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THE ORGANISATIONAL AND POLITICAL IMPLICATIONS OF THE ESTABLISHMENT OF THE EUROPEAN COUNCIL ON BOTH COMMUNITY AND EPC DECISION MAKING

by

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I. The European Council: From a "library club" philosophy to actual decision-making

Since beginning its activities in Dublin in March 1975, the European Council has sought to defend its informal character and its nature as a flexible, non-institutionalized body, in line with the most famous concept of a "library group" gathering which Giscard d'Estaing and Helmut Schmidt liked so much (1). In various official and unofficial declarations, the Heads of State and Government have emphasized the importance of fire-side chat meetings and discussions, far removed from the daily routine of Community policy, that permit them to confront the problems of Europe's future.

Reality, however, proved to be somewhat different. To hold talks at a top political level, in a private and confidential atmosphere, on long-term European perspectives is only one of the numerous European Council activities. Its "Leitmotiv" functions (2) range from informally exchanging views on various topics to coordinating the activities between the policies of the European Community (EC) and those of European Political Cooperation (EPC) policies, from solemnly expressing common positions on questions of external relations (declaratory functions) to taking part as a supreme organ in the EC decision-making system, playing sometimes a kind of "last resort" function. As W. Wessels's contribution clearly shows, the real performance of the European Council changed over the years, attributing an ever growing weight to its role as a decisive (if not the most decisive) actor in the European political process.

In effect, the primary desire for informal meetings of the Heads of Government has arisen for very precise reasons, the roots of which are to be found in the origins of the European Council (3). Officially born on 10 December 1974 in Paris at the end of the last Summit of the Nine, this body is the offspring of what had come to be called the Summits of the European Community (4). After six summit meetings in the course of thirteen years, beginning with that of Paris on 10 and 11 February, 1961, the leaders of the Member States of the European Community agreed to regularize this type of meeting. As is already well known, these summits were desired originally by General de Gaulle to limit the more "integrationist" approach to Community policy (which was thought to be connaturate in the first phase of the EC Treaty implementation) and to recommit the Heads of Government to the "political" strategies to unify the Continent.

Even if, by 1974, de Gaulle's alleged political motives had lost a large part of their disruptive character on Community cohesion (5), from the moment that the leadership ambitions of Giscard d'Estaing appeared less evident, the substitution of the Summits by the European Council seemed like a political operation with exactly the same aim and "political" reasons. Apart from the quarterly rhythm, the participants were the same, as was the basic objective: that of directing from the top the political development of European integration. This was, in fact, the first basic task of the member governments, to play an "integration function", with the aim of enlarging the scope of the Treaty of Rome and creating political conditions for the already existing institutions to work out new policies.

The same Heads of Government, in the final communique' of the 1974 Summit, were very careful to avoid disturbing the normal functioning of the Community procedure. They explicitly expressed the validity of the decision-making process as laid down in the Treaties and in the documents on EPC. No allusion was made to understanding the European Council to be a "last resort" body for decisions which had not been resolved at lower EC/EPC levels. Flexibility of the meetings was also suggested as far as their number was concerned, since others could be added to the three provided for "anytime it appears necessary" (6).

In the 1974 communique', however, one could already begin to glimpse elements of a gradual modification of the nature of the European Council towards a form that was more involved in normal Community activities and in those of Political Cooperation.

First of all, explicit mention was made of the participation of the Foreign Ministers in the meetings of the Heads of Government, almost as if to stress an element of continuity between the European Councils and the Community decision-making system. These same ministers were also explicitly charged, "in order to assure the coherence of Community activity and the continuity of work", with the function of initiating actions and coordinating them: ultimately, to prepare and carry out the orientations and the decisions of the European Council. This held true for both the Community sphere and for that of European Political Cooperation.

In the second place, the communique' provided for the creation of an "administrative" secretariat with respect to "the practices and procedures in force". This formula, although open to interpretation, meant that the French idea of a "political" secretariat (preferably located in Paris) was dead. In reality, even the concept of another bureaucratic unit being exclusively responsible for the management of the Heads' of Government meetings has never come into being, despite many attempts and proposals (7); secretarial work has been carried out with increasing success by the Council Secretariat in close cooperation with the Presidency, thus strengthening the arguments of those who fear that the creation of a new body outside the existing Community and EPC network implies a loss in importance of the old system. The consequence has been, at least at the beginning, that of a light formalisation of the role of the European Council. In fact we must take into consideration that at that time, the two above mentioned contradictory tendencies were contemporaneously present. On one side the desire for informality - which has been pursued by various means, from holding the meetings of the Heads of State and of the Foreign Ministers in separate rooms, to taking "family pictures" (thus contributing to a certain special character being maintained for the European Council sessions) - represents a kind of natural characteristic; on the other the tendency, or if we prefer basic necessity, for a certain formalisation of the meetings constitutes an unavoidable organisational development.

The London European Council, 29/30 June 1977, marks an important point in this respect. On that occasion, the Heads of State and Government decided to bring some order into the procedures that had evolved in the course of the preceding meetings. Essentially, they established the type of deliberations, the preparation of the agenda, the publication of the declarations and conclusions and the composition of delegations. With regard to the last three points, we will go into these in more detail later.

Two issues should be emphasized here: the first is that the inherent risk of a greater "institutionalization" of the European Council became obvious with the drafting of the conclusions on the '77 London meeting. For this reason, an effort was made to stress the importance of informal exchanges of views and to limit as much as possible the constraints of these rules of behaviour, leaving the way open for member governments to adapt themselves with considerable discretion to the proposed way of acting: from this perspective, we are dealing more with recommendations than with precise rules.

On the other hand, and this is the second issue, the Heads of Government had felt the necessity to determine the effect of their decisions compared to that of other institutions, with the obvious intention of avoiding delays in their implementation. This need leads in fact towards what is usually called "the decision-making function" of the European Council. From this point of view provisions of paragraph A, point II, of the Final Communique' of the European Council in London are again relevant. Apart from the informal exchanges of view, not destined to constitute the object of formal decisions or public declarations, attention is given to deliberations destined to result in decisions or directives and in which the Heads of Government "sometimes" perform the function of "last resort."

More recently, this last duty has become one of the principal characteristics of the European Council's activity: to resolve those points of Community affairs that are still pending "at lower level," thus opening the way for concrete fulfillment of the decision. This is perhaps the strongest and most precise link (leaving aside all the legal problems that it poses) (8) that the European Council has established between itself and the role it plays in relation to the lower-level Community decision-making system. One of the latest steps towards widening the scope of the European Council's own intervention into the life of the other institutions is to be seen in the decision, which was taken in the London Report of October 1981, to entrust the Head of Government, who holds the rotating presidency, with the task of personally presenting the results of the European Council meetings to the European Parliament (9). Apart from that, the European Council's already existing function of "solemnly" expressing common positions on foreign policy questions was reaffirmed in the latest EPC documents.

Following the reasoning, that of being more closely connected with EC and EPC life, the Heads of Government have on some occasions sought to better "rationalize" and "institutionalize" their duties by charging someone, as in the case of Tindemans and the Three Wise Men, with the task of examining the necessary institutional modifications. All these projects, however, have only marginally entered into the European Council's debate and, in any case, have not constituted a legal or political basis for changing the nature and role of the European Council itself (10). But to testify just how ambiguous and contradictory was the effort to enter the Community system, it is interesting to note that this decision-making function of a last resort on major Community questions is missing or questioned in some of the latest documents of the debate on institutional reform, e.g. , the Solemn Declaration on European Union of 19 June 1983 (11) and the report of the ad hoc Committee for Institutional Affairs (the so called Dooge Committee, march '85) (12). In these documents the role of the Heads of Government is described as a "strategic" one giving "impetus" to the construction of Europe and launching general "political guidelines" instead of simply dealing with day-to-day Community affairs

Add to this another remark. The fact that European Council participants find themselves gathered together three times a year as well, contrasts with the number and variety of points on the "agenda" of the meetings, especially if we consider the expectations (created by mass media) of public opinion on the outcomes of their meetings. In other words, seen "from outside", the European Council might appear as a kind of "extraneous body" and of an episodical nature to the normal life of the European Community (EC) and European Political Cooperation (EPC). In reality and seen "from inside", however, the European Council ~~permeates~~ a large part of Community life and is the principal point of reference for proposals, activities and initiatives coming from other Community institutions. For that reason it has beenincreasingly tempted to act as "Council" of the Community according to EC rules.

Besides, our analysis of the European Council's progressive immersion into the European politico-institutional tissue has led us, as is seen in the following paragraphs, to discover another surprising fact in the "hybrid" nature of the Europan Council: namely that it is involved much more profoundly in strictly Community affairs than in those of political cooperation. Here, the Heads of State and Government merely officially confirm what has been reached in the EPC framework whereas in EC policies the European Council has become a major (de facto) decision-making body. The different degree and nature of the Heads' of State and Government involvement in EC and EPC affairs corresponds to specific rules of how to prepare and run European Council meetings, as well as implementing its decisions. On the one hand, Europe's political top prefers to exchange views on topical issues far from their administration: and this is actually possible in the EPC context, when dealing with large, non-binding internationali issues. On the other hand Community problems, often very technical, presuppose at the most an extremely bureaucratic preparation and at least very detailed agreements on points pending. The whole problem of the British renegotiation, which became the European Council since its first meeting in 1975, constitutes perhaps the most visible example of the close connection between the European Council and the Community decision-making system. This "functional" tie is reinforced by the limits of time available to the European Council to solve problems. Five or six days a year, divided into three successive periods, canot yield concrete results if the Heads of Government try to deal with the whole range of Community (and EPC) affairs. It is therefore necessary that the meetings be accurately prepared, the results reviewed several times and elaborated in detail by the other EC institutions and national bureaucracies.

