether of the members of the Commission responsible for submitting a proposal or of the Member States on the Council.

It goes without saying that the United Kingdom will have the same number of votes as each of the major countries. However, even at this stage, there should be an effort to generalise the formula in view of the admission of new members. What is needed is a definition of the minority required for blocking a decision. With the entry of the United Kingdom alone, there will be 21 votes. An attempt can already be made to devise a general formula for a qualified majority, which would at least require two thirds of the votes plus one, so that, once Britain joins, the majority would be increased to 15. As for the numerical majority, this can easily be defined: it would still be four countries, once the number of countries is increased from six to

seven.

Besides the composition of the institutions and Council voting procedures, contributions to the budget, the Social Fund and the capital of the Bank are defined by placing the United Kingdom on an equal footing with France and Germany. This would increase the capital of the Bank, as specified by the Treaty, by 300 million dollars, with paid-up capital of only 75 million dollars. The contributions to the budget and the Social Fund are defined as percentages, and they would have to be revised in the same spirit as the one that obtained when burden-sharing was determined.

Pierre Uri
(to be continued)