

A D H O C A S S E M B L Y  
INSTRUCTED TO WORK OUT A DRAFT TREATY SETTING UP A  
EUROPEAN POLITICAL COMMUNITY

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D R A F T T R E A T Y  
embodying the  
**Statute of the European Community**

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INFORMATION AND  
OFFICIAL DOCUMENTS  
OF THE  
CONSTITUTIONAL COMMITTEE

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## INFORMATION

### A. — FROM THE E. D. C. TREATY TO THE LUXEMBOURG RESOLUTION AND THE CREATION OF THE *AD HOC* ASSEMBLY

When signing on 27 May 1952 the Treaty of the European Defence Community, the Six Governments said that they were conscious "that this is a new and essential step towards the creation of a united Europe".

The Treaty did not confine itself, in point of fact, to giving verbal expression to the common determination of the Six Countries to integrate their armed forces in a European Army within the framework of a supra-national community; it also laid down the procedure to be followed in determining the definitive structures of Europe. Under Article 38 of the Treaty (Doc. 1), the Assembly of the E. D. C. was instructed to examine within six months from its inauguration "the constitution of an Assembly of the European Defence Community, elected on a democratic basis" which might "constitute one of the elements in a subsequent federal or confederal structure, based on the principle of the separation of powers and having, in particular, a two-chamber system of representation".

Three months after receiving the Assembly's proposals from its President the Governments were to convene a conference to examine them.

In the months which preceded the signature of the E. D. C. Treaty, the urgent need for setting up this "federal or confederal structure" — which has since been given the title of "European Political Community" — was emphasized by the spokesmen of various Governments and stressed in resolutions voted by the German Federal Diet and the French National Assembly.

Immediately following the signature of the Treaty on 30 May 1952, the Consultative Assembly of the Council of Europe declared in its Resolution 14 (Doc. 2) that it would be "of great advantage if the basic principles of a European supra-national political authority and the nature and limits of its powers were defined within the next few months, without waiting for the entry into force of the Treaty instituting the European Defence Community" and asked the Governments to take the speediest possible steps to see that the provisions of Article 38 were embodied in a special agreement which could be brought into force immediately.

On 10 September 1952 the Six Ministers for Foreign Affairs of the European Coal and Steel Community, at a meeting in Luxembourg, decided, on the joint proposal of MM. de Gasperi and Schuman, to ask the members of the Common Assembly of the E. C. S. C. to draw up before 10 March 1953 a draft Treaty setting up a European Political Community (Doc. 3).

The members of the Assembly were asked to co-opt from the members of the Assembly of the Council of Europe nine additional members (three German, three French and three Italian) so that in the *ad hoc* Assembly thus formed the seats would be distributed in the same proportion as proposed for the Assembly of the European Defence Community.

On 13 September 1952 the members of the Common Assembly of the Coal and Steel Community, at a meeting in Strasbourg, accepted the invitation extended to them by the Six Ministers (Doc. 4).

The *ad hoc* Assembly, instructed to work out a draft Treaty setting up a European Political Community, held its initial meeting at Strasbourg on 15 September 1952 (1). It decided to elect a Bureau with the same membership as that of the Coal and Steel Assembly and to adopt the same rules of procedure and appoint the same Secretariat.

The Bureau of the *ad hoc* Assembly, accordingly, was made up as follows :

*President :*

M. Paul-Henri SPAAK (Belgium), Member of the House of Representatives, Minister of State, former Prime Minister — Belgian Socialist Party.

*Vice-Presidents :*

M. Herman PUENDER (Federal Republic of Germany), Deputy, former Secretary of State, — Christian Democratic Union ;

M. Pierre-Henri TEITGEN (France), Deputy, former Minister — Popular Republican Movement ;

M. G. VIXSEBOXSE (Netherlands), Member of the Upper House of the States-General — Historical Christian Union Party ;

M. Alessandro CASATI (Italy), Senator, former Minister — Liberal Party ;

M. Jean FOHRMANN (Luxembourg), Deputy — Socialist Party.

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(1) Doc. 13 gives a list of the Members of the *ad hoc* Assembly.

M. M. F. F. A. DE NERÉE TOT BABBERICH, Clerk of the Common Assembly of the E. C. S. C. was appointed Clerk of the *ad hoc* Assembly.

At the same meeting the Assembly set up a Constitutional Committee of 26 members with instructions to draw up for its consideration a preliminary draft Treaty.