Essentially, this study intends to determine the degree of involvement of the European Council in EC and EPC affairs and to measure the quantity of work and responsibility asked of the other institutions in working for and under the directives of the European Council. In short, to find out to what extent European politico-institutional life has changed since the creation of the European Council.

~~2. Principal European Council Models~~

Before going into detail on how the European Council works, some general remarks on its performance and on the impact of the Heads' of Government meetings towards the other institutions may be helpful.

From an analytical point of view, ten years' experience of European Council activities offer three almost exemplary models. We have called them normal Community model, Presidential model and complex emergency model. In theory, each of these corresponds to a different kind of participation and different weights for the various institutions. In political practice it is difficult to explain the performance of the European Council, at a given time, strictly according to one of the different theoretical models. With the exception of the third model, which was only applied once and with little success up to now, elements of the other two overlap frequently and constitute complementary ways of how EC and EPC decision-making takes place at top political level. The final "mixture" depends in a large measure on the political circumstances and above all on the will of the Presidency to follow a particular procedure. As the French term-of-office in 1984 shows, the formula chosen for the management of one European Council may already appear inadequate for the succeeding meeting of the Heads of Government.

Due to a strange historical coincidence, traces of the three models have recently appeared rather clearly in three successive European Council meetings between the end of 1983 and the first half of 1984. We refer in particular to the Athens European Council (December 1983 - emergency model), the Brussels successive meeting (March 84 - Community model) and, finally, the Fontainbleau European Council (June 1984 - presidential model). The latter two took place under the French Presidency; they will be connected in the first place, due to their greater frequency within the experience of the European Council's life.

According to the normal ~~Community~~ or ~~Council~~ (13) model, the Heads of State and Government meet regularly as highest authority of EC and EPC matters, following the rules and procedures laid down in the Treaties and in the basic EPC documents. The management of the Brussels European Council in March 1984 clearly illustrates major elements of the model. It must be said that the return to this "normal procedure" for preparing the European Council meeting was due mainly to the previus failure of the "emergency procedure".

In fact, the experience of the Athens summit (for details see model 3) soon convinced the Ten, under the pressure of the Commission and with the agreement of the French Presidency, to seek a coherent solution to the Community crisis with respect to the mechanisms provided for by the Treaties. The decision was taken by the General Affairs Council on 24 January 1984 and communicated to the press by the French Foreign Minister Cheysson (14). It was divided into the following points:

a) Return to the normal procedures, i.e. that the greater part of the decisions should be taken by the Council of Ministers in its various specialized components: agriculture, energy, etc.... According to Cheysson, some of the dossiers never should have left the table of the ordinary Councils to be transferred to the "Special Councils" (Jumbo Councils), which had failed to make any progress during the preparation of the Athens summit;

b) The General Affairs Council (Foreign Ministers) would reassume the function of coordination, keeping in mind the links that exist between the various dossiers. This is a return to the literal sense of the communique' of the 1974 Summit;

c) The theme of the "future financing" of the Community would be reserved as a prioritarian topic for the Heads of Government, thus stressing their central role in the future development of the integration process. Cheysson justified the exclusive right of the Heads of Government to examine the dossier on the future financing of the Community "not only for political motives, but also because, on a legal level, none of the specialized Councils is competent for the whole of the dossier" (15).

The obvious objection was that the General Council should have been competent, but it is evident that after the birth of the European Council certain roles and specific prerogatives have been passed on to the Heads of Government, as was clearly indicated in the above-mentioned communique' of June 1977. In any case, the return to the normal procedures meant the usual involvement of EC and EPC organs in the preparation of the dossiers for the summit, as we will describe in depth in the next pages, with the partial exception of the argument of "future financing".

Referring precisely to the budgetary question, Cheysson also indicated the relevant (Community) procedure: the Commission would present a new proposal on the problems of the future budget, which would take into account preceding proposals, various suggestions and compromises presented by different delegations in Athens. National proposals that superimpose one another would no longer be of consequence, although the final proposal would be preceded by informal contacts, meetings and opinion polls; the French Presidency would also organise this, with the participation of the Commission.

Cheysson's reference to the usefulness of informal consultations in addition to the normal procedures of the Treaties already points at our second model, which will be called the ~~presidential model~~. It attributes not only particular importance to the country which is in the chair according to the rotating system in EC and EPC; but to the way in which the Presidency organizes work during its term. This model is characterized by the dominance of multiple bilateralism, mainly between the Presidency and representatives of the other EC member states at top political level. These informal contacts tend to exclude or, at least, to reduce the role of the "normal" institutions.

Again, the first half of 1984 is a good example to illustrate the second model. Whereas the Brussels European Council of 19/20 March 1984 was prepared according to "normal" Community rules, it proved to be inadequate for the succeeding meeting of Heads of State and Government two months later. The failure of the Brussels meeting, due to the persistent British veto on the arrangements for the budget and on the rest of the dossiers, brought the French presidency to adopt the opposite remedy in the preparation of the next European Council at Fontainebleau: that of transferring to the government in Paris the right to directly manage the dossiers and the actions to be undertaken. As we will see in the following pages, those who played greater roles in the presidential model procedure were: a) Member States (bilateral contacts, especially the Bonn-Paris axis, directed from the Elysee; b) the Presidency of the General Council; c) the Secretariat of the Council; on the other hand, those having lesser weight were Coreper, the Political Committee, the Council of Ministers and partly the Commission itself, since compromises and technical and political evaluations were made in Paris and not in the traditional institutional seats in Brussels.

The third model, which up to now corresponds only to the Athens European Council of 6 December 1983 will be called the emergency model. On the basis of the mandate of the preceding European Council in Stuttgart of June 1983, the preparation for Athens developed with a procedure of particular urgency (16). This procedure consisted of special sessions of the Council of Ministers, comprising all the foreign and finance ministers, plus from time to time the ministers of other departments (in particular the Ministers of Agriculture), according to the relevancy of the question under discussion. These "Special Councils" or "Jumbo Councils", as they were christened by the journalists, were assisted in their turn by a "Single Group of Preparation", consisting of personal representatives of the Foreign Ministers (in practice State Secretaries in the case of Germany, France and Ireland or the Permanent Representatives of the Member States). The other institutions and bodies rotated around this central nucleus with different roles and duties to those of the past, in a complicated network of bilateral and multilateral contacts. The main result of this complex and laborious procedure, the aim of which was to link together the different pending dossiers (according to the criteria of interdependence), was to push the governments of the Ten paradoxically to present a large number of national papers, just before or even during the course of the European Council, and inevitably to bring about its failure (17).

In retrospect, the emergency model has to be considered an exception, even though it shows one type of innate tendency in the creation of the European Council (and as opposed to the presidential model): that of making the Community decision-making process increasingly more complex and bureaucratic (18). Although the Community model, or intermediate versions of it, seems to be the most encompassing, in that procedures are used that are already fixed by practice, the temptation to apply the presidential model is very strong, particularly in the larger countries or in those where the "Community spirit" is weak. But even the protagonists of an explicitly EC-orientated organization of European Council meetings admit that the Heads of Government need a certain room for manoeuvre or, as some call it, an atmosphere of "productive confusion" to fulfil their role.

A final point must be stressed. Each model adopts, in addition to the described procedure, a common basic instrument of consensus-reaching and decision-taking. This instrument is provided by the large and intense bilateral and multilateral activities among member governments which precedes and accompanies the actual preparation of European Council meetings. With different degrees of formality, intensity and frequency, depending on the adopted model, this network of direct relations among Heads of Government (19) constitutes a decisive element for the better evaluation of the decision-making process inside the European Council.

Now let us look in more detail at how the European Council is prepared, in light of the different models described above.

3. The Formulation of the Agenda.

Officially, an agenda does not exist. Heads of State and Government claim to have a certain room for maneouvre which would be reduced in case the subjects under discussion would be fixed too clearly at an early stage. Consequently there is no body that is formally charged with the preparation of the summits. In effect, an agenda not only exists but its preparation is already inherent in the programme of the country taking over the Presidency. Thus the formation of the agenda starts very early and is directly linked to the preceding European Council. It does not, as is currently said in EC circles (20), merely take a month to prepare discussions of the Heads of Government. Moreover, even if "unofficially," each institution prepares its own agenda to be ready to compare it, when necessary, with those dossiers prepared by the other bodies for the European Council discussions.

The principal role in coordinating the work on the agenda belongs to the EC Council Secretariat, which is in direct contact with the Presidency-in-Office. The Council Secretariat holds the privileged position of being directly linked with the country in the chair and collecting the ideas and proposals that come from the national capital.

