

CONFIDENTIAL

THIS DOCUMENT IS THE PROPERTY OF HER BRITANNIC MAJESTY'S
GOVERNMENT

EHG(V)(80)13
5 June 1980

COPY NO

1

EUROPEAN COUNCIL, VENICE

12/13 JUNE 1980

THREE WISE MEN'S REPORT

Brief by the Foreign and Commonwealth Office

OBJECTIVE

1. Conclude discussion to allow implementation of Report's recommendations before Greek accession at the beginning of 1981.

POINTS TO MAKE

General Attitude

2. Welcome thorough useful report. Full of sound ideas. Important to conclude discussion so that can act on as many proposals as possible. Hope it will bring new impetus to working of Community institutions.

Attendance of the President of the European Council at meetings of the European Parliament

3. Can accept; Presidency should decide each case.

Delegation by the President of the European Council of responsibility for a particular dossier to another member of that Council

4. Could agree on a case by case basis, but would prefer all Member States to agree in each case.

Attendance of other persons at meetings of the European Council

5. Decision for Heads of Government collectively, not Presidency alone. Can agree to presence of President of COREPER; do not believe all delegations should have national note-takers but can accept majority view if consensus emerges in favour.

/Number

CONFIDENTIAL

Number of Commissioners

6. Maintain status quo until accession of Spain and Portugal.

Involvement of the European Parliament in the process of appointing the President or members of the Commission

7. Keep to present position under Treaties. Members of Commission appointed by common accord of member Governments. No role provided for Parliament.

Secretary General of the Council

8. Support modest strengthening of Council Secretariat, through its Secretary General, to give greater support to Presidency.

Points on which there is broad consensus

9. Can accept consensus already reached by Foreign Ministers and prepared to endorse it.

BACKGROUND

10. References:

- A Wise Men's own summary of Report
[Report itself too long to duplicate but copies will be made available to those who need to have it]
- B Presidency Paper - Draft report of Ministerial examination of Report
[Final report not yet received]
- C 1977 Agreement on European Council Procedures

11. The Dublin European Council asked Foreign Ministers to examine the report with a view to preparing the discussion in the European Council. The meeting in Luxembourg in April agreed that the President of the Commission should be chosen six months before his term of office began but the remaining proposals in the Wise Men's Report were held over for discussion at Venice.

12. Foreign Ministers have now completed their discussion of the Report and the Presidency Paper identifies those questions on which a consensus has still to be reached and those on which there is broad agreement. The main points outstanding for decision are listed in the Points to Make.

13. The European Council will also be invited to endorse those points on which Foreign Ministers have reached broad consensus. The most important of these are as follows:

A. European Council

(i) While it is for the European Council to give political impetus and guidance to the Community, there should not be a specific plan of priorities adopted by the European Council;

(ii) Meetings of the European Council must continue to be flexible and pragmatic;

(iii) Meetings of the European Council should be prepared by the Council of Ministers and COREPER where Community topics are concerned.

B. Council of Ministers

(i) It is for the Foreign Affairs Council to ensure co-ordination, consistency and continuity of Community work;

Voting

(ii) There is no need for new principles to be laid down regarding the voting rules (i.e. Luxembourg Compromise preserved);

Delegation of powers to the Commission

(iii) Powers should be delegated more frequently to the Commission, but only on a case-by-case basis; the Council is to decide each time.

FOREIGN AND COMMONWEALTH OFFICE

5 JUNE 1980

We have prepared this summary solely for the convenience of readers of our report. It is not a part of the report.

Barent BIESHEUVEL
Edmund DELL
Robert MARJOLIN

The European Council has asked us to make proposals on adjustments to the machinery and procedures of the Community institutions. We are well aware that the most fundamental causes of weakness in the functioning of the Community do not arise from mechanisms and procedures. The latter play, in fact, only a secondary role. The more serious obstacles are the economic difficulties and divergences of interests and views among the Member States.

The Community is likely to find itself facing real and fundamental problems in the coming years. Moreover, the number of Member States is to be increased during the same period. We must at least ensure that the institutions, rather than aggravating the difficulties by their inefficiency and the dispersion of effort, provide all the conditions for tackling them with the maximum chance of success.

