



Title	Institutional Leadership of Jacques Delors: A Half-Success in Comitology Reforms
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Citation	北大法学論集, 48(5), 350-332
Issue Date	1998-01-16
Doc URL	http://hdl.handle.net/2115/15740
Type	bulletin (article)
File Information	48(5)_p350-332.pdf



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Institutional Leadership of Jacques Delors: A Half-Success in Comitology Reforms

Ken ENDO

Introduction

This paper examines one of the least salient leadership cases of Jacques Delors, the President of the European Commission from 1985 to 1995: that is, comitology reforms. Though not salient, the issue of comitology has raised dense and complex questions of power and policy execution within the European Community¹. It was (and still is) one of the central arenas for competition over authority between the Commission and the Council – over supranational administration versus intergovernmental control. In addition, as pressures for the completion of the internal market mounted in the mid-1980s, concerns over the efficiency of policy execution, especially in the sphere of the internal market, became apparent.

Delors inherited this issue from his predecessors; the issue can be traced back to 1978 when the Commission first proposed on the power of execution. At the beginning of his presidency, Delors was not even aware of the subject. On the urging of his staff, eventually, he took up the issue and fought it through on behalf of the Commission, which led to a Council Decision in July 1987. However, Delors's institutional leadership in this case was, at best, a half-success. Certainly, he made some progress – against the determined resistance of many member governments – in simplifying the management procedures, but not as much as he had wished. Moreover, this procedural simplification was accompanied by some important loopholes that the member

¹ A recent study of comitology from the viewpoint of comparative public policy can be found in Dogan (1997).

states inserted. The present paper in this context investigates a partially successful case of Delors's institutional leadership.

Studies of political leadership must deal with the structure of resources and constraints,² resources being the instruments by which the leadership potential can be enhanced. These resources may be positional, derived from the institutional settings; they may also be personal, derived from the individual's predispositions; and finally they may be situational, in the form of opportunities. As other actors are equipped with potential resources, however, a leader must face constraints which function as obstacles and barriers to realising his or her objectives. Like resources, constraints may be constituted by institutions, personalities and/or surrounding circumstances.

The President of the European Commission is no exception to the resource-constraint structure.³ He is granted some institutional prerogatives, may face circumstances favourable to the exercise of influence, and may have personal charm, skills, and so on. Yet, in such a system of dispersed leadership sources as the European Union, coupled with the relatively weak institutional resources attached to the Commission presidency, the President cannot avoid facing heavy constraints. What he needs to do, if he is to be effective, is to build coalitions carefully, to use his limited resources sparingly and to strike relevant and justifiable targets only. This is particularly true when he tries to enhance his own prerogatives at the expense of others.⁴

In the case of comitology reforms, Delors closely allied himself with the European Parliament (EP). He was even pressed by the members of European Parliament (MEPs) on this front. The Parliament has traditionally been a loose ally for the Commission since the time when Jean Monnet, the first President of the High Authority, realised the Common Assembly (so then called) was a potential resource, although he had started off with very little interest in it.⁵ The Commissioners who know it to be a potential resource can mobilise it in their favour. Delors did his best to make use of the resource on this issue. This

² Here the author freely draws on his forthcoming book (Endo, 1998), chap. 1 "An Analytical Framework of Political Leadership". See also Blondel (1987), Cole (1994), Edinger (1975), and Jones (1991).

³ For this paragraph, see Endo (1995) and (1998).

⁴ On the European Commission in general, see Ludlow (1991) and Edwards and Spence (1994).

⁵ W. Wallace and Smith (1995): 142.

paper particularly focuses on the alliance between the Delors presidency and the Parliament and purports to maintain that strong support from the Parliament was helpful but not sufficient for successful Commission presidential leadership.