Finally, the Assembly decided to invite the delegations to the Consultative Assembly of the Council of Europe from countries not members of the E. C. S. C. to send Observers to take part in its proceedings and those of the Constitutional Committee. These Observers would be entitled, within certain limits, to speak in plenary and committee meetings (Doc. 5).

#### B. — SESSIONS OF THE *AD HOC* ASSEMBLY, THE CONSTITUTIONAL COMMITTEE, THE SUB-COMMITTEES AND THE WORKING PARTY.

The Constitutional Committee met in Strasbourg on 22 September 1952 and elected as President M. VON BRENTANO (Federal Republic of Germany), Deputy, Christian Democratic Union, President of the Parliamentary Group of the C. D. U. in the Federal Diet, and as Vice-Presidents M. BENVENUTI (Italy), Deputy, Christian Democratic Party, Under-Secretary of State for Foreign Trade, and M. BRUINS SLOT (Netherlands), Member of the Upper House of the States-General, Anti-Revolutionary Party.

The Committee instructed a provisional Working Party of ten Members, under the chairmanship of its President, to make a preliminary study of the rules of organization and working programme of the Commit-

tee. This Working Party met at the Belgian Senate from 6 to 8 October and in Paris on 23 October 1952 to carry out its assignment.

At its second plenary session, held in the Palais du Luxembourg, Paris, from 23 to 27 October 1952, the Committee decided to establish its headquarters and the offices of its Secretariat in Paris, which would also be the place of meeting of its Sub-Committees.

After it had, on a report by M. MUTTER (France), adopted its rules of procedure and defined the conditions under which the Observers would take part in its proceedings <sup>(1)</sup>, the Working Party decided to invite additional Observers, who would have the right to speak, as provided for in Resolution No. 7 of the *ad hoc* Assembly, both at meetings of the plenary Committee and of sub-committees.

These Observers were :

- the Observers of the Consultative Assembly of the Council of Europe.
- M. J. C. PARIS, Secretary-General of the Council of Europe ;
- a representative of the High Authority of the E. C. S. C. to be nominated by the latter <sup>(2)</sup> ;
- the representatives of the Six Governments, whose participation should, however, under the terms of the Luxembourg Resolution, be the subject of an agreement between the President of the Special Council of Ministers of the E. C. S. C., the President of the *ad hoc* Assembly and the President of the Constitutional Committee ;

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(1) see Document 6.

(2) The High Authority appointed its Secretary, M. KOHN-STAMM, to represent it.

— M. CALMES, Secretary of the Special Council of Ministers of the E. C. S. C. was also invited by the Committee to attend its meetings in his personal capacity.

The Committee then adopted without opposition — one Member abstained and another who was absent announced that he would have abstained — a working programme (Document 8), based mainly on the draft submitted on behalf of the Working Party by M. DEHOUSSE.

The Committee had meanwhile received and taken cognizance of the "Questions relating to the establishment of a European Political Community" (Document 7), drawn up by the Six Ministers for Foreign Affairs and heard a statement by M. DEHOUSSE, Chairman of the Committee of Jurists, on the introductory report of the Committee of Jurists of the Council of Europe concerning the problem of the European Political Community.

The questionnaire deals in turn with the problems of the powers and competence of the Community, of its institutions — particular stress being laid on the creation of an Assembly elected according to democratic principles and on the powers of the latter — and with the links to be established between the European Political Community and the other European organizations such as the Council of Europe.

The working programme constitutes a "catalogue" of the questions to be examined and divides them up between the four sub-committees. It reviews in turn the questions of the Community's powers and competence and of membership (referred to the Sub-Committee on Powers and Competence), methods of appointment and structure and prerogatives of the First and Second Chambers and of the Community's Executive, and also of an advisory Economic and Social Council

(questions referred to the Sub-Committee on Political Institutions) the question of judicial bodies — Court of Justice, Council of State, Court of Exchequer, etc. — (questions referred to the Sub-Committee on Juridical Institutions), the liaison to be established between the Political Community and the Council of Europe (Eden Plan) and special forms of association to be established with certain European States) (questions referred to the Sub-Committee on Liaison).

