

SOME REMARKS ON SIOTIS' ARTICLE¹

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I

AN evaluation of Siotis' article necessitates a thorough analysis of his major thesis. In the present observations we will limit our discussion to the essential points and turn our attention immediately to the core of his argument which considers that the High Authority and the Commissions are similar to the secretariats of other international organizations. After a brief examination of his introduction—which from the first reveals a certain allergy to European problems—we will direct our attention to those arguments which the author uses to support his central thesis.

We undertake this criticism in the firm belief that nothing is more profitable to the hesitating progress of the social sciences than an open exchange of opinions and arguments between holders of opposing views. This dialogue has always characterized the activity of Western and European scholars. In opposing Siotis, we can only thank him for having sustained with so much ability his thesis—which is in fact very close to the traditional doctrines which deny the originality of the European Communities, and notably that of their executive bodies.² We therefore hope that this dialogue which is, curiously enough, unfolding at Oxford between two colleagues from Geneva, will contribute to the clarification of certain aspects of European integration.

In his introduction, Siotis attacks the 'specialized' approach which he maintains is the result of four different motives. We regret that he relied on an abstract method and that he did not bother to cite a few authors. He makes one exception, however, in citing Pierre Duclos whom he labels a promoter of the 'European science'. On this point I do not need to defend Duclos against a sin which he never committed. Personally, I do not retain the distinction between the political and the diplomatic relationship because, on the one hand, negotiation is common practice in political societies and because, on the other, the Communities, as well as international organizations, are situated in an intermediary zone where the two categories and the 'threshold of politification' are not especially edifying. Moreover, regardless of the opinion which one has of Duclos' classification, it is

impossible not to recognize that he is dealing with certain general and universal categories which have nothing to do with a 'European science'.

In the name of what notions does Siotis condemn all effort of research which seeks to create new categories. No excommunication please: 'an approach based on the *a priori* creation of new scientific categories is indeed most unscientific'. That which characterizes the existing social sciences is their extreme *fluidity* and the relativity of existing classifications. Doubt is healthy—as is the search for new terms—although not all these efforts will lead to the discovery of an unshakable category. Is there need to remind a Greek that statehood and international organization are not ideas of Plato but more or less useful instruments for systematization? They must not become dogmas which in turn become obstacles to that search. At each advance made by a science, doesn't one always find a fundamental questioning of traditional categories? Actually, if one does confront a new and original phenomenon—admitting that things do occasionally change under the sun—two attitudes are possible: (1) to class them in existing categories, or (2) to try and forge new categories or sub-categories which answer better to the needs and characteristics of the object under study. Only the final result will justify one or the other of these procedures.

One can argue on other points touched upon in the introduction—for example, the 'irreversibility' thesis. I don't believe that there exist serious scientific works which would sustain the thesis of irreversibility—long ago abandoned by the historians. All that we find there are a few vestiges of the fatalist doctrines of history or of predetermined evolution. The exigencies of action must not be confused with scientific exploration. Thus, when Jean Monnet speaks of irreversibility he is talking in terms of action. However, one can speak of irreversibility in a carefully limited sense: obligations from which one cannot withdraw; decisions which one cannot reverse: in the sense that a declaration of war is taken as an 'irreversible decision' which brings support to certain other decisions which are reversible.

Another point is the source of several mis-interpretations: the confusion between the 'European science'—the existence of which Siotis has revealed to us—and European problems in so far as they are objects of study and research. As soon as one creates an institute or sets out to teach a 'European' subject, one does not pretend to introduce a 'new science' but simply to go more deeply into the study of European problems—just as Asian, African and Latin American institutes have been created without anyone pretending to introduce an Asian or African science. We believe simply that, given the scope of the

material, that there is a need for special centres or institutes to study this material. But these are only minor remarks; it is time to confront the essential.

II

Siotis' point of departure is roughly the following: 1. 'The study of international organization shall be considered at an initial stage as a whole'. 2. The institution of the international secretariat has been part of the various systems of international organization since the Congress of Vienna to the secretariats of the League of Nations and of the United Nations. 3. '*A priori* we consider the Secretariats of European institutions as being expressions of this phenomenon'. 4. As a result the High Authority and the Commissions are assimilated into the general category of international secretariat. This hypothesis given at the beginning grows, by the end of the article, into an inexorable truth.