We have tried not so much to fix new detailed rules for the functioning of a Community of Twelve as to propose practical adjustments which can be made here and now to the activities of Community institutions. If these recommendations are adopted, we believe they will result in the new members entering a Community that is more dynamic, more efficient and better prepared to receive them.

.../...

Due credit must be given to the Community's achievements. The greater part of the Treaties has already been implemented. Co-operation among Member States has been extended well beyond the letter of the Treaties. But the Community faces difficulties in building new common policies, often without precise Treaty guidelines. Moreover, the multiplication of the Community's tasks and their growing diversity have considerably increased the "lourdeur" of the Community's institutional apparatus. The latter has become both more complex and less efficient.

Our proposal is to improve the functioning of the apparatus by means of the definition of priorities and the clear identification of responsibilities. In our report we have deliberately set aside any kind of ideological approach. The intention is not to modify the institutional balance. Instead we suggest practical ways of improving the functioning of each institution.

The creation of the European Council was in itself a pragmatic response to the Community's institutional difficulties. It has become an effective source of political guidance in the Community.

The task is to find the right balance between freedom and discipline in the European Council's proceedings. The operational solutions already developed to this end should be reaffirmed and reinforced: limited agendas, limited attendance, coherent preparation and follow-up, early circulation of documents, Presidency responsibility for drafting clear and accurate conclusions. We have examined the idea of a longer-term Presidency for the European Council and it seems to us that it would present real difficulties in the present state of the Community.

There is considerable scope for improvement in the European Council's relations with the Treaty institutions. Our specific suggestions for preserving the role of the Council of Ministers, strengthening the Commission in its collaboration with Heads of Government, and establishing direct relations between the European

Council and Parliament, are designed to integrate the European Council so far as possible within the normal framework of inter-institutional relations. To make full use of its potential for political guidance, we propose that the European Council should adopt before 1981, in collaboration with the Commission, a master plan of priorities indicating the main tasks and directions for progress for the Community as a whole. This master plan must be precise and practical, a declaration of intent rather than a pious hope.

The European Council is responsible for reviewing the whole range of Member States' common action, whether it has a strictly Community character or not - as is the case notably for Political Co-operation. It has, therefore, a certain choice among the procedures to be used particularly for new actions. Priority must be given to the application of Article 235. But if it appears impracticable to apply this procedure, action in common by other methods which allow the Community to make progress should not be ruled out a priori.

The Council of Ministers in its various formations, and the associated machinery, are producing results which do not match up to the amount of effort deployed. The burden of work is becoming impossible to handle and the efforts of the various subordinate bodies and of the specialized formations of the Council are insufficiently co-ordinated. To tackle these problems, the clearer definition and more efficient execution of the responsibilities of the Presidency seem to us essential. Each Presidency should establish its work programme, respecting the priorities defined by the European Council, and should report on the execution of the programme at the end of its term. The authority of the Presidency in enforcing procedures, and in establishing the agenda, should be clearly recognized. The Presidency should be free to lighten its own load by entrusting particular dossiers to other members of the European Council, the Council of Ministers or subordinate organs. Other options, such as a change in the rotation of the Presidency and the "troika" formula, are rejected.

The Council itself must be free to concentrate on the genuinely political issues. This means making wider use of delegation to the Commission; and giving more room for manoeuvre to the Committee of Permanent Representatives and the lower-level bodies. We do not recommend altering the status of Permanent Representatives. Procedures for taking decisions must be as economical as possible. The "Luxembourg Compromise" has become a fact of life in the Community. Each State must be the judge of where its very important interests lie. But if all States feel sure they will not be overruled on matters involving such interests for them, they should all accept voting as the normal practice in all cases where the Treaty does not impose unanimity and no very important interests are involved.

The working groups below COREPER should not, as too often happens, be left to their own devices. The Presidency, helped by the Council Secretariat and in liaison with the Commission, has special responsibility for co-ordinating their work within the framework of agreed priorities and for avoiding unnecessary delays.

Horizontal co-ordination is also essential to counteract the fragmentation and dispersion of Community activities. While it cannot retrieve the dominant position it held in the early years, the Council of Foreign Ministers should continue to play a central role. Certain specialized Councils might hold less frequent meetings.