The following section describes what this obscure Euro-jargon, comitology, means. After reviewing Delors's initial priorities, the successive sections analyse how Delors made a frontal attack on this institutional constraint upon the Commission: first by obtaining an opportunity in which the issue of comitology would continue to be raised after the Intergovernmental Conference (IGC) was concluded in December 1985;⁶ and then by exploiting a potential resource, the European Parliament, but not many other resources. This paper goes on to evaluate the price of his half-success, in the form of growing suspicion over the ever demanding and expanding Commission.

§1. Comitology

Over the years, the functions of policy execution in the Community have grown, as have the scope and intensity of Community activities. Yet there is no single institution that manages the implementation of policies in the Community. The role has been shared by and divided between the Commission and the Council, both of whom have been keen to obtain or retain the executive functions. A compromising and therefore complex system of committees, consisting of representatives of both the Commission and the Council, has thus developed to manage Community's policies: that is, comitology.⁷

This comitology takes the form of a myriad of committees of national civil servants chaired by a representative of the Commission. Basically, the delegation of implementing measures to the Commission is subject to scrutiny by these committees, which results in a wide variety of procedures to execute the Community's policies. There are three basic types of committees:

- (1) the Advisory Committee where the Commission just needs to *consult* the national representatives;
- (2) the Management Committee which can *block* Commission decisions by a

⁶ For a detailed discussion about the 1985 IGC, see De Ruyt (1989).

⁷ On comitology in general, see Blumann (1988) and (1989); Docksey and Williams (1994).

- qualified majority of national representatives;
- (3) the Regulatory Committee in which a Commission proposal needs to be *approved* by a qualified majority in Committee.

Three overlapping issues in the comitology debate have intensified since 1985. First, who is responsible for executing Community policies? In cases such as competition policy, the Commission alone may decide how to implement measures, using the Advisory Committee. By contrast, in other areas such as health and financial institutions, the Council alone can exercise directly the power of implementation, effectively bypassing the Commission altogether. The executive power of the Community is shared in this way both by the Commission and the Council. This has been a source of conflict between the two institutions, although it has equally provided a channel for cooperation.

The second concerns the complex nature of comitology. The oldest form of comitology is the Management Committee which was first used in the agricultural sector in 1962, with the Regulatory Committee following in 1968. The number of Committees subsequently rose to 1,000 by 1989, whilst the variety of procedures reached more than 30 in 1986. It was therefore not without reason that some called for a simplification of procedures. This case was reinforced in the run-up to the convocation of the 1985 IGC where improved efficiency, particularly in the sphere of internal market legislation, became an important issue. The third issue concerned democratic control over executive functions. The European Parliament has long been keen to supervise the implementation of Community policies. That one of the IGC's purposes was to enhance the EP's power helped this issue to be raised.

§2. A Change of Delors's Objective Urged by His Staff

There is little doubt that Delors, at the time of his inauguration as President in 1985, was not fully aware of this particularly obscure 'communautaire' term, comitology. Moreover, Delors was sceptical about the prospect of institutional reforms at the beginning of his presidency. Look at, for instance, his remarks in his inaugural speech as Commission President: "Je crains, tout en souhaitant me tromper, que surgissent à propos des questions institutionnelles, des oppositions dogmatiques dont chacun pourrait prendre prétexte pour ne rien faire."⁸

⁸ *Bulletin des Communautés européennes (Bull CE), Supplément*, 1-1985, p. 15.

This remark greatly disappointed many of the parliamentary members who had worked for the Draft Treaty of European Union since the beginning of the 1980s. In response to some hostile MEPs, Delors justified his scepticism in the following way:

Je prends une hypothèse simple: par miracle, une conférence inter-gouvernementale se réunit en juin 1986. Elle aboutit à un accord sur un nouveau traité qui se substituera à l'ancien. Quand ce Traité sera-t-il appliqué? Au mieux dans trois ans. Pendant trois ans, que faut-il faire? Nous réunir pour simplement peaufiner ce projet? *L'améliorer?* Où bien ne devons-nous pas travailler? Si nous ne faisons rien pendant trois ans, croyez-vous que nos opinions publiques, nos parlements nationaux auront du cœur pour voter ce nouveau projet? Je crois que ceci méritait d'être noté. Il faut donc trouver le juste milieu, ne pas abandonner le projet de <l'au-delà> [du traité de Rome] mais aussi travailler dès aujourd'hui dans le Traité, tout le Traité.⁹

Thus the comitology reform was not amongst Delors's initial personal priorities.

