

Van: Chef DIE

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Aan: M en T via DGES en S

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Voorzitterschap

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U zult zich herinneren dat Minister FitzGerald tijdens zijn bezoek aan Den Haag toezegde ons een document toe te zenden, dat hij opgesteld had voor het Italiaans voorzitterschap en waarin hij zijn ervaringen als Raadsvoorzitter op het punt van meerderheidsbesluiten had neergelegd.

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Bijgaand treft U dit document aan dat ik van de Ierse Ambassade alhier ontving. ER wordt uit duidelijk dat Minister FitzGerald tijdens zijn voorzitterschap weliswaar voorzichtig en met tact maar tegelijkertijd doelbewust aangestuurd heeft op het reactiveren van de besluitvorming bij meerderheid. Zijn wijze van opereren is uitvoerig weergegeven.

Zoals bekend heeft het Italiaanse voorzitterschap, ondanks het feit dat het de beschikking had over dit document, weinig of niets gedaan om de door Ierland geïntroduceerde voorzichtige en geleidelijke aanpak voort te zetten.

Het lijkt daarom van het grootste belang dat het tegenwoordige voorzitterschap (Luxemburg) en het volgende (Nederland) deze door Minister FitzGerald aangegeven lijn weer opvatten en zo mogelijk er een gewoonte van maken waarvan een later voorzitterschap (het VK) moeilijk weer van kan afstappen.

Mogelijk zou Luxemburg nog voor het begin van de Raadszitting van deze maand (20 januari a.s.) erop gewezen kunnen worden dat wij er grote waarde aan hechten dat deze praktijk met betrekking tot de meerderheidsbesluiten weer wordt opgevat. Het Ierse document is reeds aan Luxemburg toegezonden.



Note on Introduction of Majority Voting in the Council  
during the Irish Presidency

1. During the negotiations with the ACP countries in mid-January a number of Council meetings were held at which some decisions were taken informally by consensus identified by the President on the basis of balance of viewpoints expressed round the table. During these Council meetings the question of majority voting was not, however, formally raised.

2. At the Council on 20th January the President made a statement at the outset along the following lines:

"On the first occasion when I preside over the Council for one of its regular meetings, I would like to make a few remarks about the question of voting. The Communiqué of the Summit meeting of the 9th and 10th of December in paragraph 6 read as follows:

'In order to improve the functioning of the Council of the Community, they (i.e. the Heads of Government) consider that it is necessary to renounce the practice which consists of making agreement on all questions conditional on the unanimous consent of the Member States, whatever their respective positions may be regarding the conclusions reached in Luxembourg on 28 January 1966.'

"I would like to recall that, during the preparation of the Summit, it was agreed that, 'at the beginning of each session of the Council, those questions appearing on the agenda and which will have been chosen in the course of the preparatory work will be brought up with the desire of putting into operation the decision above.'

"An examination of today's agenda shows that most of the points are put to us for a preliminary political decision where the scope and the basis of the legal acts involved is not yet clear. In the group of transitional measures proposed under Item 4 there are certain elements, in particular the agricultural Regulation (Annex VII) which seem in principle susceptible of majority voting; but as the group of measures is a whole, it can hardly be treated in fragments. Therefore, even here, the question of voting does not at this stage present itself.



"I do not wish to take further time of the Council on this matter on this occasion; but Members of the Council will wish to have it in mind for future meetings."

3. The Secretary of State for Foreign Affairs of the United Kingdom challenged this action of the President, asserting that the decision of the Foreign Ministers, prior to the Summit, referred to above, had not been endorsed by the Summit, despite the statement in paragraph 6 of the Communiqué of the Summit meeting.

4. Between the Council of 20/21 January and the Council of 10/11 February the President prepared a slightly revised formulation of this procedure. He informed the Secretary of State for Foreign Affairs of the United Kingdom of this procedure informally. The Secretary of State stated that while he would not resist this revised formulation, he would protest formally when this statement was made at the meeting of 10/11 February, with a view to protecting the right of the United Kingdom delegation to press the issue of unanimity at a later stage even if it had not raised this matter at the beginning of the meeting when the issues to be determined by majority voting were identified by the President.