National administrations can make a further, very significant contribution to the proper functioning of the Communities. Co-ordination of Community affairs is carried out by very different methods from one capital to another. We do not seek to impose a single stock model on practices which have been shaped by tradition and on structures which are often highly diverse. But it is vital that the capacity should exist in all Member States to produce, in good time, instructions which are both considered and coherent. The Permanent Representative can play

.../...

helpful role in this respect.

Finally, the Council does not operate in isolation. The Commission makes a contribution which is vital for its good functioning, and the Presidency should look after the quality of its relations with the Parliament.

The role and authority of the Commission have declined in recent years. The exercise of its right of initiative and its role as guardian of the Treaties, together with its management and implementing tasks, need to be made more effective and adapted to current circumstances. The number of Commissioners in the enlarged Community should be limited to twelve - one per Member State. The number of Directorates-General should be reduced and brought in line with that of Commissioners. The college of Commissioners should be more homogeneous and should act more as a collective body. Co-ordination between departments should be strengthened and the central services - budget, personnel, administration - grouped under the authority of the President. The President of the Commission's authority must be reinforced within the institution of which he is the head. He should be chosen by the European Council six months before the renewal of the Commission. He should be consulted by Governments on the selection of Members of the Commission, and should have the last word on the allocation of portfolios.

It is essential that the Commission should maintain an active role in the Community. It represents the interests of Europe as a whole and not a compromise between different points of view. It should set up at the start of its term of office a general programme which can be revised at least once a year, in harmony with priorities defined by the European Council. It should organize the application of its resources on the basis of this programme, taking account of the capacity of the Council machine. The production and handling of "harmonization" proposals need careful planning. The Commission should consult States, where necessary, at a high political level and should avoid repeated low-level consultations on the policy aspects of its drafts.

It should participate actively in the work of the Council, modifying its proposals and suggesting compromises.

The Council, for its part, must delegate more of the implementation of new policies to the Commission. Ways must be found, for example by the development of stock formulae and political understandings between the institutions, to eliminate the obstacles which have blocked certain delegations in the past.

This report makes no claim to pronounce on the process of evolution which the European Parliament may go through following its election by direct universal suffrage. But we can suggest certain adjustments which are necessary in relations between the Parliament and the other institutions. In this context, closer contacts must be developed between the Parliament and the Commission. The latter must present its programme to the Parliament for debate. It must work out with the Parliament a six-monthly programme for consultative work. Above all, the Commission must make a more serious response to the Parliament's Resolutions. The Council, too, should take these Resolutions more seriously. It is up to the Presidency to draw them to Member States' attention and to develop personal contacts with the Parliament. The institutions should try to agree on practical improvements to tackle the difficulties arising in the implementation of the "conciliation" procedure. Finally, the President of the European Council should appear once every six months before the Parliament, so as to achieve a direct dialogue at the highest level between the two organs. In the interests of the Community, balanced relations need to be maintained between the three points of the Commission-Council-Parliament triangle.

The Court of Justice has presented suggestions itself for resolving its problems. Solutions should be found by discussion between the institutions. The same applies to the Court of Auditors. The Economic and Social Committee faces more serious difficulties. In these times of crisis, the Community needs an efficient mechanism for consultation with the social partners. We make some

suggestions for reaffirming the Economic and Social Committee's role in socio-economic consultations in the Community, and also for increasing the effectiveness of the Tripartite Conference, the Standing Committee on Employment and the Joint Committee system.

In this whole study, we have taken account of the prospective enlargement of the Community to twelve members. Our technical proposals designed to improve the transparency, coherence and efficiency of the Community institutions are based on experience of a Community of nine members, but they can do much to ease the functioning of a Community of Twelve.

However, enlargement will not add only to the "lourdeur" of the institutions. It will also extend the range of differing circumstances and interests among Member States. Any system of a "two-speed" Europe which created differences of status between Member States must in our view be rejected. Differentiated solutions for the application to Member States of policies decided in common may however prove useful in some cases, as they have in the present-day Community. Certain safeguards should be applied whenever they are used.

The Community of Twelve will have nine official languages. Any attempt to limit systematically and by compulsion the use of any national language would be unjust as well as politically impractical. But the costs and complications will be on a scale to make it essential that pragmatic arrangements are found allowing the number of interpreters to be reduced according to the nature of each meeting.