Taking the view that the legal basis for the work of the *ad hoc* Assembly was constituted by the Luxembourg Resolution of the Six Ministers and the Resolution of 13 September 1952 of the Members of the Common Assembly accepting the task assigned by the Six Ministers, the Committee considered that a kind of contract had been concluded between the Six Governments and the *ad hoc* Assembly.

The four Sub-Committees<sup>(1)</sup>, set up to make a simultaneous study of the questionnaire of the Ministers as well as the questions above-mentioned, appointed their officers as follows :

SUB-COMMITTEE ON POWERS AND COMPETENCE :

*Chairman* : M. BLAISSE (Netherlands), Member of the Upper House of the States-General, Popular Catholic Party.

*Rapporteur* : M. BENVENUTI (Italy), Deputy, Under-Secretary of State for Foreign Trade, Christian Democratic Party.

SUB-COMMITTEE ON POLITICAL INSTITUTIONS :

*Chairman* : M. TEITGEN (France), Deputy, former Minister, Popular Republican Movement.

(1) Document 13 contains a list of the Members of these Sub-Committees and of the Working Party.



*Rapporteurs* : M. AZARA (Italy), Senator, First President of the Supreme Court of Cassation, Christian Democratic Party ;  
M. DEHOUSSE (Belgium), Senator, Professor at the University of Liège, Belgian Socialist Party.

SUB-COMMITTEE ON JURIDICAL INSTITUTIONS :

*Chairman* : M. PERSICO (Italy), Senator, former Minister, Socialist Party.  
*Rapporteur* : M. VON MERKATZ (Federal Republic of Germany), Deputy, German Party.

SUB-COMMITTEE ON LIAISON :

*Chairman* : M. VAN DER GOES VAN NATERS (Netherlands), Member of the Upper House of the States-General, Labour Party.  
*Rapporteurs* : M. SEMLER (Federal Republic of Germany), Deputy, Christian Democratic Union ;  
M. WIGNY (Belgium), Member of the Chamber of Deputies, former Minister, Christian Socialist Party.

\* \* \*

The work of the Sub-Committees was co-ordinated by a Working Party <sup>(1)</sup>, consisting of the Bureau of the Committee, the Chairman and Rapporteurs of the Sub-Committees and a few members specially appointed by the Committee.

M. VON BRENTANO, President of the Constitutional Committee, acted as Chairman of this Working Party.

<sup>(1)</sup> Document 14 gives a list of the Members of the Working Party.

Finally, on the suggestion of M. MUTTER, an "Information and Propaganda Committee" was created consisting of the Members of the Committee's Bureau, together with the three representatives appointed by the Committee <sup>(1)</sup>.

The Sub-Committees and the Working Party met in Paris from 12 to 25 November and from 1 to 6 December 1952 at the offices of the Committee's Secretariat, in order to carry out their task.

As a result the Committee was able to hold a plenary meeting in Paris from 15 to 20 December 1952 and draw up a report on the following questions :

- integration of the E. C. S. C. and E. D. C. in the European Community.
- powers and competence of the Community (M. BENVENUTI, Rapporteur).
- political institutions of the Community (M. DEHOUSSE, Rapporteur).
- juridical institutions of the Community (M. VON MERKATZ, Rapporteur).
- relations between the Community and third States and international organizations (M. SEMLER, Rapporteur).
- links between the Community and the Council of Europe (M. WIGNY, Rapporteur).

The general report on these questions, after being submitted to and approved (by 13 votes to 0), by the Constitutional Committee at Strasbourg on 6 January 1953, was discussed by the *ad hoc* Assembly, which met at Strasbourg from 7 to 10 January and issued its conclusions in the form of Directives addressed to the Committee for the preparation of the draft Treaty.

<sup>(1)</sup> See Document 14.

The Working Party had held daily meetings during the *ad hoc* Assembly's session in order to co-ordinate and facilitate the discussions. It met again in Rome from 29 January to 2 February for a preliminary study of the Directives which had just been adopted by the Assembly and for an initial drafting of the Articles of the draft Treaty.

The Sub-Committee on Juridical Institutions also met in Rome on 2 February under the chairmanship of M. PERSICO, while the other three Sub-Committees met in Paris from 6 to 11 February.

The Working Party met again in Paris from 12 to 20 February to complete the preparation of the text of the draft Treaty. This text was examined at a plenary meeting in Paris of the Constitutional Committee from 21 to 25 February and given the final touches for its submission to the *ad hoc* Assembly.