To better understand the role and involvement of the different bodies, the elements that enter into the formation of an agenda are specified:

a) First of all, items like the economic and social situation in the EC and international developments are regularly put on the table;

b) European Council mandates (21) on which the Heads of State and Government had agreed upon at earlier meetings (e.g. concerning energy, the EMS, ad hoc Committee for Institutional Affairs);

c) The unresolved points of the preceding European Council. Usually, if it is not decided to abandon them definitively or to assign them for further analysis and deeper examination to Community bodies and some ad hoc group (22), the subjects that were the objects of dispute are brought to the attention of the Heads of Government. In the above-mentioned cases of Athens and Brussels, the only European Councils in which, as said before, no written conclusion was agreed upon, the same project for the Conclusions of the Presidency ended up by forming a large part of the agenda for the next meeting. In the case of post-Athens, it was the General Affairs Council itself that decided which of the unresolved dossiers (in this case all of them) would be sent back to the next European Council in Brussels and which instead would be confined to a lower level to search for a "technical" solution.

d) the main issues of the moment, when they have reached a ripe enough stage to be transferred to the attention of the European Council (for example, new policies or the development of European integration) or when decisions are blocked in the Council of Ministers;

e) the desires and the priorities of the Presidency-in-office in view of promoting agreement on the points under discussion (23). It is in fact the Council Secretariat which both individuates the technical modalities

and submits proposals on where and how to seek the necessary political alliances to insert into the ordre-du-jour, the items that essentially express the Presidency's point of view. To fulfill its role as promotor of political initiatives and compromise-broker the support work of the COREPER is very valuable. Here the national positions of member governments are obvious indicating already the Presidency's room to search consensus;

f) the suggestions that come from the different member governments. Here again COREPER plays a major role, since it is here that the different national orientations are discussed and proposals from the national governments are made concrete. It is obvious that in the background and apart from Community circles, numerous bilateral contacts exist among the governments and between them and the Presidency-in-office, permitting them to identify the zone of compromise for a particular issue of national interest.

Such complicated and diverse origins for the points on the agenda and the fact that different bodies contribute to its formation have actually brought about an increasing coincidence between what is indicated as the working program of the Presidency at the beginning of each semester and the agenda of the individual European Councils. Even if the latter is less complex and the points are less numerous (essentially due to the fact that Heads of Government only have slightly less than two days at a time), almost none of the problems that make up normal Community affairs escapes the fate of sooner or later being put on the agenda of the European Council. This leads us to reemphasize the idea of the "immersion" of the European Council into the normal life of the Community and viceversa its almost total dependence on the functioning and vitality of the European Council itself.

As we have already seen, all the Community institutions, although in different ways, contribute to determining the agenda together with the Council Secretariat. The exchange of information and suggestions is very intense, even if at an informal level, simply through telephone calls. The Commission itself, depositary of the major part of the proposals under discussion, plays a very active part in setting priorities. Nevertheless, the degree of participation of each individual institution and the importance that is given to its suggestions largely depends on the will of the Presidency-in-office, which can decisively influence both the items on the agenda and their order according to the importance attributed to them.

Even though at the beginning of the period of preparation for a European Council the set of topics for the agenda is much larger and different from that which will actually be discussed in the end, the provisional version is of great importance in evaluating how work is distributed among the individual institutions, for the preparation of the related dossiers and for the collection of ideas and suggestions from the many different sources. In any case, an early circulation of the agenda is needed (although not always guaranteed) to leave the Presidency time to add the necessary compromises and to make the success of the Summit meeting more probable.

This, however, does not mean that the Presidency does not have the last word. Usually, in fact, a few days before the European Council the President-in-office sends his colleagues a letter summarizing the spirit of the imminent meeting and enumerating the points that in principle would be discussed (24). This liberty is limited, however, by the lengthy work done before hand, by the complexity of the items to be discussed and by their objective priority.

Much more flexible and dependent on the handling of the Presidency is the way in which the agenda for questions within EPC is prepared. In this case the preparation is not as long and far less complex, attributing the central role to the Political Directors of the Ten. Usually a month (or even less) before the European Council meeting, the Political Committee selects the issues on which the Heads of Government should adopt a definite position. Its choice is based on an analysis of the international situation. Individual priorities of member states are part of the deliberations as well. The Foreign Ministers are not deeply involved in this preparatory work. Should one of their ordinary EPC meetings take place a few weeks before the European Council, they of course touch on the subjects foreseen for the summit. If not, the normal Community's Councils also offer the possibility of holding discussions on EPC questions.

The Foreign Ministers' debate on the final wording of declarations usually starts during the European Council itself. On the basis of discussions within the Political Committee, the Presidency is responsible for drafting the texts to be submitted to the summit. It is not the rule to send these papers to the nine other capitals in advance. If, however, the country holding the Presidency wishes to do so, nobody will oppose this procedure.

There are examples, among which the most recent is that of Fontainebleau, where the Political Committee did not hold its normal meeting (usually opened with a luncheon or dinner) to start thinking about the agenda for the European Council of June 1984. Some argue that it was the President-in-office who refused to confine the Ten's discussion on international questions mainly to the adoption of given texts. Mitterrand seemed to favour an agenda prepared for debate but not for declarations: based on suggestions from the Presidency which were made known to the partners via the EPC telex system, a greater informality and freedom in the discussion among the Heads of Government would be achieved. Due to other sources the launching of common positions on international developments was regarded as inappropriate at that time. The Ten, it was said, did not wish to repeat already well-known viewpoints to the public. As the international environment had not undergone dramatic changes on which the Europeans had to react, the member states renounced to raise their common voice. To issue a declaration just for the sake of it without adding anything new in substance was thought to be more detrimental to Europe's international position than to remain silent.

As the examples of Athens in 1983 and Brussels in 1984 have shown, it is not certain that the declaration drafted by the EPC staff will definitely be adopted later by the Foreign Ministers and the Heads of Government in the course of the part of the European Council dedicated to international questions. The failure of the European Council to solve the major Community problems of the famous "Stuttgart package" made it impossible to publish official statements on the international situation. Europe's credibility was

already too seriously questioned. More recently again Community affairs and in particular Greek reservations towards the southern enlargement dominated European Council discussions. Although the Brussels meeting in March 1984 lasted several hours longer than envisaged, no time was left to exchange views on the texts prepared by the Foreign Ministers and Political Directors.

No specific preparatory steps in the framework of EPC are needed for the informal "fireside chats". Here European Council participants traditionally prefer to have more general discussions on a wide range of questions. As far as international politics is concerned the confidential talks are predominantly based on the participants' own experiences and evaluation.

4. ~~The Heads' of State and Government gathering~~

Such a long and broad preparation is consumed in the course of a day and a half of effective gathering of the Heads of State. The meeting follows the ritual and procedures that are already sufficiently clear (25).

The national and Commission delegations, each in principle composed of 21 participants, gather in the city chosen for the meeting. Usually the rule is to hold one meeting in the capital (or due to reasons of domestic policy in an important town - Venice, Maastricht, etc..) of the country that holds the Presidency and one in Brussels. During the first few years, the second meeting was usually held in July, while now the month of June is preferred in order to give more time to the next Presidency (which begins on July 1st of each year) to better prepare the meeting during its term. The schedule is therefore March, June and December, with the possibility of postponements due to particular national situations (26).

The first day (usually a Monday) begins with an opening luncheon, while the afternoon is usually dedicated to Community policies often starting with discussions on the economic and social situation. For tactical or other reasons (e.g. Fontainebleau) exceptions to the rule are made. As a general rule dinner time and "fire side chats" of the Heads of Government, together with the Commission President, are devoted to major international issues. At the same time, and sometimes through the night, the Foreign Ministers discuss the planned texts on questions of EC policy and revise in close contact with the Political Committee common declarations of EPC. The entire plenary session of the second day concerns Community questions and, finally, the preparation of the conclusions of the Presidency and the adoption of EPC statements. During a final press conference, the President of the European Council and the Commission President traditionally give a resumption of the meeting. It is worth noting that those formal round-table discussions are supplemented by a series of informal bilateral meetings. The French President and the German Chancellor regularly come together for breakfast on the second day to talk about both European affairs and those touching upon the bilateral relations. To secure a positive outcome of the summits and to mediate between the parties, informal contacts between the Presidency and those partners most concerned on a given subject play a prominent role during the two-days-plenary sessions.

In the principal room where the Heads of Government, the Foreign Ministers, the President and the Vice President of the Commission are seated, there is a table with 22 places occupied by the countries in alphabetic order

(the Commission representatives except for the Secretary General sitting face to face to the Presidency). The Secretary General of the Council plus two high officials of the Council (his Chief of Cabinet and a Director General varying according to topics) and another three from the Presidency-in-office take their seats at a separate table. From the Athens summit in December 1983 onwards, the Secretary General of the Commission is also present in the conference room.

In an adjacent room one national official of each delegation ("agent de liaison") is responsible for the flow of information between the political top in the conference room and the members of the delegation. Each Head of Government and Foreign Minister are connected with their national "agent" via electronic signalling equipment. Each time they wish to have additional information from their experts, he is the first point of reference. He receives one out of five red cards per delegation giving free access to the principal room. To ensure that there is an exchange of views among the members of the European Council only, the distribution of the red cards is strictly handled. Should an expert's advise be asked for directly, his presence in the conference room usually is limited to giving information to his head of delegation without actively participating in the discussion. Access to the whole building itself is limited to the members of the national delegations (blue access card) whose names and functions have to be made known to the Presidency in advance.