We have also reflected on the problems likely to face Europe in the next few years. This period will be a difficult one for Europe. Everything points to a relatively low rate of economic growth, accompanied and aggravated by monetary disturbances and difficulties in the energy market. The unemployment problem will lead to social and political tensions. The prospects for the Community's future, and for progress towards European Union, will depend on how it copes with this continuing crisis. The

Community's Member States must maintain their solidarity both in the active sense - i.e. mutual aid - and in the passive sense of abstaining wherever possible from action likely to cause problems for other members. Much resolve and political intelligence will be needed to counter the pressures for protectionism which are bound to arise both in the enlarged Community's internal trade and in its dealings with the outside world.

The priorities which the Community sets itself in dealing with these challenges must be flexible enough to allow adjustment to changing circumstances. They must be based on a realistic appreciation of the scope for Community action. The first and greatest task is the maintenance and consolidation of the acquis, with any adjustments that modern conditions may demand. In dealing with the outside world the Community and its Member States must act in the most united way possible both on the economic and on the political front. The solidarity between States must be given practical expression, whether it be in joint action to face up to the energy crisis, in mutual aid for other emergencies, or in the development of efforts for greater monetary stability such as are reflected in the European Monetary System. Priorities of this kind should help the Community not only to survive the immediate dangers, but also to lay the practical foundations for progress in the longer term.

REPLACEMENT FOR REF. B

GENERAL SECRETARIAT
OF THE COUNCIL

Brussels, 6 June 1980
(09.06)

Re cc : Mr Williams, Cabinet Affairs
Mr. Manning
Mr. Spackley
Mr. Goodenough

REVISED VERSION

+ back to me.

Jp.
10/6

REPORT

from the Ministers for Foreign Affairs
to the
European Council

Subject: Report from the Three Wise Men

At its meeting on 27 and 28 April 1980 the European Council requested the Ministers for Foreign Affairs to complete their examination of the report from the Committee of Three Wise Men in time for the next meeting of the European Council.

The report from the Ministers for Foreign Affairs to the European Council is attached hereto.

Report from the Ministers for Foreign Affairs
to the
European Council

Subject: Report from the Three Wise Men

In accordance with the instructions which they received from the European Council, the Ministers for Foreign Affairs examined the various suggestions contained in the report from the Three Wise Men.

The discussions held by the Ministers for Foreign Affairs highlighted the various factors which had already led the European Council to speak of the excellence of the report. The profundity of the analysis of the institutional situation and the perspicacity of the solutions proposed make this report an extremely valuable document. The Ministers wish to point out that, for these reasons, the results of their deliberations and the concrete proposals arising therefrom at this stage do not entirely cover all the suggestions in the report of the Three Wise Men, nor do they exhaust the matter. Leaving aside such decisions as may be taken in the near future, the report provides and will continue to provide a rich and useful source of ideas and suggestions to which the Institutions and the Member States may make reference in support of their reflections on the Community's institutional system.

The discussions of the Ministers for Foreign Affairs revealed that there were points on which there was as yet no general agreement and which required further examination. These points are set out in Section I below.

On the other hand, a convergence of views, which should be confirmed by the European Council, emerged on numerous other points. These are set out in Section II below.

The Ministers for Foreign Affairs also noted in the Report from the Three Wise Men several suggestions which need not be submitted to the European Council.

I. POINTS STILL REQUIRING EXAMINATION

A. The European Council

(a) Attendance of the President of the European Council at meetings of the European Parliament

The Report of the Three Wise Men suggests bridging the gap created by the absence of relations between the European Council and the European Parliament, and to this end proposes that the President of the European Council should attend the Parliament in person once in each Presidency to report on the outcome of the European Council.

In the light of the discussions, it is proposed that each Presidency decide case by case, after informing the other Member States, whether the President of the European Council should attend sittings of the European Parliament to make a statement on the outcome of the meetings of the European Council.

Several representatives were able to agree in principle to this suggestion. Some wondered, however, if it should not supplement more general measures for the improvement of relations between the European Parliament and the Council.

.../...

The French representative said that, in addition to the constitutional difficulties which, under a French Presidency, would prevent the President of the European Council from appearing before the European Parliament, he had objections of principle to this proposal. He referred to the precedent that would be set by the first appearance of a President of the European Council before the European Parliament.

