

Address given by Paul-Henri Spaak to the European Parliament (20 January 1966)

Caption: On 20 January 1966, in Strasbourg, participating in an exchange of views between the Community institutions on the empty chair crisis, Paul-Henri Spaak, Belgian Foreign Minister, outlines Belgium's position in this affair and takes into account the efforts made on 17 and 18 January in Luxembourg by the Foreign Ministers of the Six to resolve the crisis.

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[...]

Mr Spaak, member of the Councils of Ministers. — Mr President, ladies and gentlemen, here I am again, in this Chamber, where I have been witness to so many great European events, some of them inspiring, others disappointing.

I have come back today to take part in this colloquy because I believe that the European Community currently faces its biggest crisis ever. At a time like this, all persons of goodwill must come together to help us overcome it.

I am here for a colloquy. My understanding — and I hope that it is correct — is that I am not here to listen to accusations against a specific government. I am here to give you my personal view of the difficulties that we are experiencing, with all the requisite clarity — as you have demanded — and as frankly as possible. I hope that our discussion will proceed in this spirit of cooperation.

I am not here to answer charges. I realise full well that most Members of Parliament — and I am one myself — would like to become Ministers. Once they no longer are MPs they are sorry that they ever were. *(Laughter)* What I do not understand, between aspiration and regret, is that, when Members of Parliament talk about Ministers, they are so hard on them and so unfair. To listen to some Members, Ministers are people without principles, without serious intent, and full of either low cunning or hypocrisy. *(Laughter)* That is not true, ladies and gentlemen. Those of you who have already been Ministers know it, and those who have not yet been Ministers soon will, I trust. *(Loud laughter)*

We have come here to give an honest account of ourselves but not to conduct fashionable trials. It really is too easy to caricature ministerial discussions, to attribute to them ideas which they do not have and then to laugh at the caricature created. That kind of thing is never acceptable, but, in a debate like this, it simply cannot be countenanced.

We are facing a serious crisis, then, one which we need to consider calmly, objectively and resolutely, and I shall endeavour to tell you, as a spokesman for the Belgian Government, what I think about the main points.

My job is easier than that of Mr Werner, since he has to speak for the Six and try to summarise matters which are sometimes tricky and complicated.

Ladies and gentlemen, there is unquestionably a crisis. It began on 30 June. I do not propose either to go back over the history of it or to seek to apportion blame. What is done is done, and I am concerned only with the present and the future. What I do believe, and with utter conviction, is that we must find a way out of this crisis as fast as possible. I am certain that, if the current situation were to persist for a number of weeks or even a number of months, it would be extremely serious for the Community; the process of fragmentation which, despite all our efforts, has been developing since 30 June would become increasingly acute to a point where it might jeopardise the very essence and survival of our Community — and it is no exaggeration to say that.

I am, therefore, one of those who want to see every effort made in the next few days to find a solution to the dilemma into which events have plunged us.

Following the crisis of 30 June, we realised that, in addition to the issues on which we had failed to agree on 30 June, one of our partners, France, was raising new questions of an essentially political nature: the question of majority voting and the question of the Commission's relations with the Council or, if you like, the question of the Commission's 'style' — questions which are all, strictly speaking, political.

We sought ways of accommodating France and discussing these French observations. After discussing them amongst ourselves, we agreed on a procedure which we all regard as unusual and exceptional and hope

never to have to adopt again. But we thought that the political issues arising warranted a meeting of Ministers alone. We held that in Luxembourg, last Monday and Tuesday.

We considered the two issues, that of the Commission and that of majority voting. I shall begin, if I may, with the Commission, not out of any desire to pander to my audience but to express a deeply held belief: the European Commission under Mr Hallstein and his team has on the whole done an excellent job, and we have been fortunate, at the launch of our European venture, in having these men at the helm to carry out the important task that we entrusted to them.

When it comes to the appointment of a new Commission, I would be happy, if it were my decision alone, to see most of the old Commissioners reappointed, to the extent that the number of new places allows.
(Applause)

I doubt if we could do better.