This syllogism calls for the following remarks: it would not be superfluous to know if the author were talking about the *study* of international organization—a practical problem which consists in subdividing this extremely vast material called 'international organizations' to permit a certain specialization; or whether he is talking about the theoretical question of the categories of international organizations. One can certainly maintain that international secretariats are one of the common characteristics of international organizations; but one can also just as well speak of an *international administration* or *bureaucracy* in an effort to compare them with similar phenomena in national or private institutions. It is a question of perspective. It would not be without interest perhaps to study this phenomenon as an element of a more general 'bureaucratization' rather than as a particular aspect of international organization.

One can well ask to what extent this phenomenon of an international secretariat can be found in the European Communities—just as one can also ask what are the major characteristics of this European bureaucracy. To answer either of these two questions, it is necessary to undertake a thorough study of the problem. Such is not the case in Siotis' article. On the contrary, his method consists precisely in pulling out only those aspects of the European Communities which appear to lend favourable support to his thesis. This is a major criticism. The entire article is motivated by the general desire to show that one can reduce the Commissions and the High Authority to the role of an international secretariat.

It is here that Siotis makes an unfounded conclusion: maintaining that the European Communities are part of the category of

international organizations does not lead automatically to admitting that their secretariats are similar to the international secretariats. Actually the European Communities can very well have a secretariat or an administration similar to the international secretariats without having an executive body which is necessarily restricted to the same function. Neither does the affirmation of the placing of the European Communities in the general category necessitate a negation of their originality. Moreover, Haas and Reuter, two authors whom Siotis cites, as well as Guggenheim and many others, are precisely among those who, without being 'engagés', have pointed out the original aspects of the European Communities. Paul Reuter was the first to give a precise meaning to the term supranational in his already classic work on the ECSC;³ Paul Guggenheim in his pamphlet on *Universalisme et Régionalisme*⁴ didn't hesitate to affirm the particularity of the ECSC since 1953 without, however, attempting to extract this type of organism from the general context of international organizations. Just recently, Guggenheim has re-examined his position after ten years of existence of the ECSC and six of the EEC and the Euratom under the title of *Organisations économiques supranationales; Indépendance et Neutralité de la Suisse*.⁵ His general conception remains unchanged.

As for Haas, he has gone even further in his book, *The Uniting of Europe*,⁶ where he studies the ECSC from the angle of integration and more specifically, of political integration. The author does not hesitate to qualify these mechanisms as being new forms of intergovernmental co-operation. It is those authors who have studied at close hand the Communities' institutions who have affirmed their particular originality.

Is it necessary, moreover, to bring to mind the fact that the classification based on the category of international organization is not the only possibility? Actually, it would be interesting to turn to other ways of envisaging the international reality. Whatever may be the importance of international organization, one has the right to doubt its omnipotent value. It is obvious, for example, that this concept of international organization does not extend to all types of international relations. It is not surprising that other authors, following the example of Stanley Hoffman, hold to a system of international relations which seeks to establish regional sub-systems.⁷ Still others, like Haas, have tried, for the same reason, to encompass these different phenomena in the one term of *international integration* in which European integration would only be a particular case, *sui generis*, as the European Communities have supranational institutions.⁸

Not to play with words, this label designates a degree of integration superior to that of other international organizations. To these various

perspectives, one could add another which is bound up with that of integration (and of disintegration, as the movement is not univocal). That was, for example, the approach of the studies made by Deutsch and the members of his research group. This perspective would consist in a *continuum* under which the different types of relations would be classified on a graduated scale: nation state—confederation—federation—centralized state. These different types co-exist in reality, thus giving birth to hybrid and intermediary groupings. Inspired by this conception, certain authors, notably Schlochauer, have classified the European Communities as partial federations.