Apart from this set of already shared "bureaucratic" internal working procedures, it is interesting to note that the atmosphere among Heads of Government is largely affected by personal links and reciprocal knowledge. Feelings of sympathy or commmon understanding and mutual reliability emerge frequently and contribute towards influencing the outcome of a summit. The special "entente" between Giscard d'Estaing and Schmidt was, from this point of view, the most visible example of the importance of the personal element that marks the European Council's system.

At the same time, even if occasionally the personal factor can bring about positive results, there is also a certain degree of risk that strictly personal relations may transform into a political boomerang. This happens particularly when some countries (generally speaking the smaller ones, but not always) are afraid of becoming the object of "decisions" taken privately and elsewhere by the leading group of other countries. The suspicion of being in the presence of a "de facto directoire" is typical of these kinds of gatherings, where common rules of behaviour can be largely affected by prevailing national interests and pressures. This attitude can delay the search for common solutions to a given problem and lead to public personal disagreement among the Ten, with the negative effect of the image of the European Council itself.In any case, it must be recognised that certain kinds of coalitions inside the European Council, like that of the founding fathers Giscard d'Estaing and Schmidt, can act as pressure on and "guide" to the other governments. The basic condition of being effective for any coalition-building among the Ten and in particular among the "Big Four" is that there is no secrecy behind it and that it is embodied into the whole European network of decision-making.

In addition it can be said that fixed coalitions do not exist: European Council history gives no proof that the Ten are in principle divided into "big" and "small" countries or groups of "Northern" and "Southern" member states. In

general the setting up of a coalition derives from concrete common and national interests in a given subject and at a certain period of time. Presently a certain line of division inside the European Council appears as far as the institutional subject about the European Union is concerned: here a difference in perception of "old" and "new" member states becomes clearer than in other fields. It is however difficult to judge at present how strong and effective these coalitions are.

5. The Conclusions of the Presidency

Due to the principle of the informality of talks at the highest political level, the question of how to sum-up the results of the European Council meetings was left open, at least at the beginning. Procedural rigidity was felt to be inedaquate for the envisaged type of meetings. The drawing-up of conclusions with a binding character would have meant lengthy discussions of the European Council itself on formulations drafted and carefully prepared by their bureaucratic staff. To avoid this, a pragmatic course was followed, largely depending on the engagement and skillfulness of the country holding the Presidency. Nevertheless, the renunciation of an official protocol has left room for vague wordings and differences in interpretation of the results agreed upon by the various participants at the meetings.

What has been and still constitutes another source of misunderstanding and delay in the implementation process is the way in which national and Community bodies alike are informed about the results reached during the debates of the European Council. Apart from the "information policy" of the Head of Government and Foreign Minister towards their own delegation, which varies considerably according to national style and habit, it is up to the Presidency to report on the discussions of the 22. This happens on an informal basis without distributing the written protocol prepared in collaboration with officials from the Presidency and the Council Secretariat who attend the formal sessions of the meetings: about every two hours a member of the Presidential staff leaves the conference room to give an oral report on the topics under discussion to the group of "agents to liaison". As these news cover only part of the European Council debate, room is left for interpretation by the delegations on what the Heads of Government, Foreign Ministers and Commission representatives have talked about during their informal sessions.

The more issues of international politics play a prominent role in the official deliberations (as happened in Venice in 1980 or in Fontainebleau in 1984), the more EPC circles feel dissatisfied with the existing information procedures. It is not so much that they complain of being excluded from the consensus-building process de facto or that they fear substantial changes in EPC policies. Seen from the diplomats' perspective it seems to be much more the impression of unequal treatment and status compared with the colleagues dealing with EC matters. Whereas the group of "agents de liaison" - in Brussels known as "Antici" or "Coreper III" - receives the latest news on a regular basis, no equivalent procedure has been installed up to now between the Presidency and the European Correspondents of EPC (who, besides, are present at the summit). Future European Councils will demonstrate if pragmatic changes are under way. Scepticism still prevails as far as the question of an EPC Secretariat is concerned which, on the other hand, could imply similar representation at European Council meetings as is presently afforded to the Council Secretariat.

In the "experimental" period between 1975-1977 as well as later on, the information gap between those who were present in the conference room and those who had the task of drafting precise conclusions of a debate (which most of them were not allowed to attend) brought about criticism and dissatisfaction. Particularly because the then nine EC member states (apart from France) had by and large in mind to give their statements an official status, they had to be worded carefully and had to reflect the real flow of discussions, because otherwise one or another delegation would not consent to it. This was true for the first European Council meeting in Dublin in 1975 when Coreper and the Political Committee were charged with summarizing the results in an authorized version although the Presidency had made it clear before that "there should be no formal Communique'" except for four statements on concrete EC/EPC issues plus the publication of a Commission Communication (27).

In 1977, the Heads of Government decided on several procedural questions, stressing the need for careful preparation of statements and decisions envisaged, as well as a written record on the discussion leading to these agreements. From then on, "conclusions" were no longer referred to as such, but had become the "Conclusions of the Presidency". This formula, on the one hand corresponds to the need to issue common viewpoints to the public; on the other hand its non-binding character gives the EC governments more freedom for interpretations of their own and the chance to refuse to follow certain orientations.

The actual method of drafting the Conclusions is as follows: it is the rule that a preliminary paper on the outcome of the summit exists at least when the European Council starts. Due to national styles, a draft version of the conclusions can be ready so well in advance that it is possible to dispatch it to the participants and discuss it in Brussels and in the other capitals even before the Heads of Government meet.

The extent to which other Community bodies - especially the Council Secretariat and the Commission -, are involved in this process differs again according to the management of the chairmanship. The "Big" usually act more independently leaving the task to their own staff, sometimes without the involvement of their permanent representatives in Brussels. The "Small" rely, to a greater extent, on the services of the Council Secretariat also as far as the drafting of the conclusions is concerned. But even in the case of France the opinion of officials from the Berlaymont and the Council Secretariat was sought, at least in the preparatory phase of the European Council meetings.

During the European Council itself, a very restricted ad hoc drafting group works on the final version of the conclusions. It usually comprises high officials of the Presidency and the Council Secretariat (among them a State Secretary, the Permanent Representative, and the Secretary General). One of the latter's "task" is, as was signalled to us, to secure the institutional equilibrium inside the EC, i.e. to prevent European Council participants from taking decisions or giving instructins to implement them without respecting the Community rules in case concrete solutions to Community problems are envisaged. This was e.g.urgently needed during the Stuttgart meeting of 1983 when ways of implementing the "package" had to be defined. Another major, though more

technical task of the Council Secretariat is to secure that the drafted texts - except for the EPC declarations for which only English and French versions are provided by the Presidency - are translated into the seven Community languages in time and distributed among the participants before the European Council resumes its final discussions.

Although the "authors" of the draft conclusions are very few one should not forget that this work is based on papers prepared by Community institutions, national governments and the Presidency in advance and in view of European Council debates. For the final wording of the communiquees is only the last step within a series of discussions, proposals, etc. of different circles, formula used there in one way or the other occur in the final texts. In this sense, one should, for example, keep in mind the "communications" from the EC Commission submitted to the European Council or those proposals initially destined for Council discussions (e.g. Commission papers on the budget question which, in the end, were reflected in the Stuttgart Declaration of 18 June 1983).

Neither the "Conclusions of the Presidency" nor other official statements are legal acts, even though in some cases the decision made in the European Council was so detailed that it could be transformed directly into a Community regulation without any further changes. It may well be, however, that the wording of results achieved by the Heads of Government remained very vague leaving room for different interpretations. Diverging views among the participants on a given subject which then had to be covered by general formula seem to be one reason for this. Another factor, closely connected with that, is the small time left for finalizing the conclusions when long discussions take place until agreements among the Ten are reached. Furthermore, the character of a common statement depends on the European Council's intention to launch general guidelines or give precise orders to other bodies. In any case, the outside observer has certain difficulties in identifying general rules according to which the outcome of the meetings is qualified. In case the Heads of Government themselves want to emphasize a certain topic of Community policies, a "declaration" (cf. Stuttgart 1983), a "statement" (cf. on enlargement, London 1981) or a "resolution" (on the EMS, Brussels 1978) may be issued in addition to the Conclusions of the Presidency. On the other hand, and even when a decision represents the outcome of a long bargaining process, merely a short paragraph may appear in the "Conclusions of the Presidency", with the more official, though atypical title "Conclusion of the European Council" (e.g. Stuttgart 1983) (28). At other times, there may be "annexes" or "appendixes" to the "Conclusions of the Presidency", reporting the precise terms of the result of an agreement.

6. The Implementation of European Council "decisions"

Whether or not the European Council foresees a concrete "mandate", "invitation" etc. for other EC (EPC) bodies for certain issues, the results of the discussions of the Heads of Government regularly appear on the agenda of their meetings. Only few if any items seem to be excluded from this general

rule. Even in cases where the President of the European Council himself has been charged with implementing a decision - i.e. the composition of the ad hoc committee for institutional affairs, the creation of which has been agreed upon at the Fontainebleau summit - the Council or Coreper may talk about it at least during their informal luncheons.

In case further concrete steps are urgently requested it may well be that European Council discussions are resumed immediately after the session has ended. This happened after the Dublin summit of Dec. 1984 when the Foreign Ministers came together in the Irish capital, in addition to the normal Council calendar, to try to settle the Greek reservations towards the agreement on enlargement while the President of the European Council already informed the press about the conclusions of the meeting (29).

