

EDITORIAL COMMENTS

The inter-governmental Conference

Released from dealing with the problems of the British budget rebate and the task of hammering out agreement on the conditions for Spanish and Portuguese entry into the Community, the European Council devoted its June meeting in Milan to a discussion of the Report of the Dooge Committee and other proposals for improving the operation of the Community and moving towards European Union. The main result of the Milan meeting was the decision, reached by a majority of seven governments, to convene an inter-governmental conference in accordance with Article 236 of the EEC Treaty. At a meeting of the Council of Ministers of Foreign Affairs, it was subsequently decided that the Conference would start in September in Luxembourg and that its conclusions on a revision of the Treaty were to be submitted to the European Council for consideration at its meeting in December 1985. Despite their initial hostility to the idea of Treaty amendments, Britain, Denmark and Greece agreed to attend the Conference.

Although the inter-governmental Conference must work out proposals for reforms calculated to achieve concrete progress towards European Union, its mandate does not mention the European Parliament's Draft Treaty on European Union. Considering the favourable reception the Spinelli initiative has received in many quarters, this is a source of disappointment. The European Parliament was later told by the Luxembourg Presidency that account would be taken of the Parliament's Draft, but the governments are obviously not prepared to work seriously towards achieving far-reaching reforms based on the Parliament's unified vision of what the Community needs for making a qualitative leap forward. Instead the European Council entrusted the Conference with a twofold task. Its mandate is: a) to prepare a draft text on a common foreign and security policy, and

b) to propose amendments to the EEC Treaty in order both to bring about institutional changes affecting the Council's decision-making processes, the Commission's executive powers and the role of the European Parliament, and to extend Community authority to new areas of activity.

It would be premature to speculate about the outcome of the Conference. However, even those who are in favour of a "minimalist" approach have reason to be concerned over the direction in which the Conference appears to be heading. The central issue facing the Ministers in Luxembourg is not the question how political cooperation can be given a legal basis in the Community structure or how the Treaty should be made to articulate more clearly Community objectives and powers with respect to matters such as culture, the environment, development policy and common policies in other areas. The key issue is the institutional problem. No one can be blind to the fact that the Community cannot hope to achieve the ambitious goals it has set for itself unless it strengthens its decision-making capacity and finds a cure for its democratic defects. If the internal market is to be completed by 1992 and second-generation problems relating to the creation of technological Europe, the EMS and a Political Community are to be effectively tackled, the Conference must first of all come forward with adequate proposals on institutional changes. Thus it is of primary importance to strengthen the Commission's executive powers, possibly by amending Article 155, subparagraph 4 of the EEC Treaty. It is also necessary to provide for the possibility of majority voting with regard to decisions on matters which come under Articles 57, paragraph 2, 99 and 100, and which now require a unanimous vote of the Council. Indeed, it is difficult to see how the Commission's proposals for completing the internal market can be implemented in accordance with a fixed schedule if ninety *percent* of the approximately 300 proposals in Lord Cockfield's programme must be adopted by a process of decision-making which condemns the Community to work at the pace of its most reluctant member. However, it is just as difficult to see how the introduction of majority voting in Articles 57, 99 and 100 can dramatically improve decision-making if the "Luxembourg compromise" is not genuinely dismantled.

The Conference has been presented with proposals to make the Member States subscribe to a formal undertaking to make greater use of the possibility of abstaining from voting (Article 148, para. 3 of the Treaty). Likewise, it has been suggested to prevent abuses of the 'right' of veto by prescribing that Member States will be required to supply supporting evidence and written justifications for their decision to invoke a 'vital' national interest. If the Ministers were to try to seek solutions along these lines, they would merely reiterate what was already said in the 'Solemn Declaration on European Union' adopted two years ago in Stuttgart. The sorry refusal of Germany to accept a majority vote on the cereals prices in June 1985, has demonstrated that even a country which was counted among the opponents of the 'right' of veto can be swayed to let narrow national interests prevail over the Community interest. Clearly this trend must be reversed. The Luxembourg Compromise is fundamentally contrary to the letter and the spirit of the Treaty. Short of an unambiguous political undertaking to revoke it, pious declarations of intent to circumscribe its use will not help the Community regain a measure of dynamism. The Conference may only be expected to come up with meaningful proposals for reform if all Member States acknowledge the basic truth that vital national interests can only be safeguarded within the framework of a Community which is capable of exercising a shared sovereignty in an effective and democratic manner.