At a session held in Strasbourg from 6 to 10 March 1953 the *ad hoc* Assembly adopted, with certain amendments, this "Draft Treaty embodying the Statute of the European Community" (The text adopted is included as Document 10 in the second part of this Bulletin).

At a formal session held in the House of Europe on 9 March, M. P.-H. SPAAK, President of the *ad hoc* Assembly, officially handed over the draft Treaty to the Ministers for Foreign Affairs of the Six Countries (Document 11, pages 145 *et seq.* contains the texts of the speeches made on this occasion).

On the following day, 10 March, Lord John HOPE, United Kingdom delegate to the Consultative Assembly of the Council of Europe and Observer at the *ad hoc* Assembly, made a brilliant speech describing the attitude of the United Kingdom towards the proposed Community (the text of this speech appears on page 161).

Before separating, the *ad hoc* Assembly had voted unanimously a resolution <sup>(1)</sup>, instructing the Constitutional Committee, in conjunction with its Bureau, to follow up the study of the draft by the Governments and to take any steps found necessary to place at the disposal of the said Governments the experience gained by the Members of the Assembly in the course of the preparation of the Treaty.

The Working Party, which had met daily during the *ad hoc* Assembly's session in order to co-ordinate and facilitate the public discussions, held another meeting on 11 March after the close of the session and began consideration of its further activities as indicated in the last Resolution voted by the Assembly before it dispersed.

Since then the Working Party has met in Bonn on 15 and 16 April and will hold further meetings in Strasbourg on 6 and 7 May, at which date the Consultative Assembly of the Council of Europe will take up the examination of the draft Treaty adopted by the *ad hoc* Assembly.

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(1) See Document 12.

# DOCUMENTS

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## DOCUMENT 1.

### ARTICLE 38

#### OF THE TREATY SETTING UP A EUROPEAN DEFENCE COMMUNITY

1. Within the time-limits laid down in paragraph 2 of the present Article, the Assembly shall examine :

- (a) the constitution of an Assembly of the European Defence Community, elected on a democratic basis ;
- (b) the powers which would be vested in such an Assembly ;
- (c) any changes which might have to be made in the provisions of the present Treaty concerning the other institutions of the Community, more particularly with a view to ensuring that the States shall be suitably represented.

The Assembly shall be guided in its examination by the following principles :

The permanent organization which will replace the present provisional organization should be so conceived as to be able to constitute one of the elements in a subsequent federal or confederal structure, based on the principle of the separation of powers and having, in particular, a two-chamber system of representation.

The Assembly shall also examine the problems arising from the co-existence of different agencies for

European co-operation already established, or which might be established, with a view to ensuring co-ordination within the framework of the federal or confederal structure.

2. The proposals of the Assembly shall be submitted to the Council within six months from the assumption of duties by the Assembly. With the approval of the Council, these proposals will thereafter be transmitted by the President of the Assembly to the Governments of the Member States who will, within three months from the date on which the matter has been referred to them, convene a conference to consider the said proposals.

DOCUMENT 2.

## RESOLUTION 14

ADOPTED ON 30 MAY 1952 BY THE CONSULTATIVE ASSEMBLY OF THE COUNCIL OF EUROPE CONCERNING THE MOST APPROPRIATE MEANS OF DRAFTING THE STATUTE OF THE EUROPEAN POLITICAL COMMUNITY.

THE ASSEMBLY,

Considering that several Governments and Parliaments have held it essential that the setting up of the European Defence Community should be accompanied by the constitution of a supra-national Political Authority ;

Considering that it would be of great advantage if the basic principles of this Political Authority and the nature and limits of its powers were defined within the next few months, without waiting for the entry into force of the Treaty instituting the European Defence Community ;

Reaffirming its belief that any step towards the unity of Europe should be taken together by the largest possible number of European nations ;

Considering therefore that it is necessary, in the spirit of the proposals made by the Secretary of State for Foreign Affairs of the United Kingdom, that the States which are unable to be full participants in the institutions of the said Authority should have the opportunity of associating themselves closely with those institutions at all stages of their development, and the possibility at some later date of adhering thereto ;

Considering that, by virtue of Article 33 of the Treaty setting up the European Defence Community, the Assembly of the European Defence Community is identical with that of the Coal and Steel Community ;

1. Considers that the clauses in the Treaty of the European Defence Community which relate to the determination of the future political structure of Europe should be incorporated in a Special Agreement, distinct from the Treaty itself, and capable of being put into effect immediately :

2. Requests the Governments of the States participating in the European Defence Community to give immediate effect to the above proposals by the adoption of whichever of the procedures suggested below is the more speedy ;

Suggests that, under the provisions of the Special Agreement mentioned in para. 1 above, the Governments concerned might instruct :

— either the Assembly for which provision is made in the Treaty setting up the European Coal and Steel Community, as soon as this Assembly has been set up.