Having said that very clearly, I would add that, notwithstanding the admiration and gratitude that I feel for the Commission, I do not view it as a 'sacred cow'; one can sometimes disagree, even with people whom one holds in the highest esteem, on some aspects of their collective or individual policy. But, when I weigh all the good things that they have done over the years against the few things that I have not liked, I can say without a moment's hesitation that the balance is overwhelmingly positive.

I would never have condoned a meeting of Ministers at which the Commission would be judged without any Commission spokesmen being present.

Personally, I never judge anyone in their absence, and I have never presumed to condemn someone without hearing their side of the case first.

But that is not what this is about, and it would be a misrepresentation to present things from that angle.

The Commission has been functioning and working with the Council for eight years now. It will soon be time for a new Commission to be appointed. What is so upsetting about self-criticism, about asking ourselves, as the new Commission is about to start work, whether everything in its relations with the Council is perfect? Setting aside all questions of personality and susceptibility, as we must, I see nothing at all upsetting in taking a long hard look at ourselves, against a background which is pertinent not only to the Commission but to the Council, too.

The timing of this colloquy is fortunate and at the same time unfortunate.

It is fortunate, because it is certainly extremely interesting. And I have taken due note of the remarks which have been made this morning and this afternoon, and I shall bear them in mind as our debate proceeds.

But the unfortunate aspect — and this is not a criticism aimed at any individual — is that we are having to hold our discussions today without having seen the final texts.

I am aware that it is no longer realistic to expect discretion — never mind confidentiality — in diplomatic negotiations and that we have to get used to the idea, however hard, that working documents of an organisation like the Council of Ministers are made public by the press within two hours rather than twenty-four.

But it is very dangerous to make over-hasty judgments on documents which we have read about in the press and which are, therefore, not always complete, with wording or details which are sometimes coloured by political motives. What we need to do is to see whether the issues laid before us truly merit consideration.

Of the ten points raised by the French Government — its 'Ten Commandments' — there are one or two which must be rejected, although no one has said so, because they concern the work of the Council of

Ministers, not the Commission, and others which we should divide into four categories: cooperation between Council and Commission, the Community's external relations, information, and budgetary or budgetary control measures.

For the moment, I shall make no reference to any specific text because there is none which can serve as a basis for today's discussion. We have only working documents which, whether they come from the French Government or other governments, are by no means perfect and will need to be discussed again next week in Luxembourg.

In theory, I see it as no bad thing that we should seek to improve relations between the Commission and the Council, provided, of course — Mr Werner has said this already, and his words are beyond challenge — that we never allow the powers, prestige and authority of the Commission to be undermined in any way.

To my mind, one of the best things that we did in the Treaty of Rome was to establish the Commission, and I do not think that the Treaty's authors can have dreamed at the time how important it would be and how many benefits it would bring. But no one involved in European affairs can deny that it is this dialogue between the Commission, representing the European interest, and the governments, representing the national interest, which has enabled the European Economic Community to progress as it has done.

Certainly, it would never enter my mind — or, I think, the mind of any of my colleagues — to tamper in any way with this institution which has proved its worth and which I and many like me believe that we have to thank for much of the progress that the European Economic Community has achieved.

Notwithstanding this principle, however, to which I am as attached as any of you, it is perfectly possible for us to take a calm look at whether we can improve on what has been done in the past. In my view, you will not be able to pass judgment, assuming that we agree, until you have seen the final text.

Ladies and gentlemen, it is the same at all international conferences. One begins with cautious debate. What a shame that you were not there in Luxembourg to admire our fancy diplomatic footwork! (*Loud laughter*) We tiptoed forward on velvet paws (*Loud laughter*), none of us daring to commit ourselves. When the debate on a subject began, we all looked around to see who would speak first, and the one brave enough to dip a toe into the water was very careful not to say anything irrevocable, merely something which would move the debate forward a little.

