

## EDITORIAL COMMENTS

### *Preparing for a European Union : How?*

Writing in the middle of 1973, one cannot fail to notice that there is a great deal of concern over the lack of institutional, political and economic development in the Communities. Very little remains of the—moderate—sense of euphoria which accompanied the conclusion of the negotiations for enlargement in the beginning of 1972 and the adoption of scores of important decisions at the Summit Conference in Paris of October 1972. The prevailing mood is one of disappointment. Indeed, on the one hand the Community increasingly faces new challenges both of a quantitative and a qualitative nature. On the other hand, it becomes more and more obvious that the institutional machinery and the political will of the member States are incapable of responding adequately to these challenges.

The year 1973 must be considered as an important year of transition. The question is, of course, whether the state of transition in which the Community now finds itself will be followed by a period of progress or by a period of decline. The new member States may play an important role in setting out the future course of the Community. Right now, however, as they are still in the process of coming to terms with the consequences of accession, it would be unrealistic to expect them to start or accept important new initiatives. This cautious approach of the new member States is not compensated by a dynamic and resourceful attitude of the old Six with respect to the matters which the Communiqué of Paris after the Summit has listed as objects for Community action in the immediate future. Present programmes for the implementation of the decisions taken at the Summit are still very much in a preparatory stage. Only in a few instances have concrete steps been taken to give effect to elements of the programme agreed on at the Summit Conference in October 1972. Thus some progress has been achieved in the field of the protection of the environment. The Council—and not just the member States acting jointly—has on July 19 adopted an important decision on the principles which are to govern a common policy in this field—and on the measures required to gradually carry such a policy into effect. However, in the field of the other “flanking” policies, such as the Community’s social policy and its regional policy, genuinely important decisions have not yet been taken.

A dispiriting fact is also that the achievement of the economic and monetary union seems to have lost its initial momentum, despite the very clearly expressed determination of the member States at the Paris Summit Conference, to achieve irreversibly the economic and monetary union in accordance with the time-table set out in the Resolution of March 22, 1971. A serious controversy has now developed between proponents

passing into the second phase (including the Commission) and those member States which argue that progress during the first phase has been too insignificant to warrant such a step. The Commission's report assessing the progress made during the first phase mentions little else than shortcomings and failures on the part of the Community and the member States. Furthermore, the report contains no proposals concerning the distribution of powers and responsibilities between the Community institutions and the member States in the final phase. As a matter of fact, contrary to the Resolution of March 22, 1971, the Commission has completely refrained from formulating the objectives for the final stage of the economic and monetary union. There is no call for such a definition of objectives, the Commission maintains, because at the Summit in Paris it was decided that the whole complex of the relations between the Nine should be reviewed so as to be transformed into a European Union by 1980 (see Ed. Comments in 9 C.M.L. Rev. 1972, 355). The institutions have been charged with the drawing-up of a report on this topic before the end of 1975. In the Commission's view the fundamental decisions on the economic and monetary union should be taken on the basis of proposals to be included in that report. The Summit Conference scheduled to take place in 1976 would constitute the appropriate forum for the adoption of these decisions.

If the really important decisions must wait until 1976, moving on to the second phase of the economic and monetary union if nothing else, would just be an empty gesture. France opposes such a move, mainly because the monetary arrangements of the first phase have not been respected. For Germany a transition to the second phase is out of the question essentially because the required parallelism between progress in the monetary sphere and policy co-ordination in economic matters has been anything but "adequate." Likewise, the Dutch continue to consider the achievement of the measures planned for the first phase as a prerequisite for moving on to the second stage. They are not likely to support any action implying renunciation of national powers, if some measure of democratic control over the exercise of such powers at the Community level is not ensured and if the objectives for the final phase of the economic and monetary union are not defined.

If some of the member States seem to be resigned to the present state of affairs, it should be observed that there is no such thing as a stationary process of integration. The outside-world will not allow the Community to stay where it now is. The Community must act, whether there is a political will to progress or not. The coming months will be crucial in this respect. Will the Community's policy regarding the international monetary and trade problems be determined partly by chance, partly by pressures which it will have to face at the Tokyo round of GATT negotiations? Can satisfactory solutions be reached for the problems of

the associated and associable countries, if the Community fails to put its own house in order? If the member States are unable to get things moving again in the Community, the date of 1976 provisionally set for high level debates and decisions on the European Union seems over ambitious.

The Publishers and Editors of the *Common Market Law Review* wish to bring to the attention of readers a number of changes which have recently taken effect with respect to editorial and secretarial arrangements. Professor L. J. Brinkhorst has resigned as an editor consequent upon his appointment as State Secretary for European Affairs in the newly formed Dutch Government. Our congratulations and good wishes are extended to him; he was one of the founders of the *Review* in 1963 and has throughout its life given most generously of his time and energies to its development and improvement. In his place Mr. J. A. Winter, of the University of Groningen, has been appointed an editor. Mr. Winter has served as Secretary to the Editors of the *Review* since 1970. Mr. J. M. Bowyer, Barrister, has been appointed an editor and Miss Frances Graupner, Research Officer in European Law of the British Institute of International and Comparative Law, has succeeded Mr. Winter as Secretary to the Editors.