— or the Assembly of the Council of Europe, sitting with a restricted membership corresponding to the number and allocation of the seats in the Assembly of the European Defence Community.

to draft the Statute of a Political Community of a supra-national character which would remain open to all Member States of the Council of Europe, and which would afford opportunities of association of those States which had not become full members of that Community.

Instructs the Standing Committee, should the Six Governments agree to the second of the above

alternatives, to set up the restricted Assembly envisaged above.

3. Requests that, in order to ensure that these tasks are carried out within the framework of the Council of Europe :

(a) such Member States of the Council of Europe as are not members of the European Defence Community and shall express their readiness to enter into a Political Community of this nature, shall participate as of right in the accomplishment of these tasks ;

(b) the representatives of those States which desire to be associated with the Political Community be invited to follow the proceedings, as observers.

4. Requests that the Statute of the Political Community thus formulated be transmitted to the Governments and Parliaments of the participating States, and to the other Member States of the Council of Europe referred to in paragraph 3 (b) above.

5. Requests that the Council of Europe bring to a rapid conclusion its study of the United Kingdom proposals for establishing organic links between the Communities and the Council of Europe.

## RESOLUTION

ADOPTED ON 10 SEPTEMBER 1952 AT LUXEMBOURG BY  
THE SIX MINISTERS FOR FOREIGN AFFAIRS

Considering that the final aim of the six Governments has been and still is the establishment of as comprehensive a European Political Community as possible ;

Bearing in mind that at the request of the Italian Government there has been included in the Treaty constituting a European Defence Community, signed on 27 May 1952, an Article 38, the purpose of which was to entrust the Assembly of that Community with the task of studying the constitution of a new Assembly elected on a democratic basis so conceived as to constitute one of the elements in a subsequent, federal or confederal structure, based on the principle of the separation of powers and having, in particular, a two-chamber system of representation ;

Recalling that in its Resolution No. 14, adopted on 30 May 1952, the Consultative Assembly of the Council of Europe requested the Governments of the States participating in the European Defence Community to choose, by whichever procedure is the speedier, the Assembly which will be responsible for drafting the Statute of a supra-national Political Community open to all Member States of the Council of Europe and offering opportunities of association to such of these States as do not become full members of the Political Community ;

Realizing that the constitution of a European Political Community, federal or confederal in struc-

ture, is bound up with the establishment of common bases of economic development and a merging of the essential interests of Member States.

The six Ministers for Foreign Affairs of the countries participating in the Coal and Steel Community, met together at Luxembourg on 10 September 1952, have taken the following decision, which takes account of the foregoing considerations as well as of their desire to expedite the study of the proposed draft, by ensuring that it possesses the maximum authority :

A. — The Members of the Coal and Steel Assembly are invited, on the basis of the principles contained in Article 38 of the Treaty establishing the European Defence Community and without prejudice to the provisions of that Treaty, to draft a Treaty constituting a European Political Authority. With this in view, the Members of the Assembly, grouped together in national delegations, shall co-opt, from among the Representatives to the Consultative Assembly who are not already members of the Coal and Steel Assembly as many additional members as shall be necessary to make up the total number fixed for each country's delegation to the Assembly of the European Defence Community ;

B. — The Assembly with its membership thus constituted and extended shall meet in plenary sessions at the seat of the Council of Europe. It may also meet in committee.

It shall determine the conditions under which representatives of other countries, especially those which are Members of the Council of Europe, may be associated with the proceedings as Observers ;

It shall periodically report to the Consultative Assembly on the progress of such work.

C. — The Ministers for Foreign Affairs, meeting the Council of the European Coal and Steel Community, shall be associated with the work of the Assembly along lines which shall be determined by mutual agreement.

In order to facilitate such work, they shall frame questions which will be referred to the Assembly and all bear on such matters as :

- the spheres in which the institutions of the European Political Community shall exercise their powers ;
- the measures necessary to ensure a merging of the interests of Member States in those spheres ;
- the powers to be vested in the institutions.