This brief glance at several fundamental conceptions has no other purpose but to point out the relativity of our categories and to show that neither one nor another can be labelled unscientific. On the other hand, regardless of perspective, one can recognize without categorical sacrilege that the European Communities are original—communitarian or supranational—the term has little importance as long as it designates a reality which is sufficiently singular. According to the initial choice, this originality can be brought out in contrast to either an international organization, international integration, or international federalism. Thus one can insert the European Communities in a vaster complex without denying their originality and without assimilating their executive bodies into the international secretariats.

III

Another point is Siotis' method of making comparisons. This method is distorted from the beginning by the one-sidedness of his analysis which is centred on the international secretariat. Because of this, he ignores one vital element. The international secretariat is not, in fact, an independent notion; it is linked to that of international organization. From thence, the logical necessity of studying each secretariat in its own context in order to find out what powers each has as a whole and the partition of these powers among the different organs, their scope, etc. Neglecting the general context and shape, Siotis compares only certain aspects of one entity to other aspects of another. Thus, in extracting certain traits from the whole, anything is possible.

We don't pretend that it is 'illegitimate' to study the secretariat of international organizations, but we believe that it is methodologically unsound to make comparisons between international secretariats in order to draw conclusions as to the nature of international organization. It is a 'La Palissade': the aspects extracted from a whole do not justify drawing conclusions as to the nature of this whole.

An example from his article will permit us to show the difficulties which arise from some partial comparisons. For instance, the author claims that the collective character of the Commission, and the rule of majority vote for the adoption of its decisions, have certain precedents.⁹ Among them, he quotes the European Danube Commission and the Governing Body of the ILO. Certainly, in keeping strictly to these two aspects, the comparison presents a high degree of likelihood. But can one compare a Commission which regulates navigation on a river with a Commission which introduces measures to establish a tariff and economic union between six States? The comparison seems no more justified in the second case; the Governing Body of the ILO functions in a similar manner but its composition is fundamentally different as it is constituted of governmental representatives chosen on a personal basis. We know that this is not the case with the members of the European executive bodies: they have their independence guaranteed by the treaty and they cannot receive instructions from national governments. As Guggenheim stated: 'Until now, such obligations were binding upon the States only in regard to the administration or to the secretariat of the organizations, but never in regard to the executive bodies'.¹⁰ Does Siotis not mean, partly at least, the same thing by comparing the Commission with the Governing Body of the ILO?

Only partly of course: taking Article 155 of the Treaty of Rome as a starting point, Siotis proceeds to note that the Commission 'is subordinated to the Council in as much as the multilateral body has the right to impose on the Commission the exercise of certain functions which are not specifically foreseen by the treaty'. Whatever one's opinion of that interpretation, one can criticize first the importance given to one aspect of the position of the Commission in the Community and, second, the conclusions reached by the author. In fact, Siotis claims that 'the qualitative difference between the two organizations that does exist is to be found in the varying discretionary powers of the two multilateral bodies—the Council and the Security Council—and not in their relations with their respective secretariats'. So he considers that the executive bodies of the Communities are international secretariats.

Nobody claims that the powers of the Commission in respect to cartels or the external tariff are more important and far-reaching than those of the UN Secretariat in respect of the maintenance of Congolese Unity. First of all, to refer to the definition of political matters, it is clear that the powers of the EEC are principally limited to the economic sector, which is not the case in the UN. So comparison on this point is difficult if not impossible. However, if we consider the political

process and procedure, then it is obvious that in the political sector the UN has very restricted powers while, on the contrary, the EEC has a political mechanism—the possibility of taking ultimate decisions directly executable for the citizens—limited to economic and some technical sectors. If the first comparison favours the UN, the second is to the advantage of the Community.

But even in a general comparison we have to ask what are the respective sectors, political or economic, covered by the UN and the EEC. In fact, we know that the UN acts more in marginal conflicts than in those which involve directly the two super-powers. The UN was ignored over Hungary and Cuba, but it has intervened in the Congo, Cyprus and Korea. In some other sectors it does not play an important role (in the case of nuclear weapons or even in disarmament problems). On the other hand, the Community has some important functions in the economic sector: an external tariff, a common commercial policy, regulation of competition, a common agricultural policy. On the whole, it seems that its powers in the economic field have a more central place than the powers of the UN in the general political field. But even if that remains a controversial question, this aspect must be taken into account in any systematic comparison.