- (b) Delegation by the President of the European Council of responsibility for a particular dossier to another member of that Council ⁽¹⁾

According to the Report from the Three Wise Men such delegation of responsibility would lighten the burden of the President of the European Council and enable him to call on the expertise of any of his colleagues particularly qualified to deal with any individual dossier.

Several representatives had reservations concerning this suggestion, their main objection being that its implementation could prove injurious to the unity of action of the Presidency. If, however, such temporary delegation of responsibilities were to take place, the relevant decisions should be taken pragmatically by the European Council in each individual instance.

⁽¹⁾ The Report from the Three Wise Men contains an identical suggestion with regard to the Council of the European Communities.

(c) Attendance of other persons at meetings of the European Council

The need to ensure more efficacious implementation of the conclusions of the European Council was recognized.

Several representatives felt that, in order to achieve this, it would be useful if members of the European Council were accompanied by one person per delegation responsible for taking note of the outcome.

Other representatives spoke of the role of the General Secretariat of the Council should play in drawing up the conclusions of the European Council.

B. The Commission

(a) Composition of the Commission

The exchange of views on whether the number of members of the Commission should be reduced revealed at this stage three possibilities:

- (1) A reduction in the number of Commissioners to one per Member State, as suggested in the Report from the Three Wise Men. Both they and the representatives who were in favour of such a reduction advanced as their prime reason the desire for efficiency and the difficulty of achieving a balanced allocation of tasks among too large a number of Commissioners.

.../...

The representatives who said they could agree to a reduction in the number of members of the Commission thought that, if the number of the Commissioners was reduced, this should not involve any loss of powers for each of them individually nor any compensation in the distribution of portfolios among the members of the Commission overall.

- (2) Maintenance of the principle on which the number of members of the Commission is currently determined.

In the view of those representatives supporting this option maintaining this principle would make it possible:

- to preserve the present balance in the composition of the Commission and the political significance thereof;
- to avoid the Commission becoming like an inter-governmental body;
- to ensure a more balanced representation of the major European political groupings within the Commission.

Although they shared the wish expressed by others to see greater efficacy on the part of the Commission these representatives said that the objective sought by the Three Wise Men - optimum operation of the Commission - could possibly be achieved otherwise than by reducing the number of Commissioners to one per Member State, for example by means of an effort by the Commission to redefine the portfolios it assigned to each of its members.

- (3) The third possibility would involve maintaining provisionally the principle of allocation currently in force on the understanding that a reduction would be made at the time of the enlargement following that connected with Greek accession.

It was pointed out in support of such a transitional solution

- that it would be difficult between now and the end of 1980 to achieve any reduction in the number of Commissioners;
- that other means designed to complement a reduction in the number of Commissioners in order to achieve the desired level of efficiency could be studied in the meantime.

In opposition to this solution, it was pointed out that any reduction in the number of Commissioners at the time of the enlargement following that connected with the accession of Greece might fall in 1983, i.e. during the next Commission's term. This would entail not inconsiderable difficulties for the functioning of the new Commission.

(b) Involvement of the European Parliament in the process of appointing the President of the Commission

Since, according to the Treaties, the Commission should be the privileged interlocutor of the European Parliament, to which it is moreover responsible, certain representatives said that they could agree to informal contacts between the Presidency of the Council and the Presidency of the European Parliament or the political groups of that Institution before completion of the flexible and informal procedure which precedes the appointment of the President of the Commission in order to obtain their reactions to the persons likely to accede to the office of President of the Commission. It was pointed out that this could increase the authority of the President of the Commission.

Other representatives pointed out that the President of the Commission was appointed by common agreement of the Governments of the Member States and that there were no more reasons on this point than on others for changing the allocation of powers laid down by the Treaties. The point was also made that the European Parliament had available to it the powers laid down in the Treaties vis-à-vis the Commission.

C. General Secretariat of the Council

It emerged from the exchanges of views held on this subject that it seemed possible for agreement to be reached that the person required to discharge the duties of Secretary-General should have at his disposal the means enabling him to provide substantive assistance to the Presidency of the Council, which should rely more generally on the Secretary-General and the departments under him.

Most representatives thought that, to enable the Secretary-General to exercise fully his greater role, he should be relieved of purely administrative duties.

Several representatives considered that the Secretary-General should have a fixed term of office, which might possibly be renewable (e.g. five years).