We went on like this for a day and a half. After a day and a half, we realised that we had to do something else, and that is also customary in exchanges of this kind; after talking, we needed to put something on paper.

Something on paper, because if we simply floated ideas orally, a week after the Conference finished we would have a fresh crisis born of various misunderstandings and equivocations arising out of it.

We have reached the crisis stage now. I don't know if I am being optimistic or pessimistic, a moderate optimist or an extreme pessimist. I see just one thing: round one of our Conference ended without a clear 'knock-out', and the various partners have decided that there should be a second round. In the interim, we have instructed our representatives to commit the texts for possible discussion to paper. And only when these texts are ready — their principles and their wording need to be weighed very carefully — shall we see whether there is a chance of reaching agreement.

Regarding the second issue, the Community's external relations. Over the last few days, I have found myself having to re-read parts of the Treaty. In it, I found several articles dealing with the Community's external relations. It is, I think, true to say — or, at all events, it may very seriously be argued — that external relations are dealt with either by the Commission or by the Council but that, actually, they are to some degree a matter for the *Community*.

I see nothing there to upset anyone. Poised as we are to embark on a second phase (assuming the Merger

Treaty is approved and ratified), and given that this issue has led to a certain level of debate, why should we not agree on how we are going to deal with it?

I have just said a word which should reassure you, and the Commission, too. That word is 'agree'. I do not just mean agreement amongst ourselves, the Ministers, but between the Council and Commission. And, since we are resolved, once and for all, to abide by the Treaty, not to breach it and not deliberately to misinterpret it, it is clear that Article 162 of the Treaty requires us to reach agreement with the Commission regarding our relations with one another. I do not yet know exactly how things will work, but it seems obvious to me that if, at a given moment, the Ministers agree on a common text, that is to say, if they have proposals to put forward, they will have to lay them before the Commission and discuss the next move with the Commission. And that text will be implemented only if it has the Commission's approval. In fact, nothing in the Treaty allows us to instruct the Commission, either in this matter or in others; on the contrary, it requires us, or at least allows us, to meet the Commission in order to discuss our relations with one another.

You may therefore rest assured that the Ministers — myself, in any event — have no intention at all of acting without consultation. It would be impossible, unlawful and inept!

A number of Members — I hope that I shall not be thought indiscreet here — have referred to something which was not discussed in Luxembourg but which has come to my attention as a result of comments made and anxieties expressed.

In all honesty, at first sight, I could not see, and I still cannot see, why information has to be agreed jointly by Council and Commission and must absolutely not be the province of the Council — I have never subscribed to that view, and I do not think that anyone has yet argued the case for it. Is there really any problem with information being *Community* information, given that the Council of Ministers, whatever you think of it, ladies and gentlemen, is after all an institutional body of the Community with a certain importance and a certain authority?

Some members have told us that this is all a ruse designed to prevent the Commission from forwarding to the Parliament sufficiently in advance the documents that it needs for its work.

I do not know if that is true, and I do not know if some Member or other really thought that. I can say, though, that no Member has ever put such a thought into words; but you have raised the point — and this is where our colloquy is useful — so we shall certainly make it our business to find out!

We have been told something quite different, and I shall not dwell on it for long. We have had our attention drawn to a number of incidents in the Information Service which seem inexcusable to me, quite honestly, along with certain errors, and these have prompted speculation as to whether cooperation between Council and Commission might not have prevented them.

Accordingly, in the days ahead, we shall see, in the light of your comments and certainly if I have anything to do with it, whether the Information Services cannot be organised differently so as to make sure that there is no deterioration at all in the quality and timeliness of information forwarded to Parliament and to see if we can prevent any recurrence of the incidents in question which, as far as I know, no one has sought to excuse, since I gather that the officials responsible have been disciplined.

I see nothing terrible in any of that.

Coming to the fourth question, I find it hard to say much about this because I am not as yet fully *au fait* with it. The plan is for a body providing better scrutiny of the Commission's spending. I don't know if that is good or bad. We have not yet discussed it in depth.