What one can argue is that the powers of the Secretary-General are exercised by virtue of a delegation of powers given *in concreto* and in accordance with the constant agreement of the Security Council or in virtue of a special mandate from the General Assembly; of course, this 'mission' of the Secretary-General has also to be accepted by the country where it is to take place (Congo, Cyprus); in practice, it results from an invitation made by this country to the Security Council. On this point the decision is taken by the Security Council—never by the Secretary-General; the execution of the Council's decision or the Assembly's recommendation can then be conferred upon the Secretary-General acting under the supervision of the Council or the Assembly.

The position of the Commission is quite different: its powers in regard to the anti-trust legislation, for instance, are permanent. It is the Commission itself which delivers a decision on infractions and which pronounces sanctions which can reach a sum of one million dollars. This decision is taken autonomously without any consultation of the Council of Ministers. These are executive sanctions binding directly on business concerns without control by the member States where such companies are established, much less with any request for a State's approval—as is necessary in the majority of cases within the framework of the UN. Of course, the Community does not have its own police or agents to enforce those decisions and sanctions. In virtue of the *dédoulement fonctionnel*, the domestic authority shall serve the

writ of execution without any formality other than the verification of the written act. But this forced execution is only possible for the decisions, of the Council or of the Commission, which contain a pecuniary obligation on persons other than States (art. 192). What happens then to the States? When a member State has failed to fulfil obligations prescribed by the treaty, the Commission or any other member State may refer the matter to the Court of Justice. The State shall take the measures required for the implementation of the judgment of the Court (art. 169-71). But for the State there is no enforced execution. Nevertheless, in the experience of the Communities there are no cases in which a member State has refused to implement the Court's judgment. It seems that this rapid reference to the community system does reveal a real difference between the executive bodies of the three Communities and the Secretary-General of the United Nations.

IV

On this point, one may ask if this opinion is not supported by some statements in the later sections of Siotis' article. In fact, these statements contradict his fundamental assumption: 'In spite of our hesitation to accept everything that concerns the executives as unique, there is no doubt that the Paris and the Rome Treaties have placed the High Authority and the Commission in the centre of the whole institutional framework of the Communities'. Then he points out that the provision of the Article 155 goes quite a long way in entrusting the independent organ of the EEC (Commission) with a vital function. One is no less surprised to read some lines further on that 'the powers of the Commission in relation to the Treaty as a whole do go further than those devolving on *traditional* international secretariats' and 'there exists a considerable difference between the explicitly stated rights in the Paris and Rome Treaties and their limited implicit recognition in the Charter and United Nations practice'.

Siotis argues even more in favour of the considerable powers of the Commission. 'As the implementation of the Treaty progresses, and the Community reaches the more advanced stages of the "establishment of a common customs tariff and a common commercial policy towards third countries" and of the "inauguration of a common agricultural policy", these decision-making powers of the Commission will increase and will eventually place it in a position where it will become the central decision-making body in regard to certain important sectors of the European economy'. After that statement, Siotis claims that in its participation in the work of the Council and the Assembly, the pattern it follows does not differ fundamentally, in practice, from that of other

secretariats in the deliberations of multilateral organs such as the Governing Body of the ILO or the Security Council. Now there is an essential difference between the roles of the Council and that of the Assembly in the Community. If we can say that the Commission participates in the work of the Council, it consults the Assembly which exercises some theoretical control over its activities. Those two relations are quite distinct. On the other hand, is it possible to identify the roles of the Commission and of the international secretariats in relation to the multilateral organs? Even Siotis recognizes that—in contradiction to his *a priori* consideration—the Commission is placed by article 162 on an equal basis with the Council in regard to the vital problem of establishing the nature of their collaboration;¹¹ while traditionally the powers recognized to international secretariats beyond those clearly stated in the constitution of the organization have been dependent on a unilateral decision adopted by the competent multilateral body'. We must confess that we are not able to reconcile this conclusion to which we quite subscribe with Siotis' affirmation *a priori* in which he considers that there is no qualitative difference between the executive body of the EEC and the international secretariats. We have the impression that his concrete analysis of the nature of the Commission contradicts and eliminates unconditionally his general considerations and assumptions.