As a general rule the General Affairs Council, Coreper and the Commission automatically review the results of European Council meetings. Within the Berlaymont, discussions seem to be resumed practically immediately after the European Council ends. The other Community bodies follow according to their normal timetables. The procedure carried out after the Stuttgart meeting until Athens was an exception to the rule. The Council Secretariat and the Commission prepare summaries separately in which the issues discussed by the Heads of Government are listed, as well as the institutions responsible for the respective policies in the EC framework. These papers also contain information on the level of consensus and disagreement and on the prospects/problems of future developments in a given subject. Discussions and decisions take place according to "normal" Community procedure.

Although the London European Council guidelines of 1977 only stress the Foreign Ministers' responsabilities in the period of preparation, political practice demonstrates their outstanding role also in the implementation process. Besides, it is difficult to divide the preparatory phase from the implementation one; often the two overlap due to political difficulties in reaching a final decision in the period between two successive summits. The debate on the major Community problems manifest in the "Stuttgart package" gives proof of this as do the European Council conclusions themselves when the Heads of Government forsee discussions on "old" and "new" subjects (see table 1). For this reason Table 1 of our appendix gives only a rough idea of the number of meetings of the European institutions, without distinction between the preparation and the implementation phase. What can be drawn from the figures is purely a general idea of the great involvement of EC institutions in the European Council's activity and, particularly, about the still important contribution made by the Commission. The same can be seen from Table 3, where it is clearly shown how many of the Commission's communications to the European Council have reached the stage of becoming "mandates" (in the more general sense) in the "Presidency Conclusions" and how wide the range of issues treated at the same time by the Commission (even outside the "traditional" field of competence) and the European Council has been.

Table 2, finally, gives an even clearer idea of the wide involvement of EC and EPC bodies (and ad hoc committees) asked by the European Council to begin implementing the "decisions" taken during the summit meetings. Their number has increased considerably over the years. The Eco/Fin Council and the one of Agriculture together with their expert committees "traditionally" belong

to these traditional bodies. The Ministers of Social Affairs and of Energy as well as the so-called "Jumbo Councils" (composed of the Ministers for Economic Affairs, Finance and Social Affairs - not to be mixed up with the Jumbo Council mentioned earlier) seem to play a minor role. More sporadically (1983) the Council of Transport and of the Environment had to deal with European Council deliberations.

As far as foreign policy questions are concerned European Council declarations usually represent the final point of a consultation process which needs no further consideration or implementation by the Foreign Ministers or their experts. Apart from some procedural aspects, e.g. an explicit "instruction" of the Presidency to continue its fact-finding missions in the Middle East and to report on the proceedings of discussions among the Ten on that subject, the European Council left it to the EPC staff to inform third countries about common positions and whether or not to go further on EPC issues (30). In recent times (since 1980) now and again reference is made to the European Council as the "highest authority" of common positions in declarations of the Ten especially in those presented during UN General Assembly debates.

7. The role of EC and EPC Institutions and Organs.

The impact of procedure, that is the rules of the actual functioning of the European Council, first on the Community institutions and then on the system of EPC has been quite different. The founding of the European Council brought about a real revolution in organisational and political terms. But what is most important to observe is that the duties and functions of these bodies have been allocated to each institution in different ways, not by means of regulations but through the power of practice, so that since 1974 there has been a gradual redistribution of power and roles within the Community. For example, the role of the President of the Council of Ministers and of the Secretariat have increased, while that of the Commission and the Council of Ministers, at least in certain respects, have decreased and that of the Coreper has been modified. As far as the status of EPC bodies is concerned changes are less visible. From this point of view two trends can be identified which indicate recent shifts: in case the Heads of Government failed to solve substantial Community problems, as happened in the Athens and Brussels meeting in 1983/1984, the European Council's function to express the Ten's views on international affairs became obsolete. It were the Foreign Ministers who met in the ordinary EPC framework later on to fulfill this task.

The second aspect concerns the relationship between the European Council and the EPC working level. If the Heads of Government renounce to launch declarations on foreign policy issues - whatever the reasons for this may be - there is no need for the Political Committee (and the working groups) to draft and revise texts for European Council meetings.

Nevertheless, even the redistribution of competences mentioned before is not rigid and the role of the individual institutions varies with the changes in the political and organisational conditions in which the preparation of the European Councils takes place.

7.1. An important actor: the Council Presidency

Generally speaking, as seen above, the Presidency has the power to influence the running of the European Council both in technical-organizational and political terms.

For clarity, however, it is necessary to distinguish between the European Council Presidency and the Presidency of the Council of Ministers. Although the two Presidencies are held by the same country, the second is more respectful of normal procedures, being acquainted with them through the "routine" work inside the EC and EPC frameworks.

Due to the constitutional and political strength of a Prime Minister or Head of State (31) each European Council Presidency can influence the working methods of summit preparation and implementation differently. So the preeminent position (both in the constitutional and political sense) of, for example, the French President can be, under certain circumstances, a "disturbing" element in the normal life of the Council. If he considers European affairs of vital importance for himself and his policy, the President and his staff at the Elisee may be primarily in charge of managing the European Council meetings, thus limiting the role of his foreign affairs minister and the Quai d'Orsay and shifting the centre of preparation from the Community' sites in Brussels to the national Capital.

When the constitutional role of a Prime Minister and his foreign affairs colleague is more balanced, the preparation of the European Council tends to follow the usual course.

Another element which must be taken into consideration is the size and relative strength of a country among the member states: a small country, as we have already seen, needs to turn more extensively to the European institutions and their technical services than the "Big" do, although the government's committment to the goals of European integration is another factor which determines the management of the Presidency.

One of the principal methods for the Presidency to perform well in the European Council is to utilize, as we noted above, the well known instrument of bilateral relations with other governments. Community circles understandably follow the growing importance of this "Presidency bilateralism" with suspicion. The same is true for the smaller EC partners who fear an increased coalition-building among the Ten which at times might develop into a "Directoire". On the other hand, critics also acknowledge the value of bilateral contacts for a better understanding of national positions and for reaching final compromises. From a national point of view this tool has been increasingly used, because it also helps to improve the international image of a country as the Presidency-in-office.

These bilateral relations overlap with the routine meetings among European governments (Franco-German, Anglo-German, etc.) and with the regular contacts of the President of the Commission with EC member states ("tour des capitales"), which will be described later on. They constitute a large network of exchanges of views and information which clearly contributes to the actual

running of the meetings of the Heads of Government. It runs parallel to the normal EPC and Community procedures and greatly influences the success of the meetings. From this point of view it can be useful to remember how much the special "Franco-German" relations in 1978 played a decisive role in creating the right atmosphere for the launching of the European monetary system or, in the previous years as well as presently, the setting up of various initiatives aimed at relaunching the process of integration.

7.2 The Secretariat of the Council

Perhaps the least known of the Community bodies (the bibliography for it is almost non-existent), the Secretariat of the Council has gained most in prestige and acquired a larger role since the creation of the European Council. As we have seen, the 1974 communique' provided for an "admistrative secretariat," to be assured in the appropriate ways, "taking into account the praxis and procedures in force." On several occasions the idea of an ad hoc secretariat for the European Council has circulated in European and national circles. Different plans have been proposed, but none of them has come to anything. Moreover, the founding of the European Council itself had already caused far too much worrying among the Community institutions and some member governments, those more respectful of "Community faithfulness and purity," for the creation of a new coordinating body to be bearable. Its location in a rather populated area, between the COREPER, the Commission and the Political Committee, would have been exceedingly difficult and the source of numerous suspicions and problems.

Despite this, a point of reference for the work of the European Council was perceived as an objective necessity for it to function. For this reason, the natural choice fell upon the Presidency-in-office, which in turn uses the Council Secretariat (as well as national instruments and the COREPER) for the organisation of its own operative base in Brussels.

Therefore, almost without realizing it, the Secretariat went from a rather secondary role, before the creation of the European Council, to more and more important duties, gravitating towards the center of a complex system of contacts both with EC bodies, in the Presidency and the other member states predominantly via the national missions in Brussels.

Its principle function is to take care of all the technical details, from the organisation of rooms in those cases when the Heads of Government meet in Brussels or Luxembourg, the distribution of documents, the interpretation services and security measures for the participants. The action of the Secretariat, more generally, is of great importance in the preparatory phase of the European Council, while for implementation it obviously has not had the same development.

Apart from these strictly technical responsibilities, the Secretariat draws strength from and takes advantage of its physical proximity to the Presidency-in-office, which being the principal driving force in managing the meetings of the Heads of Government, takes on both the organisational and political duties at the same time. In this way the Secretariat has entered into the heart of the prepatory work, also on the substance of European Council discussions. Being familiar with Community life, i.e. with the contents of dossiers, with the common and diverging views of member states and how they

changed over time and with the whole decision making process, the Council Secretariat has become an indispensable help for the Presidency. Whereas the country holding the chair changes every six months the Secretariat represents a factor of continuity which may be of growing importance in that EC issues occur on the European Council's agenda several times. Why and where to place a certain point on the agenda is not only a purely "technical" question. It is also a question of political priority or tactical consideration to which the Secretariat gives its advice. To successfully carry out these important duties, the Secretariat avails itself of the indispensible cooperation of the Presidency of the COREPER and the Commission. The contacts with the related offices and the Directorates General (at least as far as relations between the Secretariat and the Commission are concerned) are daily and for the most part of an informal character; it is generally acknowledged that a good degree of collaboration exists among these bodies, even though the temptation to confer directly with the Presidency-in-office is often very strong.