The Ministers for Foreign Affairs intend to continue studying the role and functions of the future Secretary-General - and the organization of the General Secretariat with a view to meeting the increased responsibilities - in the light, inter alia, of any suggestions which the latter might make.

II. POINTS ON WHICH THERE IS BROAD CONSENSUS TO BE CONFIRMED BY THE EUROPEAN COUNCIL

A. The European Council

- The role of the European Council is to give general policy guidelines such as to facilitate solutions to the problems facing the Community.

- Consequently, the preparation of a specific plan of priorities for Community action should not be a task for the European Council. The preparation of any such master plan should rather be a task for the Council.⁽¹⁾
- Meetings of the European Council must continue to be flexible and pragmatic, as at present.
- Preparation of meetings of the European Council and implementation of its conclusions are matters for the Council and the Permanent Representatives Committee, where Community topics are concerned.

B. The Council

1. (a) Role of the Council

The European Council could confirm the role which, in approving the "Marlia procedure", the Heads of Government in December 1974 in Paris and the European Council in December 1975 in Rome conferred upon the Council of the European Communities (Ministers for Foreign Affairs), viz. that it provide the impulse and co-ordination to ensure consistency in Community activities and continuity of work.

⁽¹⁾ Some delegations suggested that the Commission and the European Parliament should be involved in the preparation of such a plan, due regard being had for their respective powers.

(b) Consistency of Community action

Such consistency of Community action could be more readily achieved if, in each Member State, there were better co-ordination among the departments involved in the various dossiers handled by the Council in its different formations. The suggestion was made that in those countries where this did not already exist, an appropriate body should be set up to carry out such co-ordination. In this connection, the Permanent Representative should take part in the process culminating in definition of the position to be adopted by the State he represents.

(c) Voting

There is no need for new principles to be laid down regarding the voting rules.

(d) Delegation of powers to the Commission

It is desirable that powers should be delegated more frequently to the Commission, with the latter being asked to submit stock formulae (as the "Wise Men" suggested) for the principal eventualities, on the understanding that it remains for the Council to decide, on a case-by-case basis, when the appropriate conditions are fulfilled for recourse to such delegation of powers.

(e) Organization of Council proceedings

Council agendas should contain only a limited number of items raising important problems.

Informal meetings of the members of the Council should be held only if strictly necessary.

2. The Permanent Representatives Committee

- As provided by the Treaty establishing a single Council and a single Commission of the European Communities, the Permanent Representatives Committee "shall be responsible for preparing the work of the Council" for each of its meetings, regardless of the Council's composition. The Committee should to this end be able to co-ordinate better the activities of the various Working Parties or specialist Committees.

- If it is to perform effectively this work of preparing all Council meetings and be able to relieve the Council of a certain number of dossiers, the Permanent Representatives Committee must have wider powers of decision and to this end the Permanent Representatives must be given broad and flexible instructions to enable them, at their level, to resolve the greatest possible number of problems. To this end, instructions such as would enable a common position to be found should be given by each Member State as early as possible in the examination of a dossier, so that meaningful negotiations culminating in agreement may begin within the Permanent Representatives Committee.

To this end:

- (a) The Permanent Representatives Committee should aim to submit to Ministers the main points of policy and, in the light of guidelines laid down by the Council, then to prepare agreed texts for the Council's approval;
 - (b) the Council should on suitable occasions instruct the Permanent Representatives Committee to solve an outstanding problem within a time-limit and Ministers should then give Permanent Representatives appropriate instructions;
 - (c) the Presidency should announce in advance its plans for reaching agreement in the Permanent Representatives Committee so that Permanent Representatives can obtain instructions in time.
- The Permanent Representatives Committee, which has the power to set up working parties, should exert stronger control over the activities of these bodies and may itself discuss at any time the dossiers which are before the working parties.
 - The Permanent Representatives Committee is invited to examine the points on which its working methods might be improved, taking as its basis the various suggestions made during the examination of the Report from the Three Wise Men.

3. The Presidency

The prime role of the Presidency, assisted at all levels by the General Secretariat, involves in particular organization of work, preparation of Council agendas, monitoring of the progress made in discussions within working parties and co-ordination of the work done within the different bodies, with a view to ensuring the consistency of Council decisions.