The Ministers shall periodically report to the Committee of Ministers of the Council of Europe.

D. — Within six months of the convening of the Coal and Steel Assembly, that is by 10 March 1953, the results of the surveys referred to above shall be transmitted to the Assembly of the European Defence Community responsible for carrying out the tasks laid down in Article 38 of the Treaty establishing the European Defence Community, as well as to the Ministers for Foreign Affairs of the six countries concerned.

E. — The Governments hereby explicitly affirm that they have based themselves upon the proposals of the United Kingdom Government for the establishment of the closest possible relations between the future Political Community and the Council of Europe.

It is with this in view that the drafting of the Statute of that Community should be undertaken and pursued in constant co-operation with the organs of the Council of Europe.

F. — The Consultative Assembly of the Council of Europe shall be informed of the above decision.

G. — The procedure laid down above shall in no way prejudice the Treaty establishing the European Defence Community.

RESOLUTION 4

ADOPTED ON 13 SEPTEMBER 1952 BY THE MEMBERS OF THE COMMON ASSEMBLY OF THE EUROPEAN COAL AND STEEL COMMUNITY CONCERNING THE COMMUNICATION FROM THE PRESIDENT OF THE SPECIAL COUNCIL OF MINISTERS.

The members of the Common Assembly, having before them the invitation extended to them on behalf of the six Ministers for Foreign Affairs on the Special Council,

Considering that this proposal is in keeping with the wish of the peoples of Europe to be formed into a Political Community,

Noting that it conforms with the resolutions adopted by very large majorities by the Consultative Assembly of the Council of Europe, and that it expressly states that it is based on the United Kingdom proposals, which advocate the establishment of the closest possible relations between the future Political Community and the Council of Europe,

Welcoming the initiative taken by the Special Council of Ministers,

Resolve to accept the invitation to undertake as a matter of urgency the great task thereby entrusted to them.

RESOLUTION 7

ADOPTED ON 15 SEPTEMBER 1952 BY THE AD HOC ASSEMBLY CONCERNING THE INVITATION OF OBSERVERS.

THE ASSEMBLY,

WHEREAS in its Resolution of 13 September 1952 the Common Assembly of the Coal and Steel Community expressed its desire to have effect given to the United Kingdom proposals for the establishment of the closest possible relations between the future Political Community and the Council of Europe ;

WHEREAS, under the Resolution of the Six Ministers for Foreign Affairs, the Assembly has to specify the conditions under which the representatives of other countries, more particularly those Members of the Council of Europe, may be associated in its proceedings as Observers :

1. Instructs the Bureau of the Assembly to communicate with the Bureau of the Consultative Assembly of the Council of Europe in order to invite the delegations to the Consultative Assembly from the countries not members of the E. C. S. C. to send Observers to the sessions of the Assembly ;
2. Suggests that the number and composition of these Observers should be identical with those adopted when the *ad hoc* Committee of the Consultative Assembly was set up ;
3. Resolves that the Observers shall be entitled to speak at Committee Meetings ;



4. Resolves that in the Assembly proceedings they may, in the course of general discussions, submit their observations either in writing or by word of mouth.

Verbal statements may be made both after the hearing of the report and before the close of the discussion ;

5. Instructs the Bureau to lay down the procedure for application of the rules stated in the foregoing paragraphs.

#### RESOLUTION AA/CC (2) 5

ADOPTED ON 23 OCTOBER 1952 BY THE CONSTITUTIONAL COMMITTEE CONCERNING ACCESS TO THE AD HOC ASSEMBLY, THE CONSTITUTIONAL COMMITTEE AND ITS SUB-COMMITTEES OF REPRESENTATIVES OF GOVERNMENTS, THE REPRESENTATIVE OF THE HIGH AUTHORITY OF THE EUROPEAN COAL AND STEEL COMMUNITY, OBSERVERS FROM NON-MEMBER STATES AND THE SECRETARY-GENERAL OF THE COUNCIL OF EUROPE.

