

EDITORIAL COMMENTS

An Ever Closer Union...?

This issue of the Review is largely devoted to the study of current institutional developments within the Community. In an article entitled "The European Community in 1983: A less perfect Union?" Professor Eric Stein assesses the progress made by the Community towards a more cohesive institutional order. Mr. Pieter Dankert, President of the European Parliament, comments on the significance and the operation of the Joint Declaration on various measures to improve the budgetary procedure, adopted on 30 June 1982 by the three Community institutions directly involved in establishing the Community budget. Furthermore, in a contribution on the Genscher-Colombo Proposals, Ms. Pauline Neville-Jones gives an account of the process of negotiations with respect to these proposals and an analysis of the end result, viz: the "Solemn Declaration on European Union", signed on 19 June 1983 in Stuttgart by the Heads of State or Government meeting within the European Council.

This focus on institutional matters has been one of the main elements of the Review's editorial policy since its inception in 1963. Over the years, editors and contributors have consistently defended the view that the Community will only be able to achieve the ambitious tasks entrusted to it if its unique institutional structure and its capacity for action are preserved and strengthened. For resolving the serious economic and social problems facing our societies, it is of vital importance that the Member States seek to organize their interdependence on the basis of the concept of integration underlying the Community Treaties. Inevitably, the need may arise for new forms of joint action of the Member States in fields which are not as yet covered by the Treaties of Rome and Paris. It may be proper for such action, *e.g.* in

the field of foreign policy, security or cultural matters, to be undertaken in the form of intergovernmental cooperation. However, the starting point for such forms of cooperation is the desire to coordinate a State's interests with those of other States. On the other hand, a framework based on integration, rather than balancing national interests, aims at amalgamating these interests. Therefore, progress towards European union, by way of initiatives of a purely intergovernmental nature, should never be allowed to become a substitute for the institutional arrangements and procedures which the Community Treaties have established for dealing with matters that come within their field of application. Any attempt to chart a path towards European union is futile if it involves a weakening of the Community structure or a failure to take effective steps for a relaunch of the Community. At the present time, it would appear that the goal of European unification is best served by a concentrated effort by the Member States to restore the Community's capacity for decision-making. Without a dynamic European Community, the European Union remains a chimerical idea.

As Ms. Neville-Jones' article on the Genscher-Colombo proposals clearly shows, the Solemn Declaration on European Union does not contribute significantly to the avowed aim of helping the Community strengthen its cohesion and to regain its dynamism. Whatever this document's merits as a manifestation of the Member States' determination to advance towards European Union, it contains no element capable of halting the current process of erosion of the Community. It is a sad reflection of the state of affairs in the Community that the very neutral paragraph 2.2.2. concerning the application of the decision-making procedures laid down in the Treaties has led to conflicting interpretative statements which were carefully recorded in the (published) minutes accompanying the "Solemn" Declaration. Mr. Genscher and Mr. Colombo have always been concerned to see that the Luxembourg Compromise would not be codified. Their lack of success in this respect would certainly have justified a refusal to endorse the final outcome of their initiative. Indeed, it is a serious matter that the document signed in Stuttgart gives something of an official status and a degree of entrenchment to an interpretation of Article 148 of the

EEC Treaty which condemns the Community to inaction whenever a Member State invokes a "vital" national interest. In 1966, the insistence of one Member State on the right to exercise what amounts to a right of veto in the Council resulted in the adoption of a compromise formula in the form of an "agreement to disagree". In 1983, five out of ten Member States not only claimed such a right of veto but they also succeeded in using a "Solemn Declaration on European Union" as a vehicle for confirming their views in writing. It is entirely possible, as Eric Stein suggests (*infra*, p. 656), that the end result of the Genscher-Colombo plan is destined for early oblivion. However, it is unlikely that the unilateral reservations with respect to the interpretation of paragraph 2.2.2 of the Declaration will befall the same happy lot.

In a previous issue of the Review¹, we had an opportunity to comment on the implications of the adoption of the agricultural prices for 1982 by a qualified majority vote in the Council. This event stopped the Genscher-Colombo initiative and we wondered whether that was a good or a bad thing. In retrospect, we are now inclined to say it was a good thing. It would perhaps have been better still if the whole project had been dropped for an indefinite period. The adoption of a "Solemn Declaration" which is little more than an elaborate form of window-dressing, is injurious to the Community's credibility and to its chances for survival. Article 5 of the EEC Treaty enjoins Member States to abstain from any measure which could jeopardise the attainment of the objectives of the Treaty.

1. "The Vote on the Agricultural Prices: A New Departure?", 19 (1982), 371-372.