To sum up where I stand on the issue put before us and which we cannot dodge: it is a fact — there is no question of curtailing the Commission's powers and responsibilities, of lowering its standing or of forcing it

to do anything. If we, the Ministers, reach agreement on something, we have to discuss it with the Commission.

Nor is there any question, in talks with the Commission, of trying, indirectly and somewhat hypocritically, to reduce Parliament's powers or the information provided to it, in any way whatsoever. So that is how things stand on this point at present.

As for majority voting, there is no point in lecturing us, ladies and gentlemen. We have long said that we cannot agree to a revision of the Treaty. I believe in the principle of majority voting, and, when the Europe of which I have dreamed for so many years becomes reality, majority voting will be essential. I have never been able to conceive of an organisation without a proper authority. Let me say again what I have said so often, from my experience of all the international organisations — the UN, NATO, Europe — unless and until they agree on a proper authority, these institutions remain inadequate and ineffective. It is obvious. Several of my colleagues fully agree with me on that.

If a partner wishes to revise the Treaty, the Treaty makes provision for that, but the procedure for revision has to be properly respected. Until such time as the Treaty has been revised, its articles remain fully valid. That is very important. It is international law. It is a matter of international good faith.

Mr Poher. — Well said.

Mr Spaak, member of the Councils of Ministers. — Revision of the Treaty of Rome can be requested. Obviously. We made provision for that when we drew it up. But it cannot be revised unilaterally. Until such time as all partners have indicated their agreement in accordance with the constitutional procedures for revision, the Treaty of Rome, in its present form, must continue to have the force of law.

Majority voting — it has already been said, so please forgive me for repeating it after Mr Luns, but some people do not sufficiently appreciate this — is the rule laid down in the Treaty. It is unanimity which is the exception.

The authors of the Treaty of Rome were in favour of majority voting and of its introduction as swiftly as possible because they — rightly — saw it as essential to European unity and integration. But, sensing that they needed to move forward in stages, they agreed to a series of exceptions to the principle enshrined in Article 148 of the Treaty. We cannot give up this essential point.

Does that mean that nothing should be done? I think that a revision of the Treaty is impossible at present. Even more impossible than revision is an interpretation of the Treaty which runs contrary to its letter and spirit. Imagine, ladies and gentlemen, if the Foreign Ministers decided to revise a treaty approved by Parliament. Mr Luns said that the Dutch Parliament was difficult; my own is very 'easy and accommodating' — what a difference! (*Loud laughter*) Even so, I cannot really see myself taking the floor of the Chamber and announcing to Members that 'along with five of my colleagues, I have revised the treaty that you approved'. That is a piece of oratory that I refuse to deliver. (*Loud laughter*)

So the Treaty is open to interpretation, of course, but not in a way which constitutes an indirect revision.

What are we to do, then? First, we must explain majority voting to those who are fearful of it. But, before explaining it, I should like to make a statement on behalf of the Belgian Government.

Majority voting carries a risk, certainly. No one likes being in the minority. This is not an issue for the French alone; it applies equally to all the Treaty of Rome partners. But let me say, on behalf of the Belgian Government, that I am prepared to take this risk because I think that it is a small risk and because, in the end, if we want Europe, we have to accept this principle and its application. (*Applause*)

That said, let me try to explain the Treaty. When we drafted it, we never imagined gladly or easily that we would reach a point where one or other of the partners found itself in a minority on an important issue. And,

in saying that, I am looking at the most recent signatories to the Treaty represented here today. We always thought that, if a community such as the European Economic Community was to work, important decisions would have to be taken unanimously in most cases — and, where possible, always.

Our instinct at the time the Treaty of Rome was signed has been borne out by eight years of experience, and everyone knows that the Community would not last long if one country were to find itself routinely in a minority as regards its vital interests — a rare and, I would say, impossible eventuality.