Nevertheless, Delors subsequently came to terms with the institutional interests of the Commission, taking the issue into his priority agenda. The Institutional Group, an in-house ad hoc group specialised in institutional matters, helped him to understand the importance of the comitology question. One of the principal members, Claus-Dieter Ehlermann, then head of the Legal Service of the Commission, had been one of the main forces behind reflections on comitology since 1978 when the Commission first proposed modification to the manner the power of execution was exercised.¹⁰ The Group produced several papers for the new President on comitology in the first half of 1985. In late June before the European Council in Milan, Delors was prepared to fight an institutional battle for the general use of the Advisory Committee in the sphere of internal market programme.

⁹ *Ibid.*, p. 23.

¹⁰ Interviews on various occasions with Riccardo Perissich, former Director General of DG III, Commission, and with François Lamoureux, former Deputy Chef de Cabinet of Commission President Delors, in charge of institutional affairs at the time of 1991 IGCs; both were the members of the Institutional Groups.

§3. Mobilisation of the European Council

In Milan, Delors made a specific effort to strengthen the Commission's power of execution. He proposed to annex to the Accession Treaty a minimum change in articles 57§2, 99 and 100 of the Treaty, which would be completed by two paragraphs:

Toutefois le Conseil statue à la majorité qualifiée, si l'acte correspond à la proposition de la Commission et si le Parlement à la majorité de ses membres a émis un avis favorable sur cette proposition.

La Commission, assistée par un comité consultatif composé de représentants des gouvernements, arrête les dispositions d'exécution des règles établies par le Conseil. Toutefois, le Conseil peut, statuant à unanimité, se réserver, dans des cas spécifiques, d'arrêter certaines de ces dispositions d'exécution.¹¹

The second paragraph concerned the general use of the Advisory Committee on internal market related legislation. Despite support from the majority of the heads of government, the UK, Danish and Greek governments blocked the proposed revision of the Treaty. However, the chairman, Bettino Craxi, the Italian premier, tabled an unprecedented vote in the European Council, thus convoking the Intergovernmental Conference. In full agreement with Delors, the presidency conclusions explicitly stated that one of the purposes of the IGC was to elaborate the modification of Treaty concerning the power of execution of the Commission.¹²

§4. The 1985 IGC: Securing an Opportunity

Throughout the IGC, the issue of the Commission's power of implementation was coupled with that of increased efficiency in Council decision-making in the field of the internal market. By placing the demand for increased power solely in the context of enhanced efficiency to realise the internal market, Delors and the Institutional Group attempted to minimise

¹¹ A note on the 1985 IGC by Lamoureux (1992): 4.

¹² *Bull CE*, 6-1986, pp. 13-16.

opposition to it. For the same reason, the Commission representative submitted a draft on comitology at the end of September, only after initial discussions on the internal market programme.¹³ These can be seen as exercises in reducing constraints.

The Commission's proposed revision of Article 155, which dealt with the Commission's power, specified that the Commission should automatically exercise the power of implementation but accepted that the Council, acting unanimously, could reserve such power to itself in specific cases. The government of the Netherlands was the only member state that submitted a counter draft. It aimed at revising Article 145 concerning the Council's power.¹⁴

The IGC, under considerable time pressure, concentrated upon the Dutch draft, preferring to regard the issue principally as that of the Council's obligation, not as that of the Commission's right. It also picked up the Commission's draft as to the possibility for the Council to reserve the power of implementation for itself.¹⁵ It is notable that although the Luxembourg Summit on 2-3 December 1985 admitted the general obligation to confer the power of execution to the Commission, it did not spell out the Council's obligation to use the Advisory Committee in the sphere of the internal market. Article Ten of the SEA introduced a new third paragraph to Article 145 of the EEC Treaty, which states:

[the Council shall] confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the Opinion of the European Parliament.