Exactly because of the delicacy of the role it plays, on several occasions consideration has been given to upgrading the status of the Secretariat, or as a second choice, to appoint a Secretary General of great prestige. This second method has been chosen, also in order to avoid disturbing the existing institutional balances too much. Nevertheless the appointment of the present Secretary General in 1982 brought about a remarkable shift in the institutional equilibrium. He understands his role to be a political one, offering each Presidency not only the technical services of the Secretariat but also its evaluation and proposals of EC policies and possible solutions. This is also true for the European Council. Without being charged by the Presidency the Council Secretariat prepares notes on the given EC subjects comprising the stage of debate among the member states, tactical advice on how to proceed during the meeting and options on the contents of an agreement. The amount to which the President-in-office uses these services of the Secretariat differs according to national styles and the size of member states. There is, however, no doubt that the Secretary General today enjoys a great deal of authority. He is assisted in his special duties by a top level staff, comprised of a chief of Cabinet at grade A2 and four officials who dedicate themselves full time to the organisation of the European Council. In addition, there are also several Director Generals (among whom are the one competent for legal affairs and the one responsible for interinstitutional relations) who have the task of keeping in touch with their colleagues at the Commission.

Despite the great prudence in embarking on the strengthening of the Secretary General's position, disturbance of the institutional equilibrium, already rather precarious, was not always avoided in achieving results. In Athens and Fontainebleau, for example, the role of the Secretariat appeared to be greater than usual, because of the different organisation of normal procedures in the preparation of the European Council. In particular, both in Athens but especially at Fontainebleau, the role of the CORERPER seemed rather secondary, as we will discuss later, to the benefit of a greater involvement by the Secretariat. Therefore, the approach which is taken by the Presidency-in-office towards the directing of the European Council is of great importance. If one of the traditional interlocutors is taken, even partially, out of the game, the role and responsibility of the Secretariat General automatically increases.

Purely technical, on the other hand, is the Secretariat General's competence with regard to the work of EPC; in this case it is limited, when all proceeds normally, to merely collecting the dossiers and items for discussion decided by the Political Committee and by the Foreign Ministers, and sending them afterwards directly to the European Council without further intervention.

7.3. The Council of Ministers

According to the communique' of the 1974 Paris and 1977 London Summits, the Council of Ministers plays the essential role of impetus-giver and coordinator in the preparation and follow-up of the decisions of the European Council. In effect, the Foreign Ministers take care of almost all the details of the meetings of the Heads of Government, prepare the dossiers for discussion, try to seek the necessary compromises and are involved in the drafting of the Conclusions of the Presidency to be published at the end of the European Council's work.

Being competent in both the Community and EPC spheres at the same time, the Foreign Ministers also have the tasks of coordinating these two areas and of allocating to one bureau or another the dossiers to be prepared.

As regards the more technical Community questions, the Council of Ministers involves the specialized Ministers in finding the required solutions, while maintaining for itself the right to examine them and to modify them if necessary before the meeting of the Heads of State.

In other words, the creation of the European Council has given back to the General Affairs Council those duties of coordination and overall management of Community affairs, which had been threatened several times in the past by the growth in importance of the specialized Councils (32). This is true, at least, for the first period of the European Council's activity.

Three factors, however, have weakened the reassumption of this role:

a) the increasing technicality of the matters treated, in particular the long dispute over the budget issue and the enlargement question or the launching of the new monetary agreements, the EMS initiative, which has given a prominent role to the Finance Ministers;

b) the ever greater involvement of all the other bodies, beginning with the Commission, in the preparation of the European Councils and in the mandates (to prepare proposals or seek solutions) given by the European Council directly to ad hoc groups or Community bodies other than the General Affairs Council, in particular the Specialized Council of Agriculture or ECO/Fin Ministers, or due to particular contingencies, the Energy Ministers, etc. (see Tables 1 and 2 for reference);

c) the episode, considered "degenerative," of the Special Councils for the preparation of Athens, which besides the direct involvement of the Finance Ministers and Agriculture ministers and other colleagues in the meetings of coordination and impetus, allowed the delegation of power to the Undersecretaries of State as substitutes for the Foreign Ministers.

This last factor and the concurrent failure of Athens were decisive in pushing the Foreign Ministers, as we pointed out above in the declarations of Cheysson, to request a return to "normal practice" and to reestablish the pre-eminence of the General Affairs Council in managing the meetings of the Heads of Goverment.

However, there is a last element, not directly organisational in nature but which is the result of deficiencies in the whole Community system, which accounts for a certain decline in the role that is formally attributed to the General Affairs Council in the 1974 communique'. It concerns the function of "last resort" exercised by the European Council; it plays this role not only for problems that are more strictly political but also increasingly for those that are purely technical.

Along these lines, there is the famous decision of the European Council on the colour of the cover of the European passport, ending a deadlock that had gone on for years. This has happened for a number of apparently technical problems and did nothing but reduce the credibility of the Council of Ministers and transform it into a body that merely records decisions and sets them into the legal framework after they have been taken at a higher level; in other words the European Council tends to change, if you want, the Council into a secretariat incapable of making decisions autonomously.

The Heads of Government, increasingly occupied until now with these types of problems, have also recently realized (33) the risk of infinitely carrying on technical disputes from one meeting to another. Hence, on several occasions, there has been an attempt to reverse this tendency and return to the Council of Ministers, in its various forms, the power of decision as forseen by the Treaty. After the failure of Athens, the Commission itself pointed out that "it is indispensible that the specialized Councils take up their work again in the framework of normal Community procedures: to this end, the Commission invites the Agriculture Council to examine beginning at its next meeting ... the proposals for the reform of the Common Agricultural Policy, with the aim of making the necessary decisions as rapidly as possible" (34). Already before this kind of attempt to avoid technicalities was also made by individual governments. So in the preparatory phase of the Luxembourg European Council in 1980 (which was postponed from March to April due to deep controversies on some EC policies) the French government refused to decide on the question of sheep meat during the European Council. Instead, the Ministers of Agriculture were asked to solve the problem during a meeting which was taking place at the same time as the Heads of Government were in session.

Nevertheless, it is doubtful that the tendency has been completely reversed, giving back prestige and position to the Council of Ministers. The fact that certain issues which at first sight may look purely "technical" in nature can be highly "political" for one of the Ten, especially in times of financial limits and the present trend towards a re-nationalisation of thinking points into the other direction. The "shadow" of the Heads of Government seems to be too long for the General Affairs Council to recover the lost ground. It has perhaps suffered more than all the others from the creation of the European Council (35).

7.4. The COREPER

The fundamental importance of this body, also with reference to the work of the European Council, is that it permits the exchange of views of the member governments on the proposals in question on high expert level and that in this environment the relevant compromises can be found. According to traditional Community procedures, the group of permanent representatives (COREPER II) and their deputies (COREPER I) perform the function of a "clearing house" for the proposals coming from the Commission and of support and preparation for the work of the Council (in its various compositions). Moreover members of the permanent representations (or government officials from the ministries) participate in all the Community Committees and manage them through the system of the Presidency-in-office. The duties of the COREPER are therefore vast and articulated and the importance of this body has grown with the development of Community activities far beyond the brief mention made of it in the Treaty of Rome (36).

The wide network of the COREPER's own interests and competences in principle placed it in an ideal position to assume increasingly important duties, even after or because of the European Council. To the extent that the Heads of Government decided on orientations or concrete steps of EC policies to be followed in the Community framework, the experts got more involved in the whole network. In accordance with the General Council's task to play the role of coordinator for the specialised Councils, COREPER II was charged with being the central agency for interpreting the European Council's conclusions for further debate and work of the other bodies. Due to the non-binding character of the conclusions it is within COREPER that each member state has the chance to add comments to the communique' of the summit which are accepted without further debate. With the birth of EPC in 1970, the COREPER suddenly saw itself excluded from what was to become over time an activity of great importance to the Ten (37). In fact, parallel to the COREPER, the Political Committee of EPC was brought into being. It prepared its own dossiers autonomously by working methods that had nothing in common with the procedure adopted by the COREPER. Since the European Council was directly responsible for both activities, it was obvious that the COREPER could not hope to become the central force for the Heads of Government, at least not for those matters outside its competence.

But a further element of uncertainty in the role of the COREPER can be found in the flexible nature of the European Council itself; it can decide on its own account to modify the working methods of the institutions that collaborate with it, increasing or decreasing their departure from the normal Community model of reference. To the extent that the last resort function of the Heads of Government increases in importance COREPER looses in weight as does the Council because of the close functional link between the two bodies, COREPER being the principal interpreter of the Council.

The weakening of the Council of Ministers, due to the increasing temptation to send unresolved problems to the highest level, has actually had negative repercussions on the status of the COREPER and has fueled the temptation of the other institutions to address their proposals directly to the Presidency of the Council, without passing through the Council and COREPER. This leads to a widening of the gap between the expert and the political level because COREPER is excluded from the European Council itself. So the reduced influence of the Council in which the participation of the permanent representatives is allowed then means a limited role for COREPER, too.