Another example may be taken. I do not feel it is necessary to answer here the general question: 'except for the external tariff which clearly draws the line between the "ins" and the "outs", will the future European economic area be very different from what Europe used to be before the erection of tariff walls?' This raises the question of the integration process described by Haas and Lindberg, and the problem of structural changes taking place in the Community and of the relations of the latter with other European countries. In answering affirmatively, Siotis emphasizes that the exercise of these 'transnational' powers is in the process of transforming certain sectors of the European national economies into sectors of the European economy. In his negative answer Siotis assumes that the European Communities are simply striving successfully to reintroduce the free exchange of goods, capital, labour and services. But it is not a simple return to the golden past. One innovation mentioned by Siotis distinguishes the community system from the free trade area: 'the acceptance, on the part of the six States, of the exercise of these regulatory, planifying powers by a group of persons whose motivations are transnational, as in the case of the City, but at the same time "technocratic"'.¹² This group of persons is the Commission: public authority but not private and closed enterprise like the City, which difference probably explains the use of the adjective

'technocratic'. Whatever the interpretation of these terms could be, I wonder if they support or, on the contrary, refute the author's basic thesis. This doubt seems justified by what follows: 'Similarly, their regulatory, executive powers extend into the social field, and *we are witnessing the progressive establishment of a transnational social sector*.¹³ But, here again the extension of the powers of the Communities' decision-making organs is a normal corollary which accompanies contemporary economic policy making. Of course, Siotis is right in saying that this is a result of increasing public responsibilities, in the economic and social sectors. But what constitutes the innovation here is that these public responsibilities, which grow in the national economic policy, are being put together in some unexpected degree at the community level. This extension, which is normal in the national sphere, is somewhat surprising and new in international relations.

Concluding this part, Siotis writes that there is no doubt that the establishment and functioning of the Communities have had an overall 'integrationist' effect, and that several sectors of the European economies are becoming progressively unified. He admits, in consequence, that, at the functional level, the Communities do give the impression of acting as an entity *vis-à-vis* the 'outsiders', at least in some sectors of economic activity. But he adds, this is certainly not the case at the political level. This deserves some comment. First of all, matters like the Kennedy Round are highly politicized. The same is true of the agricultural policy. So we can consider that, in some politically important sectors, the regional sub-system is already changing: in fact, a new political mechanism (i.e. a new decision-making centre) is being created in this field. As he points out, there are other political matters that still remain out of the community sphere and the influence on them, even if it progressively increases, is still very limited. At this stage of European integration, the question at least remains open: is there some reason to consider the European regional sub-system as being qualitatively different from other types of regional or universal international systems?

v

Our last remarks concern the characteristics of the European Communities. In his argumentation, Siotis omits to give a general framework for the Communities, which is necessary as a system of reference for any philosophy or comparison. In fact, the Communities should be considered as a whole. This impression is confirmed by a recent statement made by Guggenheim: there are some situations in which an international organization exercises sovereign rights incompatible with the traditional concept of State sovereignty. This is the case when

important competences are transferred to the organization. Nevertheless, supranationality is the result of a union of elements of which every one can exist separately in the fundamental rules of an organization of the classical types. This possibility of separately identifying every feature in some international organization has led some authors to a conclusion denying the particular character of supranationality. In Guggenheim's opinion this is a mistake: these authors neglect the fact that the cumulation and intensivity of certain elements are able to create a new type of international organization.¹⁴ This important statement explains how easy it is to find many partial precedents or to deny the existence of any particular characteristics in the European Communities (call it supranational, transnational, communitarian or otherwise). Actually, every one of their features can be discovered in some international organization or other. But no such organization contains them all. Therefore the comparison of the Communities with other organizations must begin with a juxtaposition of the two systems taken as whole. After that it is possible to consider their respective institutions and compare their nature, roles and powers. By comparing only some aspects one can arrive, even involuntarily, at partial and misleading conclusions. An example is the assimilation of the Commission to the international secretariats.