C. The Commission

- The importance of the Commission's role and the need to maintain both the balance established among the Institutions by the Treaties and the allocation of powers to each Institution were recognized by all the representatives.
- The President of the Commission should be appointed a sufficiently long time in advance of taking up his duties and before the process of appointing the other members of the Commission begins.

D. Relations between the European Parliament and the Council

(a) Relations with the European Parliament

- General agreement was reached on maintaining the allocation of powers among the Institutions as laid down by the Treaties.
- In this connection, the development of relations between the European Parliament and the Council should be continued, particularly as regards the response to European Parliament Resolutions and keeping Parliament better informed.

(b) Conciliation procedure

- Implementation of this procedure appeared to give rise to two major problems:

- . that of finding ways to improve the procedure's efficiency, by first seeking solutions acceptable to all sides;
 - . that of setting a time limit on the conciliation procedure so that it does not protract the Community's decision-making procedure.
- The need for improved preparation of the meetings of the Conciliation Committee was underlined. To this end, the Presidency-in-Office might be given the task, in conjunction with the Commission, of making informal contact with the European Parliament before the formal meeting of the Conciliation Committee.
- With respect to the termination of the conciliation procedure, the Presidency intends to ascertain from the European Parliament whether it can agree on the detailed rules for implementing the conciliation procedure proposed by the "Wise Men" with respect to the termination of the procedure, viz.:
- "(a) when the Council's common position on a conciliable measure has been sent to the Parliament, the latter should indicate within a set period (e.g. six weeks) whether it wants to hold a conciliation meeting;
 - (b) the time limit for completion of the procedure runs from the date of the first meeting;
 - (c) the procedure should stop after either three months or three meetings between the institutions, whichever is the shorter;

- (d) If, when the deadline is reached, either institution wants to go on, the Presidencies of the Council and the Parliament should try to reach agreement on a suitable extension. If the institutions cannot agree on an extension, the procedure is terminated."
-

ORGANISATION OF EUROPEAN COUNCIL MEETINGS

1. Prior to the European Council meeting in Rome at the end of March, the Presidency circulated a paper (COREU NO. CPE/MUL/ETR 1160 of 23 March 1977) which sought to establish points of agreement which had emerged from the correspondence between Heads of Government about the ways in which the organisation of European Council meetings might be improved. In the light of the discussion at that meeting, which was followed up by Foreign Ministers on 5 April, the following points are understood to represent a generally acceptable framework for the organisation of future meetings:

(A) TYPES OF DISCUSSION

There is general agreement that the European Council should have both:

- (i) Informal exchanges of view of a wide-ranging nature held in the greatest privacy and not designed to lead to formal decisions or public statements.
- (ii) Discussions which are designed to produce decisions, settle guidelines for future action or lead to the issue of public statements expressing the agreed view of the European Council.

It is also recognised that the European Council will sometimes need to fulfil a third function, namely to settle issues outstanding from discussions at a lower level. In dealing with matters of Community competence the European Council will conform to the appropriate procedures laid down in the Community Treaties and other agreements.

(B) ADVANCE PREPARATION OF THE AGENDA

For informal exchanges of view, it is generally agreed that little preparation is necessary, although some limited prior clarification of the questions is not to be excluded if it would facilitate discussion. Heads of Government should inform each other or the Presidency, a few days beforehand, of the subjects which they will wish to discuss. There is

general agreement that there should be adequate preparation of those discussions which are aimed at reaching decisions or issuing statements. Foreign Ministers should have responsibility for such preparation, which could take place in the Council or the Political Cooperation machinery as appropriate, and will wish to meet at an appropriate time, and if necessary to hold a special meeting before the European Council, for this purpose.

(C) THE ISSUING OF STATEMENTS

It is generally agreed that the European Council will wish to make public its decisions on some subjects or sometimes to issue a statement registering a concerted Community opinion on a topic of international concern. Such statements should not, other than in exceptional circumstances, be issued without advance preparation. A list of the subjects on which it is proposed statements should be issued should be drawn up 2-3 weeks in advance.

(D) THE RECORDING OF CONCLUSIONS

There should be no record of the informal exchanges of view between Heads of Government. For the discussions aimed at reaching decisions or issuing statements there should be a written record of conclusions, which should be issued on the authority of the Presidency.

(E) ATTENDANCE OF OFFICIALS

There is general agreement that the exchanges of views should be as intimate as possible and that attendance should be restricted as at present.