As regards the example of Athens, in which procedures were overturned by the principle of urgency, the COREPER played a much more limited role because of the presence of the Special Group of Preparation, which in fact engaged in COREPER's own type of activity. The same, if not greater, type of alienation was experienced in the presidential model, of the Fontainebleau type, where the COREPER saw dossiers diverted from its own jurisdiction to that of the Presidency-in-office. The latter in fact had decided to modify and direct the proposals on its own, through a complex network of direct bilateral contacts with the national administrations and governments.

In both of these cases, the role of the COREPER came out diminished, which explains why this body is so strongly in favor of Community praxis and does not welcome further departures from it.

7.5. The Commission

As at the time of the creation of EPC in 1970, the founding of the European Council was at first seen as a further grave blow to the prestige and power of the Commission. An orientation to the process of integration that leaned more towards the intergovernmental philosophy did not objectively leave much hope for the political future of the Commission. This is in part what happened. However, this phenomenon did not only affect the Commission, but as we saw, even the Council of Ministers itself and more generally all of the traditionally "political" Community institutions.

Nevertheless, on the level of participation and organisation, the Commission once again proved its notable capacity to adapt and recover powers that in principle seemed already lost.

Its presence at the table of the European Council is no longer questioned and this holds true for both Community and EPC matters. The President of the Commission, sitting together with the Heads of Government, has in fact acquired a higher status - a priviledge that is exercised not only by participating in the European Council meetings but also by bilateral contacts with the Heads of Government during the prepatory period.

The contribution of the Commission in preparing dossiers and proposals to the European Council (Communications de la Commission au Conseil Europeen) is of great importance for the smooth running of the meeting. Explicitly written for the summits, the communications, and in particular those on the economic and social situation which are the overwhelming majority (see table 3) serve as a point of reference for discussions.

The Commission, as is normal according to Treaty procedure, not only works as a body to prepare its own position in view of the European Council; but its President together with one of his deputies (who changes depending on the subject of discussion) plays a special role, i.e. all sit at the table of the Heads of Government and the Foreign Ministers participate directly in the e n t i r e

meeting of the European Council. Like the member states, they are assisted by a delegation from the Barlaymont governed by the same rules as far as its number, access to the conference room, etc. is concerned.

From an internal bureaucratic point of view, the Cabinet of the President works in close contact with the ad hoc structure of the Secretariat of the Commission, with its legal services, spokesmen, to prepare for the summit and so on. The President usually nominates his own personal advisor to closely follow the preparatory work of the European Council and decides the composition of the delegation according to the needs of the moment, even if there is already a fixed tradition of tasks and functions that must be covered. The basic delegation is composed of thirteen people, to which another eight are added (s'ajoute à la delegation....), including the official from the Secretariat General who is responsible for EPC at the working group level and who usually belongs to the EPC Correspondents' Group.(37).

One of the more delicate duties of the Commission and its President is that of participating in the definition of the issues at stake and possible solutions. This is mainly carried out by the country holding the Presidency. It is accomplished through contacts with the President-in-office and with direct contact between the President of the Commission and the Heads of Government during a tour of the capitals of the Ten. The duty of the Commission is to uphold the Community's interest in specific solutions and, alternatively, to help the Presidency-in-office to search for compromises more favorable for the Community. Some criticise the Commission for having played a role of "guardian of the treaties" for too long. At a time when vital national interests dominate EC-discussions - they say - the Commission should assist the Presidency in seeking consensus among participants.

Major doubts persist about the integrity of the exercise of the power of initiative which, on the basis of the Treaty, is the competence of the Commission. What one wonders is whether the creation of the European Council has eroded this power or not. Observation of the facts brings one to believe that, to a certain extent, the Commission has lost further ground in this area of powers (already the European Parliament has tended to take this prerogative from the Commission). Although it continues to exercise this right through a great number of proposals sent directly to the European Council, it quite frequently happens that the latter turns to the Commission to request it to act on a certain issue or, even more, asks some ad hoc group or external body to prepare proposals (see table 2). An extreme form of this reversal is seen when the European Council did not stop at requesting initiative from the Commission on a specific issue but gave it a precise mandate to implement according to an established timetable and criteria (typical in this view are the requests on the problems of the Community budget). This means, in conclusion, a certain erosion of the power of initiative, once so jealously guarded by the Commission.

7.6. The European Parliament

As mentioned at the beginning of the chapter, the Heads of Governments had decided to open a dialogue with the European Parliament recently. In fact the setting up of the European Council brought about a certain isolation of the European Parliament; whereas the other institutions were in one way or another

directly involved in the activity of the European Council, the same was not true for the European Parliament which, to the contrary, found it relatively hard to convince the Heads of Government to create some kind of politico-institutional links. It took time and only in late 1981 (London Report) was a certain, limited dialogue set up, throughout the European Council President who would regularly report on the main outcomes of the summit meetings.

Whether this direct contact, which was established for the first time after the European Council meeting in November, 1981 by the British Prime Minister Margaret Thatcher, does in fact help the EP to regain influence over Community affairs is doubtful. This might be also true for the decisions by the European Council on budgetary questions, the only field in which the Parliament exercises real power (39). To the extent that Commission and Council competences were shifted to the European Council level, the ordinary "right of control" of the European Parliament was reduced as well.

Up to 1981 either the Foreign Minister or a State Secretary and the President or Vice-President of the Commission informed the MEPs about the results of discussions. This ex-post report usually did not go into further detail than the traditional press conferences given by the President of the European Council and of the Commission. From the parliamentarians' point of view the situation became most dissatisfactory when they were informed only by an official of the Presidency who is not a member of the European Council, whereas journalists had direct contact with the participants of the Summit meetings.

To summarize, the direct links of today between the President of the European Council and the EP are very poor both in substance and in practice. For example, up to now no head of government reported twice to the MEPs when two meetings took place during the same Presidency or was present in the debate usually following the statement on the European Council meeting.

7.7. The Political Committee and the Foreign Ministers meetings in the framework of the EPC

Compared with the European Council's central role within the institutional framework of the EC, EPC decision-making has been much less affected. Apart from some changes that the Heads of Government wished to see in the final wording of EPC declarations (e.g. the Venice Declaration on the Middle East of June 1980), the texts prepared by the EPC staff are adopted by the European Council. Up to now, there has been hardly any impact by the Heads of Government on the substance of EPC policies. Stress is laid mainly on the European Council's role to "solemnly" make known common positions on Europe's relations with the outside world. Being the highest "authority", the European Council might give more political weight to the Ten's viewpoints than do other EPC bodies. On the other hand, international crises frequently break out from one day to another forcing the Ten to react immediately. Here, the role of the European Council, since it meets only three times a year, is of a rather limited value.

Recently, in various plans and proposals for reforming EPC, the value of the European Council declarations for the concertation of the Ten is particularly stressed. On the main aspects of a given subject they should serve as a means of reference to clarify and develop the acquis politique.

Heads of Government prefer, in any case, to hold informal "fire-side chats" covering the whole of the international situation. These talks, again, do not touch upon or do not even try to influence EPC decision-making.

What is certain is that if the Heads of Government reach agreement on a specific declaration, this automatically becomes the official position of the Ten, without passing through any further body. Or, on the contrary, it may be that a few days after the European Council, the Foreign Ministers themselves determine the position of the Ten on the same subjects treated by the European Council.

The fact is that, since EPC is mainly a diplomatic machinery, the setting-up of a typical intergovernmental body could not change the substance of the decision-making system. The only consequence, at the most, has eventually been that of shifting, in certain circumstances, the case of the decisional process to the highest level.

8. ~~Conclusive Remarks~~

As appears rather clearly from our analysis, the founding of the European Council brought about, if not a revolution, at least a profound change in the conditions and working methods of the European Community. No one can deny that in the first ten years of the European Council's life, its power and role have grown a great deal, to the point of conditioning the life and working methods of the already existing institutions. The quantitative analyses (even with their imperfect data) confirm our judgement and lead us to place the European Council at the center of the Community decision-making system.

The same is true if we consider the political role played by the Heads of Government; the very few successes which the process of European integration has counted after the 70s are mostly the result of a "decision" taken at the European Council level.

In any case, our opinion is that the birth of the European Council does not help resolve the central problem that has been debated in the Community for years: that of giving life to a central executive power. The European Council as such is unable to assume this role. Moreover, up till now its decisions have not been directly transformed into legal acts, even if there have been some temptations to take up such an institutional role. The European Council is not even able (apart from all the other limitations that we have brought to light in our research) to control and follow the details of the implementation of their own "decisions." But above all, it is incapable of regularly reaching the point of actually ~~making~~ decisions. Together with the other institutions, it has contributed to making the Community decision-making process slower and more complex, instead of clarifying it.

The second observation is that the European Council, due to its own ambiguous nature, has added a greater degree of uncertainty to inter-institutional relations. The three "exemplary" models mentioned above give an idea of the various possibilities for the institutional arrangement of the European Council, from a typically intergovernmental extreme to one which is more respectful of Community rules. The application of one or another of these models, instead of

facilitating the solution of problems, creates confusion over the roles of the other institutions. So that, what is considered by the same Heads of Government, to be one of their positive characteristic, that of being a "flexible" and informal body, extremely adaptable to the political circumtances and needs, has on the contrary contributed to give a sense of precariousness to the whole hierarchical decision-making process. At the same time, it has favoured the tendency towards a "summitry" decisional system, inside both the Community and the EPC context; this fact has contributed towards upgrading the role of the Presidency-in-office, with the result of stressing the intergovernmental character of the decisional process and its distance from the democratic control of the European Parliament. And all that without any apparent positive consequence on the efficacity of the Tens' activities.