It is not true that unanimity means inactivity. We have proved that. We have secured unanimity on countless issues, and no one would venture to assert that the Community has been inactive. It is clear, however, that we want the principle of the Treaty to be maintained and, on this point we cannot give way.

But what we can and must do — in my view — is say to those fearful of majority voting: 'you are wrong because we want to show you that we are ready to envisage procedures whereby majority voting would be the last resort. We shall, naturally, endeavour to take our decisions on the basis of unanimity.'

Reference has been made, then — the press has reported it, but nothing exists yet on paper — to a procedure of voting at two or three readings. I would not say that it is all that good a solution, or that its drawbacks are few. It might to some degree slow down the pace of the Community's operations. But at a time when we are trying to provide legitimate answers, to be reasonable and to allay the fears felt in some quarters, a proposal of this kind makes a modicum of sense.

I must concede, however, that I had not previously thought about some of the points made this morning about the rights of Parliament. It really would be unfair to think that, in suggesting a procedure of this kind, we were trying to circumvent Parliament. What we were trying to do was accommodate one of our partners. Certainly, in response to your comment, we need to ensure that Parliament's rights are in no way altered or curtailed, if such a procedure is approved.

This is why today's colloquy is useful and important.

Then, attempts were made, as always, to 'dress up' the compromise proposals a little, and two ideas were put forward.

The first, which was not approved either, was to accommodate one of our partners. Why? Because, although the point has never been raised by Members of this House, I have read frequent press reports and a few speeches in recent months reflecting a French view, sometimes expressed by senior figures, that 'after all, we cannot agree that something which we approved by unanimous vote, namely the creation of our agricultural policy, should be undone by qualified majority vote as of 1 January 1966'.

I am sure that this is an imaginary scenario.

In fact, in order to undo what had been done, the Commission would have to lay before us proposals for it to destroy its own achievements. And I know the Agriculture Commissioner well enough to be fairly sure that this is unlikely. (*Laughter*)

Governments planning this would also — if I may say so — have to be rather dishonest.

I think that I speak for all of us when I say that such an idea has never entered our heads and that we are perfectly aware of how dishonest it would be to seek systematically to destroy, by an absolute majority, something we had built up by unanimity.

I will say for the moment, and without reference to any definitive formulae, that, if an accommodation were to be found within certain limits for one of our partners, I would see nothing reprehensible in that act of proper understanding and cooperation.

The other idea being mooted at present — one which seems quite reasonable to me — is this. We had a busy agricultural timetable for last year, but events have prevented us from respecting it. And we should have adopted, by unanimity — forgive me, but I am not all that qualified to speak on agriculture, either — regulations on sugar and agreements on fruit and vegetables affecting Belgium and Italy respectively.

If we had established these regulations last year in accordance with the timetable, we could have approved them only by a unanimous vote.

Is it not possible for us to agree that, in respect of these limited and specifically designated matters which were part of last year's timetable, we shall undertake to apply the unanimity rule throughout the transitional period? Where would be the harm in adopting the regulation on fruit and vegetables in the same way as the regulation on cereals? I do not see this as an interpretation contrary to the terms of the Treaty. It is a sensible, reasonable compromise. But this has not been committed to paper, either, and it will, no doubt, prompt a number of criticisms and questions when I introduce it into the relevant texts. I am not arrogant enough to assume that I have expressed myself with sufficient clarity to allay all fears and anxieties.

That is how things stand at present, and, in the spirit of and subject to the measures and limitations that I have outlined, I cannot see what mistakes we might have made and of what misdemeanours we might be deemed guilty.

We do, of course, need to resolve the difficulty as quickly as possible, and I would be reluctant to agree to a formula which I have heard twice here, namely that it is better continue with the provisional *status quo* than to do just anything.

Mr Illerhaus. — Anything which would be a retrograde step.

Mr Spaak, member of the Councils of Ministers. — If you cannot contribute anything more helpful than that ...