A dissatisfied Delors reopened the issue of comitology when the Foreign

¹³ De Ruyt (1989): 72.

¹⁴ Corbett (1987): 254-255.

¹⁵ Ibid.

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Ministers gathered on 19 December. He regretted that the instruments given to the Community by the IGC were insufficient for the ambitions it aspired to. Once more, he demanded an explicit inclusion in the Treaty of a phrase with which to oblige the Council to use the Advisory Committee for internal market related legislation.¹⁶ The Foreign Affairs Ministers rejected it, but agreed to annex a declaration which stated:

The Conference asks the Community authorities to adopt, before the Act enters into force, the principles and rules on the basis of which the Commission's powers of implementation will be defined in each case.

In this connection, the Conference requests the Council to give the Advisory Committee procedure in particular a predominant place in the interests of speed and efficiency in the decision-making process, for the exercise of the powers of implementation conferred upon the Commission within the field of Article 100a of the EEC Treaty.¹⁷

Whilst the IGC established the principle of conferring the powers of implementation to the Commission, the differences between the Commission and the Council over the choice of Committees remained unsettled. The formula of improved efficiency through the usage of an Advisory Committee was entered in the Declaration, yet was not placed in the main text of the Treaty and was therefore not binding. Nevertheless, by reminding the Foreign Ministers of their commitment to improving the efficiency in policy management, he succeeded in inserting a Declaration which explicitly required the Community institutions to negotiate on the comitology question. In this way, Delors helped to create a potentially useful opportunity.

The Commission lost no time in producing a communication on the comitology question.¹⁸ The proposal, announced in March 1986, simplified the procedures and limited the number of types of Committee to three: Advisory,

¹⁶ De Ruyt (1989): 142.

¹⁷ "Declaration on the Power of Implementation of the Commission," Final Act, Single European Act.

¹⁸ "Proposition de règlement (CEE) du Conseil fixant les modalités de l'exercice des compétences d'exécution conférées à la Commission," COM (86) 35 final, in *Journal Officiel des Communautés européennes (JO)*, n. C 70, 25.3.1986, p. 6.

Management and Regulatory. It was also designed to guarantee decision on implementation in any of the three procedures; a blocked decision in the Management and Regulatory Committees would go to the Council which would have three months to decide on an alternative measure, otherwise the Commission's original proposal would come into effect.

§5. Forging Alliance with the European Parliament

The attitude of the European Parliament was much more difficult to accommodate than Delors and his team had anticipated, as one of the members of the Institutional Group recalled.¹⁹ In fact, in the run-up to the Council Decision of July 1987, the Parliament continuously took a stronger view than the Commission on the comitology question. Delors actively wooed the MEPs as an ally.

Throughout the 1985 IGC, the Parliament supported the Commission in favour of the latter's strengthened executive power. When Delors reopened the issue of comitology at the end of the IGC, for instance, he had been partly urged by the Parliament which had strongly criticised the Luxembourg Summit's conclusions on the grounds that the Council would be able to reserve implementing powers for itself.²⁰

Beside the EP's general aspirations for further integration, there were other reasons behind its position. One is that the Parliament had more channels of control over the Commission than over national officials. One of these channels is, needless to say, the power of censure over the Commission. If the Commission assumes more powers of execution of Community policies, the EP would be a beneficiary. In addition, the EP justifiably advocated democratic control over the executive functions of the Community.²¹

Three parliamentary commissions dealt with the comitology proposal of the European Commission: the political, institutional and legal affairs

¹⁹ Ehlermann (1988): 234

²⁰ See for instance lively dismissal of the SEA by the late Altiero Spinelli or a slightly more calm speech by Nord MEP, in *Official Journal of the European Communities, Debates of the European Parliament (OJ-EP)*, No. 2-333, 11.12.1985, pp. 134 and 136, respectively.