The third and last observation is that it is impossible to predict the further transformation in the European Council's role. In light of the experiences of the past few years and of the recent attempts, it does not seem that further steps can be taken towards a substantial improvement in the functioning of the European Council. As already pointed out in the chapter by Jacque' and Simai in this same book, the setting up, for example, of an ad hoc Secretariat can create more difficulties than advantages for the functioning of the European Council. A better utilization and coordination of the already-existing bodies is, at present, the only way out for improving the organizational and practical rules of the Heads of Government's meetings. On the contrary, the problem of a definite clarification of the role and nature of the European Council with respect to the Community's and EPC's decision-making structure can only be solved in the context of an institutional revision of the entire decision-making system and not merely through its marginal modifications.

NOTE TO THE TABLES: Figures elaborated in the Tables originate from computer data provided by Euris network. The reliability of these data is unfortunately very low, due mainly to the fact that the input procedure was not clearly fixed from the very beginning. Especially for the implementation phase, it is objectively difficult to follow step by step a "decision" taken by the European Concil, throughout the various EC institutional mechanisms. In addition, not always does the label "European Council" remain in the title of the draft proposal.

Data are definitely incomplete for the periods: 1975-77; 1980; 1982.

Additional sources of information (especially for Table 2) were Bulletin of EC and Agence Europe.

As far as Table 2 is concerned, whereas it is clear which was the contents of "mandates" to the Council in its various compositions, we give some explanations as to the others:

- Ministers of Justice/Interior: to deal with - internal security, terrorism.
- Presidency: concerns procedural steps, e.g. informing third countries on EC energy policy, handing over of the Three Wise Men Report to EC institutions, managing the composition of ad-hoc Committee (Fontainebleau).
- EC institutions in general: to deal with the economic and social situation of EC, relations with Japan, energy.
- European Council: announcement to discuss an international energy conference, the economic and social situation of EC, European Foundation, revitalization of EC.
- Foreign Affairs Ministers: to deal with institutional questions (Tindemans, Three Wise Men, Genscher-Colombo), to present a report on Middle East, to discuss Latin America, Indochina refugees, terrorism.

As far as Table 3 is concerned, there are difficulties in assigning the "mandates" of the conclusions to headings comparable to those of the Communications. It is interesting to note the gap between Communications on North-South-relations to Latin America or the gap between the reports on European Union which got no follow up, and the explicit request to discuss the Genscher Colombo initiative.

The table indicates that the Commission was not only active in "traditional" fields of competence but also in a broader framework (environment, new policies, energy).

NOTES

(1) The problem of informality in the meetings of the European Council constitutes a fundamental ambiguity unresolved since the beginning. On this topic see Gazzo, E., Du Conseil Europeen au Directoire Europeen, XXIX Table Ronde Des Problemes de l'Europe, Bonn 2/3 Aprile 1976. For the "library group" concept see the introductory chapter of W. Wessels in this research study or R. Putnam "The Western Economic Summits: a Political interpretation", in C. Merlini (ed.), Economic Summits and Western Decision-Making, Croom and Helm, London, 1984.

(2) Cf. Wolfgang Wessels in this volume.

(3) See the contribution of Ph. Moreau Defarge in this volume and Wolfgang Wessels, Der Europaische Rat, Stabilisierung Statt Integration? Geschichte, Entwicklung und Zukunft der E.G. Gipfelkonferenzen, Bonn, 1980.

(4) For an analysis of the Summits History, refer to: Bonvicini, G. "Storia e funzioni dei Vertici europei," in L'Europa all'occasione del Vertice," IAI, Il Mulino, Bologna, 1972; Morgan, A., From Summit to Council: Evolutions in the EEC, PEP/Chatham House, European Series n° 27, 1976.

(5) The smaller countries had always been suspicious of de Gaulle's ideas, fearing the transformation of the Summits into a de facto Directoire. See E. Gazzo, op.cit.

(6) See EEC Bulletin, n°12/1974, p. 7 plus.

(7) The most recent proposal for a Secretariat was advanced by Chancellor Kohl on the eve of the Stuttgart European Council June 1983, repeated by Mitterrand on the eve of Fontainebleau, June 1984.

(8) cf. J.P.Jacque'/D.Simon in this volume.

(9) See the London Report of October 13, 1981, in Europa Documenti of October 17, 1981.

(10) See: Bo Bramsen, C., "Le Conseil Europeen: son functionnement et ses resultats de 1975 à 1981," Revue du Marche' Commun, 1982, p. 626. Bo Bramsen also quotes the Tindemans and the Three Wise Men's reports among the fundamental documents on the functioning of the European Council. In our opinion, instead, these have entered into the debate but not the practices of the European Council.

(11) See Solemn Declaration of Stuttgart, EC Bulletin, 6-1983.

(12) Ad hoc Committee for Institutional Affairs, Report to the European Council (Brussels, 29-30 March 1985).

(13) notion by W.Wessels in this volume.

(14) See Agence Europe (A.E.) 24/1/82 p. 5. Already before this the new French Minister for Community Affairs Roland Dumas had judged improbable the maintenance of the procedure of the Special Council used in the preparation of Athens. According to Dumas, it was now necessary "to utilise the institutional fabric that exists and the the normal Councils should do their work." See on this topic A.E. 9/1/84, p. 5.

(15) See A.E. op.cit., p.5.

(16) See on this topic the declaration of the Stuttgart European Council, point 1.5.2, of June 19th, 1983.

(17) In its communique' on the day after Athens, the Commission recognized the limits of this procedure and pressed for its abandonment. "This implies that the conflict of contradictory national interests on too many specific themes should cease and that the procedures of the Treaties should be returned to, which alone permit the higher Community interest to be placed at the center of debate."

(18) See: Papisca, A., "The Dynamic of European Community Institutions in a Future Context of Political Development," Lo Spettatore Internazionale, n° 3/80.

(19) See the contribution of S.Holt/J.M. Hoscheit in this volume.

(20) Bo Bramsen, op. cit., p.629. See also the Euris data basis (as reflected in Table 1) which centers around preparatory meetings scheduled only shortly before the summits.

(21) See Table 2 and the conclusions of European Council meetings (in particular Dublin, 3/75; Bremen, 7/78; Dublin, 12/84).

(22) It was this case, for example, for the many projects to relaunch the process of integration: after a rapid exchange of ideas in the European Council, they were given to some ad hoc group for deeper study. Table 2 gives an overview of European Council mandates assigned to various bodies.

(23) Described in detail by Helen Wallace, The Presidency of the Ec: Tasks and Evolution, in Colm O'Nuallain (ed.), The Presidency of the European Council of Ministers, London, 1985, pp. 1-22.

(24) This is what happened, for example, on the eve of the Fontainebleau European Council when Mitterrand sent his colleagues a letter which, to their general surprise, put back as the first item on the agenda the dossier of the United Kingdom's budget rebate (see A.E. 21/6/84, p.6).

(25) For a precise description of how a meeting of the Heads of Government takes place refer to Chrisopher Bo Bramsen's excellent essay, op.cit.

(26) This was the case in the last British election of 1983, that obliged the German Presidency to breifly postpone the planned date.

(27) Declaration of the Irish Prime Minister after the Dublin European Council, E.G. Bullettin, n° 3 1975, pag. 23, German version, and Wolfgang Wessels, Der Europaische Rat, Europa Union Verlag, 1980 pag. 147.

(28) EC Bulletin, 6, 1983, pag. 20

(29) Agence Europe, 6/12/84, p.5.

(30) Conclusion of the European Council of December 1980 EC Bulletin, n° 12, 1980, pag. 11

(31) For greater detail on the "national dimension" see the contribution of S. Holt/J.M. Hoscheit in this volume.

(32) As regards the increasing importance of the Specialized Councils, see Edwards,G and Wallace, H., The Council of Ministers of the European Community and the President-in-office, a Federal Trust Paper, London, 1977.

(33) See the comments after the Athen summit, Heinz Stademann, Der Europaische Rat, in Weidenfeld/Wessels, Yahrbuch der Europaische Integration-1983, Bonn, 1984, pp. 37-45, and Chancellor Kohl's complaint after the Heads of Government discussion on wine after Dublin in Dec. 1984, Sueddeutsche Zeitung 6/12/84.

(34) See A.E. 23/12/83, p.7.

(35) See Merlini, C., Bonvicini, G., "The Institutional Problems Arising from the Enlargement of the European Community," Lo Spettatore Internazionale, n° 3, 1980.

(36) The COREPER has had a strange fate: that of growing enormously in importance in the Community stream, while being perceived as a threat by the Commission, and that of decreasing in importance with the prevalence of intergovernmental methods (since 1971).

(37) See on this subject, Bonvicini, G., "The dual structure of Epc and Community activities: problems of coordination", in Allen, Rummel, Wessels, eds., European Political Cooperation, Butterworth, London, 1982.

(38) The basic Community delegation is usually composed of the President of the Commission, a Vice President, Chief of Staff, Secretary General and Vice Secretary. Besides, the Spokesman, the Chief of Staff of the Vice President, the Representative of the Antici Group, the Vice Chief of Staff of the President, the President's Advisor, plus the competent officials.

(39) The European Parliament in the past few years has on a few occasions exercised its veto power on the budget rebates decided by the European Council, refusing to formally include them in the balance of the budget.