1. The representatives of the Six Governments, the representative of the High Authority of the European Coal and Steel Community, observers of non-Member States and the Secretary-General of the Council of Europe shall have right of access to the Assembly, the Constitutional Committee and all its sub-committees.
2. They may submit their views either verbally or in writing during the proceedings with which they are associated, in accordance with the provisions of Resolution 7 of the *ad hoc* Assembly. They will not be entitled to vote.
3. Other observers may be invited by the Chairman to submit their views or technical information.
4. This Resolution shall in no way affect Section C of the Luxembourg Resolution concerning the association of the Ministers' representatives with the work of the Constitutional Committee.

QUESTIONS RELATING TO THE  
ESTABLISHMENT OF A EUROPEAN POLITICAL  
COMMUNITY

PUT TO THE AD HOC ASSEMBLY BY THE  
SIX MINISTERS FOR FOREIGN AFFAIRS

1. Is the *ad hoc* Assembly of the opinion that departure should be made from the principle that the competence of the European Political Community should, in the initial stages, include that of the European Coal and Steel Community and the European Defence Community? Does it consider that the Political Community should be given new powers and competence in the spheres of coal and steel and of defence?

2. Does the *ad hoc* Assembly consider that the establishment of a Political Community represents further progress toward economic and social integration?

If so, what measures should be envisaged forthwith by Member States?

3. Does the *ad hoc* Assembly take the view that, in order to succeed in establishing a European Political Community based upon a union of the peoples and including an institution responsible for ensuring that Member States are represented, it should first of all consider the setting up of a European Assembly elected according to democratic principles and to examine, in particular, the following points?

A. Constitutive Rules of the Assembly (electoral system — especially direct voting or other method of balloting —, term of office, distribution of seats ...).

B. Competence of the Assembly :

(a) Coal and Steel —

Should the European Assembly take the place of the present Assembly of the Coal and Steel Community?

Should it be endowed with new powers and competence in the sphere of coal and steel?

(b) Defence —

Should the European Assembly become the Assembly of the European Defence Community?

Should it be endowed with new powers and competence in the sphere of defence?

(c) What powers and competence should be conferred upon the Assembly in connection with the preparation of monetary measures necessary to promote the rational production and free movement of goods, as well as of measures likely to improve the exchange of manpower between Member States, in the spirit of the Treaties constituting the European Coal and Steel Community and the European Defence Community?

(d) What powers and competence should be conferred upon the Assembly in connection with the procurement of the funds necessary to achieve the aims of the Community?

In the event of the Assembly being granted new powers and competence, how could the exercise of the latter be made to harmonize with the general policy of Member States in the fields remaining within their competence?

4. What changes should be made in the Treaties constituting the European Coal and Steel Community

and the European Defence Community as a result of establishing an Assembly forming part of a European Political Community?

- (a) Are there any grounds for retaining, in their present form, the Councils of Ministers provided for in those Treaties?

What rules should be observed in setting up a Second Chamber?

- (b) Are any changes desirable in the structure and powers of existing executive bodies?

Should such institutions be merged with a view to constituting a single European institution?

- (c) Must provision be made for the Common Court of the European Coal and Steel Community and European Defence Community to be also competent to deal with disputes arising within the framework of the Political Community, in accordance with provisions similar to those contained in the Treaties in question?

5. (a) Should the institutions of the European Political Community be given the task of making proposals to the Governments on the extension of European integration to other spheres (other economic questions, as well as social questions)?

- (b) Should the European Community embrace other European Communities which might be established in the future? If so, how should this be done?

6. Does the *ad hoc* Assembly agree to examine the question of links to be established between the Political Community and existing international organ-

izations, including, as provided in the Luxembourg Resolution, the Council of Europe? Does it agree to examine the question of the relations between the Political Community and those European organizations which might be set up in the future and might differ in composition from the Community?

## WORKING PROGRAMME

ADOPTED ON 25 OCTOBER 1952 BY THE CONSTITUTIONAL  
COMMITTEE

## I — TERMS OF REFERENCE

1. Under the terms of Section A of the Resolution of the Six Ministers the Committee is instructed to :

- draft a Treaty constituting a European Political Community ;
- be guided in this connection by Article 38 of the Treaty constituting the European Defence Community.

2. The Luxembourg Resolution and Article 38 require that consideration be given to the following :

(i) *Determination of the structure of the Community :*

- Constitution of a new organ : the Assembly to be elected on a democratic basis.
- Amendments to be made in the provisions relating to other institutions of the E. D. C. (Executive, Council of Ministers, Court) as a result of the establishment of a democratic Assembly.