What, in short, are the principal characteristics of the communities, which co-exist and are complementary? The transfer to the communities of legislative, juridical and executive competences which are larger and more important than those generally entrusted to international organizations. Apart from some exceptions such as the possibility of action even when the treaty has not provided for the requisite powers, the functions are conventionally limited and their revision cannot be made autonomously by the institutions. The exercise of common powers is entrusted to the institutions which, with the exception of the Council, have a large autonomy in regard to the member States. But even the Council becomes more like a community instrument when it substitutes a qualified majority for unanimity. The central mechanism consists in collaboration, sometimes formal and compulsory, between the Commission and the Council. Another particular trait is that common decisions are directly enforceable upon the business concerns and residents of the Community. Seen from outside, the Community represents a certain degree of centralization of external relations especially in the field of the commercial policy. Starting from a general scheme there is less danger of omitting some important aspects. This is what Siotis did, for example, in connection with the collaboration between Commission and Council (only mentioned incidently); with some self-executing decisions, and with commercial policy.

Agreements in this last field, the negotiations of which are conducted by the Commission assisted by the Committee III and then approved by the Council, are binding both on the institutions of the Community and on the member States. A systematic placing of the institutions in their respective framework would have avoided many doubtful conclusions.

In this respect, a more accurate analysis of the collaboration between Commission and Council would not have given rise to certain oversimplified comparisons. This core mechanism had to be placed back in the general system of the Community. Also, some precise information would have given us a clearer idea of the role of the Commission. It is not uninteresting that the Commission of the EEC exercises its powers independently in more than thirty cases: it adopts decisions in 17 cases, rules and directives in 10. The Council acts alone in some 50 cases of which only about twenty are obligatory. But the most important mechanism established by the treaty is the *organic collaboration* between those two institutions. This collaboration is an essential feature of the decision-making process: in 76 cases the Commission presents a formal proposal to the Council. But what is the difference between the formal proposal of the Commission and the suggestions or proposals that can be made to the Security Council or the General Assembly by the UN Secretariat?

First of all, the Commission's proposal cannot be changed by the Council except by the unanimous vote. Thus, paradoxically, this unanimity protects the proposal of the executive body. Actually, this means that the proposal cannot be modified without the Commission's approval. Article 148 also makes a distinction between the cases where the Council is acting on a proposal and those where it is acting alone. In the latter case, the qualified majority is strengthened: the 12 votes must include those of 4 member States. Thus, if the 'community guarantee' is not given—in the form of a proposal from the Commission—then the three larger powers cannot achieve the qualified majority without the consent of one of the Benelux States. What does this actually mean in practice? It gives the Commission more negotiating power. Once the Council receives a proposal it transmits it to the Committee of Permanent Representatives which can in turn pass it on to the working groups. A representative of the Commission is present at all these different stages, and nothing can be done without his approval. Moreover, at the highest level the members of the Commission are always present when the Council takes decisions on its proposals. This complex mechanism grown out of practice has evolved into a complicated series of negotiations in which the Commission plays an important role—as was illustrated during the last

agricultural marathon. Of course, without the consent of the member States, the Commission could not have achieved what it did. But still, its prominent role is evident; all it needs to entrench its position is the support of one of the six member States; for the opposition of one member is sufficient to impede any alteration of the Commission's proposal without its consent. In such a system, it seems that the Commission has, practically and formally speaking, a more solid position than does the international secretariat. It could be added that, in practice, all decisions have, with one exception, been taken on the initiative (formal or informal proposal) of the Commission. There is always an agreement between the Council and the Commission even when such an agreement is not stipulated in the treaty; the Council always seeks the Commission's approval. The community system is based on the effective collaboration of these two organs. The will of the States is still preponderant, but the system offers some progress as compared to that of other international organizations. For example, if in the latter, the Secretary-General assumes certain functions which place him as 'interlocuteur' of member States, the Commission is implicitly and explicitly recognized as such. 'From the constitutional point of view, the Commission is thus placed on an equal basis with the Council. . . .' Is it possible under these conditions to continue to assert, as Siotis does, that there is no qualitative difference between the international secretariat and the executive body of the EEC? It is very striking to see that Siotis has only incidently mentioned this central decision-making process.