²¹ A note on comitology by Richard Corbett for the Socialist Group, Strasbourg (PE/GS/230/89), 23.10.1989; see also Jacobs, Corbett and Shackleton (1992): 230ff.

commissions. Among these three, the institutional and legal commissions made strong reservation on the Commission's proposal on the grounds that, with the Regulatory Committee, the Council would be able to limit the Commission's powers of implementation, and accordingly the Parliament's power to supervise the executive functions of the Community. Yet at the same time, the European Parliament was not wholly united on the issue. The rapporteur of the political affairs commission, Klaus Hänsch, adopted a more conciliatory approach to Delors by accepting the necessity of including the Regulatory Committee. Hänsch instead demanded that the Commission fully inform the Parliament of what took place in the Committees.²²

Over the summer of 1986, Delors attempted to placate the hard-line Parliament by holding several meetings with key members, in particular Hänsch.²³ He also conceded to the Parliament a few points: that the Commission would reiterate its claim on the use of Advisory Committee for internal market legislation; that the Commission would do its best to review the existing legislation in the light of the new comitology regulation; that the Commission would be prepared to ensure that the EP could ask the Council to initiate the consultation procedure when a Committee procedure was specified in legislation. Delors equally assured that the EP would be informed fully on the comitology process, although he consistently refused to incorporate the EP directly in the executive functions and drop the regulatory procedure.²⁴

Delors at the EP's Plenary Debate in October 1986 also made it clear that the Commission did not exclude the possibility of withdrawing its proposal if the Council proposed too many revisions and of publicly denouncing the Council or Coreper for sabotage. In an attempt to coax the EP further, Delors compared the Commission and the Parliament to joint long distant runners in the process of European integration and praised the EP's contributions as very useful.²⁵ In a clear warning to the Council as well as an appeal to the EP, Delors concluded his speech just before the EP's vote on comitology in the following way:

²² *OJ-EP*, No. 2-341, 9.7.1986, pp. 118-124, 130-135; Ehlermann (1988) : 234-235.

²³ Ehlermann (1988): 235; and interviews.

²⁴ *OJ-EP*, No. 2-344, 22.10.1986, p. 124.

²⁵ *Ibid.*, pp. 132-133.

If those of us who get on with our work modestly, cautiously, without making a fuss, are going to be ignored, then there will have to be a change of style, and in that case I hope that you [MEPs] will be shoulder to shoulder with the Commission.²⁶

The Parliament responded to Delors's oratorical skills with loud applause. Although the MEPs still favoured a stronger executive role for the Commission than the Commission itself proposed, they were now clearly on Delors's side, as far as the comitology question was concerned.²⁷

§6. Reluctant Coreper and Council

Whilst the Council discussed the comitology issue three times in 18 months after the IGC requested it to do so, Coreper was the main forum in which the debate was held.²⁸ National ministers and officials understood the necessity of simplifying the Committee procedures and enhancing the speed with which decisions were implemented. At the same time, however, they shared concerns that delegation of implementation power to the Commission could cause difficulties for member states particularly in the conduct of their domestic economic policies as well as with regard to financial policies.²⁹ In the decision taken in June 1987 and formalised on 13 July,³⁰ the national representatives attempted to reconcile these two different necessities.

Their answer lay in the creation of a few important loopholes. First of all, in two out of the three procedures that the Commission proposed, the member states established variants enabling them to retain the power to block decisions or to implement decisions on their own. So, in the Management Committee, the Commission, if opposed by a qualified majority of the Committee,

²⁶ Ibid., p. 133.

²⁷ A contrast can be drawn between Delors's convivial relationship with the EP at this stage and the less-than-enthusiastic one at the time of negotiating the Maastricht Treaty.

²⁸ Ehlermann (1988): 236.

²⁹ De Ruyt (1989): 140-141.