5. At the meeting of 10/11 February the President made the following statement, which, however, being made during the preliminary session, and not being repeated during the subsequent part of the meeting was apparently not recorded by the Council Secretariat:

"The following procedure is proposed to be adopted at future meetings of the Council in order to implement paragraph 6 of the Paris Communiqué in accordance with the arrangements agreed between the Foreign Ministers in the discussions prior to the December 1974 Paris Summit.

1. The general intentions of the Presidency in this matter were indicated at the outset of the Council meeting of 20 January and also during the Development Council of 22 January.
2. In implementation of what was then indicated, a note will be furnished by the Legal Services of the Council to the Presidency before each meeting distinguishing between the



three categories of Agenda items, namely those not requiring a formal decision, those requiring a formal decision to be taken by unanimity under the terms of the Treaties, and those requiring formal decisions that do not have to be taken by unanimity under the terms of the Treaties.

3. In the preliminary session before each Council, the President will seek informally to identify items in the third category of 2 above which are not of such importance to individual Member States that these Member States cannot agree that paragraph 6 of the Paris Summit Communiqué should apply.
4. In the light of the declarations made by delegations during the discussion of the Agenda items informally identified in the manner set out above, the President will indicate what decision on each point is, in his estimation, favoured by the Council.
5. If any delegation does not accept the decision indicated by the President, it may seek a vote by qualified majority or simple majority as appropriate."
6. At subsequent meetings of the Foreign Council the President, on the advice of the Council Secretariat, sought to identify those items which were capable of being decided by majority voting.
7. Thus, for example, at the outset of the meeting of 24th June the President made the following statement:

"Before we start in on the agenda, I would like again to review it in order to consider the voting procedures which could be applied to the different items.

"In a number of cases, the decisions concern general political orientations rather than the adoption of a legal act namely:

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|-------|---|-------------------------|
| items | 3 | (Opinion of Parliament) |
|       | 4 | (ACP Beef)              |
|       | 5 | (Mediterranean)         |
|       | 7 | (Raw Materials)         |



- 8 (World Food Conference)
- 9 (Heads of Government meeting)
- 10 (Canada)
- 15 (Certain tropical products)

"Within Item 4 (ACP): Certain items require unanimity viz.

the regulation on agricultural products (because it includes provisions on "transformed agricultural products"),

the regulation on products from the overseas countries and territories,

the decision concerning ECSC products and the "two internal Agreements".

"Of the other points, Item 13 (fish oils) also requires unanimity; and in respect of Item 11 (liner Conferences) it would be necessary to have unanimity in order to replace the Commission proposal by the suggested resolution of a political character proposed by the Committee of Permanent Representatives.

"A simple majority is required on Item 6 (Acknowledgement of receipt of the Greek application to accede).

"The remaining Items, namely Item 4 (ACP Interim trade arrangements, and Rum); Item 12 (Sri Lanka); and Item 14 (Official subsistence allowance), require only a qualified majority, assuming that the vote is taken on the basis of a proposal of the Commission.

"My colleagues will wish to bear this in mind during our further discussions.

"Can I take it that in respect of these remaining items no delegation has a vital national interest? "

8. The Secretary of State for the United Kingdom responded by saying "Mr. President, I note that".

9. Subsequently, during the meeting, when the question of the levy on imports of beef from certain countries in Southern Africa was being



considered it transpired that while all delegations favoured a solution that would leave these countries with the financial benefit of the levy on beef, the two alternative solutions open to the Council were opposed respectively by France and by Germany.

10. In these circumstances the President proposed a majority vote and a decision was taken accordingly.

11. Subsequently two further majority votes took place in respect of Item 12 on the agenda (Sri Lanka).