

Conclusions of the European Council (meeting of 1-2 December 1980) on the Report on European Institutions presented by the Committee of Three to the European Council

Conclusions of the European Council on the Report from the 'Three Wise Men'*

The European Council discussed the Report from the 'Three Wise Men', taking as its basis a detailed study conducted by the Ministers for Foreign Affairs.

It found that the profundity of the analysis of the institutional situation and the practicality of the solutions proposed — based as they were on a balanced assessment of the Community's problems and needs and of the appropriate means for dealing with them — made the Report a rich source of ideas and suggestions for improving the machinery and procedures of the Community's institutional system.

It is due to this wealth of ideas and suggestions that the results of the European Council's deliberations and the specific conclusions reached so far do not entirely cover all the suggestions in the Report of the 'Three Wise Men', nor do they exhaust the matter. The Report provides and will continue to provide, irrespective of such decisions as may be taken in the near future, a fertile seed-bed of useful ideas and suggestions on which the institutions and the Member States may draw in their reflections on the Community's institutional system.

The European Council thanks the Foreign Ministers for their study which provides the basis for the conclusions it has reached, as given in the Annex.

ANNEX

A. The European Council

- The role of the European Council is mainly to give such general policy guide-lines as will 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 in accordance with institutional procedures.
- Meetings of the European Council must continue to be flexible and pragmatic, as at present.
- While confirming that attendance at its meetings is strictly limited, the European Council reserves the right to decide, as has already happened, under special circumstances, and following a proposal from its President, that one or more non-members of the European Council shall attend.
- At his own instigation and in agreement with his colleagues, the President-in-Office of the European Council may, at an appropriate juncture, in special cases, ask another Member of the European Council to take on a particular dossier.
- 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

As agreed by the Heads of State or Government in December 1974 in Paris and the European Council in December 1975 in Rome when approving the 'Marlia procedure', the Council of the European Communities (Ministers for Foreign Affairs) is entrusted with the role of providing the impetus and coordination required to ensure consistency in the activities of the Community and continuity in its work.

(b) Consistency of Community action

Such consistency of Community action could be more readily achieved if, in each Member State, there were better coordination 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 coordination. In this connection, Permanent Representatives should take part in the process culminating in definition of the position to be adopted by the State they represent.

(c) 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.

(d) 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 coordinate better the activities of the various working parties or specialist committees.

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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 problems of principle and then, in the light of guidelines laid down by the Council, it should prepare agreed texts for the Council's approval;

(b) the Council should instruct the Permanent Representatives Committee to solve outstanding problems within a certain time-limit and Ministers should then give the Permanent Representatives appropriate instructions;

(c) the Presidency should announce in advance its plans for reaching agreement in the Permanent Representatives Committee so that the Permanent Representatives can obtain instructions in time.

- The Permanent Representatives Committee, which has the power to set up working parties, should exert closer 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 in which its working methods might be improved, taking as its basis the various suggestions made during examination of the Report of the 'Three Wise Men'.

3. The Presidency

The prime role of the Presidency, assisted at all levels by the General Secretariat, involves in particular organizing work, preparing Council agendas, monitoring progress in discussions within working parties and coordinating 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 powers allocated 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 duties and before the process of appointing the other Members of the Commission begins.

- The number of Members of the Commission should, for the time being, remain as laid down in the Treaties. The European Council is nevertheless agreed that it will review the situation when Spain and Portugal join the European Communities.

D. Relations between the European Parliament and the Council

1 Relations with the European Parliament

- While the allocation of powers among the institutions as laid down by the Treaties should be maintained, 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.

2 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. In this connection, the need for improved preparation of the meetings of the Conciliation Committee was underlined. To this end, the Presidency-in-Office might be responsible, in collaboration with the Commission, for making informal contact with the European Parliament before formal meetings of the Conciliation Committee;
 - that of setting a time-limit for the completion of the conciliation procedure so that it does not protract the Community's decision-making process. As regards this problem, the Presidency intends to ascertain from the European Parliament whether it can agree to 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 conciliate 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.'

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