³⁰ "Council Decision of 13 July 1987, Laying Down the Procedures for the Exercise of Implementing Powers Conferred on the Commission," 87/373/EEC, *Official Journal of the European Communities*, No. L 197, 18.7.1987, p. 33.

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(a) must delay the application of its decision up to one month or (b) defer its decision up to three months. In both cases, the Council by a qualified majority may take a different view or otherwise the Commission's decision would stand. In the Regulatory Committee, the Commission's decision, if not supported by a qualified majority of the Committee, needs to be referred to the Council which can take a decision on the proposal within a deadline not exceeding three months. If the Council then fails to adopt the decision, the Commission (a) shall adopt its proposal or (b) shall adopt the proposal unless a simple majority of the Council votes against in which case no decision is taken (the so-called 'safety-net' or 'contrefilet').³¹

Moreover, the member states formalised safeguard measures which had long been working mainly in the sphere of external trade. Two variants on the safeguard clause were established. Any member state can ask for a Commission decision to be referred to the Council, in which case the Council (a) has a deadline to take a different position by qualified majority or (b) must confirm, modify or annul the proposal by a qualified majority. When the Council fails to act within a deadline, then the proposal is abrogated (i.e. another 'safety-net').³²

Furthermore, the Council added a clause which enabled it to hold back the implementation power for itself. In sensitive areas such as health and financial institutions, the Council preferred to retain executive powers, instead of delegating them to the Commission, even with 'safety-net' procedures.³³

On one point the Commission was successful though: it excluded another even more disadvantageous variant. This regulatory variant (c) had been used for the Esprit programme, hence 'the Esprit formula'. It envisaged that, in case that the Council was unable to decide, the competence of decision would never have to go back to the Commission, since the Commission was excluded from the process from the outset. In the variant (b), the Commission's competence of revising proposal would be nullified only if the Council, by a simple majority, opposed it.³⁴

However, this decision had seven different kinds of procedures, as

³¹ Docksey and Williams (1994): 125ff; see also Corbett (1989).

³² Docksey and Williams (1994): 125ff.

³³ Ibid.

³⁴ Ehlermann (1988): 237.

compared to three in the Commission's proposal, thus falling short of demand for simplicity. More importantly, among the seven procedures, the two variants, regulatory (b) and safeguard (b) did not guarantee that a decision would be taken in a given period. This was a defect in terms of efficiency. In addition, there was no obligation to use the Advisory Committee for internal market related legislation.

The Commission campaigned against the variants regulatory (b) and safeguard (b) throughout the period running up to the adoption of the decision. It also opposed the procedure with which the Council retained the executive functions for itself. Yet, the preceding practices as well as the Council's keenness to retain its prerogatives easily overrode the Commission's plea for rationalisation. In sensitive spheres, such as, veterinary rules, the variant of regulatory (b) had been commonly adopted. Likewise, the safeguard (b) had been often utilised for external commercial policies.³⁵

The Commission immediately issued a declaration which criticised the Council's decision.³⁶ The Commission also inserted a passage to the published minutes of the Council in which it regretted that the Council had adopted the 'safety-net' procedures with no guarantee of a decision being taken, and in which it deplored that the Council did not fix a deadline for adopting the existing procedures to the new comitology decision.³⁷ Moreover, Delors assured the European Parliament that the Commission would never put forward a proposal, nor be party to a compromise, containing the variants of regulatory (b) and safeguard (b), although he was, on balance, in favour of compromise decision of the Council rather than no reform at all.³⁸

§7. The Price to Be Paid: A Growing Suspicion Towards the Commission As a Constraint

The result was rather mixed. It certainly fell short of the Commission's original expectation, still less of the Parliament's ambitions. The Commission

³⁵ Ibid., pp. 237-238.

³⁶ See *Bull CE*, 6-1987, point 2.4.14.