Siotis is right in emphasizing the importance of the Committee of Permanent Representatives in the communitarian system; for, in fact, this Committee—common organ to the EEC and Euratom—prepares the decisions of the Council or rather, to be more precise, examines the proposals of the Commission. The role of the Committee, constituted at the ambassadorial level, appears even more clearly when one considers the number of staff members of the permanent representations of the Six which reaches almost one hundred. The technical work of the Committee is performed in working groups with the collaboration of numerous national experts. This is another interesting aspect of the decision-making process which cannot be understood unless one first looks at what happens on the level of the Commission during the first stage of preparing a proposal.

The origin of the proposal is, in general, a stipulation in the treaty or an initiative on the part of the Commission. The elaboration of the proposal takes place at the level of the Commission. Practically speaking, one Commissioner and a competent General Direction are the leaders. After the preliminary studies, there comes a long period

of consultation with representatives of professional groups (UNICE, Trade Unions, etc.), but especially with the national experts. These national experts are generally the same persons who act at the Council stage, with the difference that, when assisting the Commission, they do so in an unofficial capacity, without governmental instructions. The importance of these consultations and private working sessions is testified by their number: in three years (1960-62), more than 3,000 working days were registered with the assistance of approximately 35,000 'participants' (one person having participated in one or more sessions). This is really a 'brassage' of European and national civil servants and representatives of various professional groups. After these complex contacts which contribute to the elaboration of the proposal, the Commission as a collective body adopts the *proposal* which is transmitted to the Council. Then begins a second phase, a sort of dialogue between the Commission and the Council which in practice resembles a complex negotiation with the Commission as one of the partners. This very brief and simplified scheme of the decision-making process in the EEC is completely absent from the Siotis comparison.¹⁵

This is only one more example of an important omission. These omissions and the very partial method employed by the author render his comparing weak and open to criticism: his conclusions are distorted. Even the interesting description of community administration is put in the wrong perspective, due to this original error. The ability of the author and the appearance of a strict logic combined, however, with a basic distortion of the European Communities, produce a certain intellectual pleasure, no doubt, but also a certain 'malaise'. The latter results also from a contradiction between the *a priori* assumption and concrete, even if incomplete, analysis; between correct impressionist touches and a false general perspective.

I believe that a 'good' category must allow for the classification of a variety of facts and forms; that it must permit one to emphasize not only common features but also distinctive characteristics. Is the author's international secretariat a workable and good category or concept. The conclusion is left to the reader.

¹ J.C.M.S. Vol. II, No. 3, pp. 222-51.

² I use the term 'executive body' to designate the High Authority and the Commissions. My intention is purely to simplify the language and not in any way to compare them with national executive bodies as do some authors.

³ P. Reuter, *La Communauté européenne de Charbon et de l'Acier*, Paris, Librairie générale de droit et de jurisprudence, 1953.

⁴ Paul Guggenheim, *Universalisme et régionalisme*, Centre européen universitaire, Nancy, 1953.

⁵ Paul Guggenheim, *Organisations économiques supranationales, Indépendance et Neutralité de la Suisse*, Bâle, Verlag Helbing and Lichtenhahn, 1963.

⁶ Ernst B. Haas, *The Uniting of Europe. Political, social and economic forces, 1950-1951*, London, Stevens & Sons Ltd., 1958.

⁷ Stanley Hoffmann, *The Atlantic Alliance*, International Organization, Summer 1963. See also *The European Regional Sub-system*, Geneva, Carnegie Endowment, June 1964.

⁸ *International Integration: The European and the Universal Process*, International Organization, Summer 1961, p. 371.

⁹ Siotis, op. cit.

¹⁰ *Universalisme et régionalisme*, Centre européen universitaire, Nancy, 1953, p. 12 (my translation from the French).

¹¹ My italics.

¹² My italics.

¹³ My italics.

¹⁴ *Organisations Economiques Supranationales, Indépendance et neutralité de la Suisse*, Bâle, Helbing & Lichtenhahn, 1963, p. 233. See also our *L'Originalité des Communautés Européennes et la répartition de leurs pouvoirs*, RGDIP, No. 1, 1961, pp. 55-7.

¹⁵ For more details see our report for the next meeting of the IPSA (Geneva, September 1964) on the *Federative Aspects of the European Community*.