Not just anything, obviously, but I want you to appreciate that swift action is needed. The last speech that we heard proves that. Everything that has been said about this question of the budget, about Euratom, about the ill-fated research budgets, is true, along with countless other unfortunate incidents that we have seen recently and which will multiply in the weeks ahead. It has to be said that we are living in an unreal situation where the Community's real rules cannot apply.

Consequently I firmly believe that there is no more time to lose. We must move as fast as possible, but without losing sight, in our desire to compromise, of this determination to abide by the Treaty as regards the Commission and its powers, its responsibilities and its dignity.

Questions were asked about the timing of the most recent French proposals.

I admit that they rather took us by surprise. Here, too, there was and is no agreement. But I want to show you that some issues can be resolved with a little goodwill. Take the period set for the ratification of the Merger Treaty. I have heard several spokesmen, along with my good friend and colleague, Joseph Luns, say 'that is something the Dutch Parliament cannot approve'. I understand the argument very well. What everyone is agreed on is that we must approve the new Commission before the Treaty is amended.

Why? Because, if we do not, we are likely — if the Treaty is ratified but the new Commission is not appointed — to find ourselves in a hopeless mess.

Anyway, this is what I myself plan to do in Belgium. I shall ensure that the Treaty is approved by the two Houses of Parliament, but I shall not deposit the instrument of ratification until agreement has been reached on the new Commission. In that way, we shall not have wasted time, and we shall be ready to act when the problem truly arises. I am quoting this example to show you that with a modicum of goodwill these contentious issues can be resolved.

We were surprised, too, by the way in which ratification of the agriculture protocol was presented. This was not, I have to say, a proper response to the work done since 30 June by the Five, to the letter that we forwarded to the French Government or to the concerns raised by a number of governments and which seem to me to be well founded.

As for the claim that France's timing constituted an ultimatum, I am sorry to say, or, rather, I am glad to say, that this is not the case. There were proposals, of course, but at no time did the French spokesman say 'as far as our timetable is concerned, you can take it or leave it; it is not negotiable.' There was nothing like that. We are simply faced with new problems which emerged at the end of the Conference.

I should like now to offer one final comment which may not meet with everyone's approval and which lies somewhat outside the scope of events in Luxembourg. It is time, I think, for us to reflect on the fact that Europe has not evolved as we had expected. The Treaty of Rome was very important in economic terms, but no one will disagree with me when I say that deep down we saw the Treaty of Rome as a step towards a political Europe and we have to acknowledge that things have not gone to plan.

We had thought that political and economic development would proceed in tandem. They have not. Economic development has been splendid, thanks to the Commission. Political development far less so, because we have made no progress since 1958. Here, too, I am critical. Most of you, with some exceptions no doubt, will find me very conciliatory, very willing to compromise.

Only once have I refused to budge, and that was on the Fouchet plan. Nor was I alone in my intransigence! To some extent, we helped prevent the Plan from succeeding. And I have often wondered, on that one occasion when I did refuse to budge, if I really acted wisely ...

I was right, I think, on the substance of the matter. I believe the Fouchet Plan to be politically inadequate. It does not address the question of a political Europe, and I stand by all my criticisms of it I have to say now that political development lags behind economic development, and I wonder if it always will. If things go well, we shall resume our activities in the weeks and months ahead. We shall complete our agricultural, industrial and trade policies; little by little, we shall need to tackle and, indeed, harmonise tax legislation. Who knows whether we shall not, in the not-too-distant future, have to be tackling monetary questions!

I put the question to all those who love Europe: is it possible to imagine economic development taken to its extreme without a matching level of political development?

All those who love Europe must ask themselves this question and must also, in the light of recent developments, consider the question of the United Kingdom.

In conclusion, I would repeat that we are in a difficult situation.

I do not know what next week will bring, but I do know that, unless we reach agreement, we shall encounter huge difficulties, we shall have huge problems and we shall have great trouble resolving them.

So you must throw the weight of your wise counsel and enlightened enthusiasm behind those who are seeking a solution consistent with the principles of the Treaty of Rome. (*Loud applause*)

[...]