³⁷ For the statements included in the minutes, see *Agence Europe* (Documents), No. 1477, 28.10.1987, pp. 3ff. The publication of the declaration and minutes was at least in part intended to further coax the Parliament.

³⁸ *OJ-EP*, No. 2-345, 7.7.1987, pp. 58-59.

reiterated its criticisms in 1988 and 1989.³⁹ In a report adopted in 1991, pursuant to Article Five of the 1987 Council Decision, the Commission described the situation as "far from satisfactory" and stated that it was:

deeply concerned by developments in this area which, to its mind, run counter to the spirit of the Single Act and are likely to compromise the efficiency of Community action in the lead-up to the single European market.⁴⁰

Indeed, the Council has tended to replace the Commission's proposals for adoption of the Advisory Committee by Management and Regulatory Committees, even in the area of the internal market. The Council adopted only 12 out of 37 such proposals.⁴¹ This occurred in spite of the existence of the Declaration attached to the SEA, which assured 'a predominant place' for the Advisory Committee mechanism in internal market related legislation. Moreover, despite the existence of 'safety-net' procedures, the Council found it easier to decide not to confer on the Commission the powers of implementation or sometimes any powers at all by avoiding decision, especially when the latter refused to introduce the 'safety-net' into its proposal, as promised to the European Parliament. Furthermore, the member states often pressurised the Commission to change its proposal by threatening to block the decision or to use the Council's own implementing powers.⁴² Thus the Commission sometimes had to negotiate with the Council as to the types of procedures to be adopted.

Nevertheless, all these can also be seen as part of the habitual interplay between the Commission and the Council or the member states. The Commission relies heavily on the national administrations to implement Community policies. For these policies to be properly executed, the Commission is naturally required to consult the member states whose sensitivities need to be met. If the

³⁹ Commission of the European Communities, 22nd General Report on the Activities of the European Communities 1988, p. 33; 23rd General Report 1989, pp. 31-32.

⁴⁰ Commission, "Communication to the Council on the conferment of implementing powers on the Commission," SEC (90) 2589 final, 10.1.1991, p. 1. Quoted in Docksey and Williams (1994): 136-137.

⁴¹ Docksey and Williams (1994): 136.

⁴² Ibid., p. 135.

Commission systematically imposes some implementing measures upon the member states, it is likely to be dysfunctional.

The fact remains, in addition, that the vast majority of Community policies are actually managed according to the Commission's wishes. As can be seen in the Table below, a great deal of measures (about two thirds) have been implemented through the Advisory and Management Committees. Even when, as occurred in several cases, the Council preferred not to grant the Commission any power at all, almost all of the rest of the measures had to be decided in any event within three months of being referred to the Council: 72 out of 76 had to go through the Regulatory Committee (a). Thus, with the likelihood of a decision being taken, comitology can be seen as performing rather well. Émile Noël, the Secretary General of the Commission from 1958 to 1987, evaluated it positively by stating:

Le Président Delors a pris les comités comme cible et je respecte sa position – mais je dois dire que les comités de gestion (c'est moins vrai des comités de réglementation) ont été des instruments efficaces pour orienter depuis Bruxelles les administrations nationales.⁴³

Nevertheless, Delors continued his comitology campaign. In an opinion published in October 1990, the Commission argued for further simplification of comitology into two procedures, Advisory and Management Committees, in line with the opinion of the European Parliament.⁴⁴ In February 1991, Delors and his deputy chef de cabinet, François Lamoureux, revealed a further ambitious plan of an 'hierarchy of norms' to solve the comitology question.⁴⁵ This, as well

⁴³ Noël (1992): 158.

⁴⁴ "Conférences intergouvernementales: contributions de la Commission," *Bull CE, Supplément 2/1991*, p. 70; Concerning the European Parliament, see *JO*, n. C 297, 24.11.1986 and its Resolution for the 1991 IGC (Martin Report).

⁴⁵ *Bull CE, Supplément 2/1991*, pp. 115-123. With this newly proposed legislative system ('hierarchy of norms'), the Commission aimed at settling multiple problems: 1) efficiency in the execution of Community legislation (comitology), 2) implementation of subsidiarity, 3) and democratic legitimacy.

Under the new scheme, complicated 'directives' would be abolished. A new concept of 'law' would spell out the general principles and guidelines of legislation. A law would be adopted by the Council of Ministers and the European Parliament on an equal

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as other proposals, alienated the Commission from the member states which became mistrustful about the Commission's own lobbying for further powers of execution, despite the reform that functioned reasonably well. Delors, with his rather theological disputes over comitology, might well have helped create constraints upon himself, thus contributing to a reduction in the influence of the Commission at the 1991 IGC.

Table: Committee Procedures
(From the entry into force of the Single European Act to November 1990)

	Commission	Council
Advisory Committee	88	60
Technical standards Committee *	11	10
Management Committee (a)	64	67
Management Committee (b)	3	10
Regulatory Committee (a)	70	72
Regulatory Committee (b)	—	—
Safeguard Procedure (a)	8	2
Safeguard Procedure (b)	—	—
Others (revised ESF, Codest)	2	2
Total – Committee procedures	253	267
Total – measures	223	223

* Advisory-type technical standards Committee laid down under Directive 83/189/33C

Source: Docksey and Williams (1994), p. 145.

footing ('co-decision'). Both of these institutions would be freed from detailed discussions of legislation, as was often the case with directives (subsidiarity). The Commission would specify the implementing measures in the form of 'regulation', which could be rejected by the Council with a qualified majority and by the Parliament with a majority of its members, before entering into force (thus bypassing the comitology question). Member states would be entitled to further specify the regulations to accommodate their own preferences in implementation (once more subsidiarity). Again, some officials of the member states and the Council Secretariat regarded this hierarchy of norms as a logical solution to existing problems, yet caution or even hostility against any enhancement of the power of the Commission prevailed easily over any merits.

The Treaty of Amsterdam, agreed in June 1997, attached to it a declaration on the exercise of implementing powers of the Commission and invited the Commission to submit a proposal to the Council by the end of 1998. This means, the interrelated issues of the comitology and the hierarchy of norms have yet to be settled.

Findings

Delors led a campaign for enhanced authority as well as for improved efficiency in the Community's executive functions, particularly in the field of the internal market, and in doing so, he attempted to exercise institutional leadership, directly challenging perceived constraints upon the Commission's executive role. The result, however, was a half-success.

The analysis of this institutional leadership by Delors points to several important elements as to the leadership capacity of the Commission President. It is most difficult for the Commission President to exercise leadership when directly aiming to enhance his and the Commission's power and authority. Nevertheless, it is not impossible to make some modest – if strictly limited – progress in power resource building, by helping to raise the issue, thus securing an opportunity, and then finally by mobilising internal and external resources available for the Commission President.

In this context, it is important to note that Delors forged an alliance with the European Parliament, helped by his oratorical skills, but also that there remained no record as to show the mobilisation of other potential external resources such as the European Council, the Council presidency or the Bonn-Paris axis in the course of translating the existing opportunity into a Council decision. This limited mobilisation of potential resources was likely to result in a limited success in leadership performance. Most probably, the member states' governments were less than enthusiastic about the enhancement of the Commission's executive power from the outset. In this respect, the issue or the arena of leadership itself circumscribed the scope of resource mobilisation.

Lastly, related to this, if Delors did not fully succeed in attaining his goal in the sphere of comitology, he also might well have created suspicions on the part of the member states' governments with his persistent campaign for enhanced Commission powers. In other words, in his attempt to remove constraints, Delors helped to generate constraints upon the Commission and his own leadership, which became increasingly apparent in the run-up to the Maastricht negotiations. This was a high price to pay, in return for the limited achievement in the comitology reform. The negative aspect of his attempted leadership in this sphere may be emphasised further, given that the institutional settings around comitology functioned reasonably well, as data and Noël's

remarks show.

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