In carrying out the work the following principles must be borne in mind :

- appropriate representation of States,
- adoption of a two-chamber system of representation,

- need to include existing Communities (E. D. C. and E. C. S. C.) within the framework of the Political Community.

(ii) *Determination of the powers and competence of the Community.*

The following items are indicative :

- precedents created by the E. D. C. and E. C. S. C. Treaties,
- clause of the Luxembourg Resolution on “the establishment of common bases of economic development and a merging of the essential interests of Member States”,
- provision contained in Article 38, Section 1, para. 6.

(iii) *Liaison with other European States and organizations, including the Council of Europe.*

- In Section E of the Luxembourg Resolution the Governments expressly declare that they base themselves on the United Kingdom proposals. (Cf. also Resolution No. 4 of the Representatives to the Common Assemblies.)
- Article 38 requires that the problems arising from the co-existence of the Community and other organizations for European co-operation be studied.
- Resolution 14 (52) and Opinion 3 (52) of the Consultative Assembly of the Council of Europe, on the same subject should also be borne in mind.

## 2. — ORGANIZATION OF THE WORK OF THE COMMITTEE

3. The first part of the proceedings will be devoted to determining the broad outlines of the Constitu-

tion of the Community in regard to the matters listed under the three headings above. Study of the powers and competence and of the institutions themselves might be undertaken simultaneously in specialised sub-committees, the necessary co-ordination being undertaken later in plenary committee. Although the question of links between the Political Community and the Council of Europe (Eden Plan) and that of those between that Community and European non-Member States cannot finally be settled until the structure of the Community has been determined, they should forthwith be examined in view of their political implications.

4. This gives grounds for the proposal that there be established three (or four) sub-committees dealing respectively with powers and competence, *political institutions, juridical institutions*, and with liaison. Matters to which these sub-committees should give particular attention are contained in the following initial list :

(i) *Sub-Committee on Powers and Competence :*

(A) DETERMINATION :

- of the extent of the competence of the Community,
- of the powers conferred upon the Community within the extent of its competence.

(a) The transfer to the Political Community of the functions of E. D. C. and E. C. S. C. (either wholly or in part).

(b) *Examination of the ultimate functions of the Committee*

- to foreign affairs and external commerce ;
- to defence ;
- to financial, economic and social matters.

(c) Powers and competence in regard to questions relating to the Saar, Trieste and Eastern Germany.

(B) MEMBERSHIP :

Membership of the Community and status of Members (position of those Members having constitutional links with overseas countries or territories).

Right of future withdrawal and possibility of exclusion.

Conditions of Membership.

(ii) *Sub-Committee on Political Institutions*

(a) Legislative Institutions :

— *First Chamber*

Composition of the Chamber and distribution of seats.

Electoral system, particularly :

- constituencies ;
- electoral machinery ;
- free or compulsory voting ;
- method of ballot ;
- public or secret elections.

— *Second Chamber*

Nature and composition.

Distribution of seats.

Method of voting.

— *Common problems*

Individual status of the two Chambers and their relationship with each other.

Prerogatives of the Chambers within the Community.

Status of parliamentarians, particularly :

- eligibility and anomalies ;
- immunities and prerogatives ;
- representation of electoral or European constituencies ;
- free votes or vote by direction ;
- duration of term of office.

Integration or co-ordination of the corresponding institutions of the Communities (E. D. C., E. C. S. C.).

(b) *Executive Body*

Nature : A purely European institution, or association of a European institution and a Council of national Ministers.

“Federal” Council of Ministers :

- composition ;
- method of appointment ;
- chairmanship ;
- responsibility towards the Chambers and right of dissolution ;
- term of office.

Integration or co-ordination of the corresponding institutions of the Communities (E. C. S. C. and E. D. C.).

Nature of the administrative authority of the Community — Right of intervention (“federal executive procedure”).

Constitutional principles of its European public function.

(c) *Consultative body* (Economic and Social Council) :

Composition.

Term of office.

Relationship with other institutions of the Community.

Integration or co-ordination of corresponding institutions of the Communities (E. C. S. C. and E. D. C.).

(iii) *Sub-Committee on juridical institutions* :

Court of Justice.

Council of State.

High Court

(These institutions may be merged).

Court of Exchequer (*Cour des Comptes*).

Integration or co-ordination of the corresponding institutions of the E. C. S. C. and E. D. C. Communities (1).

(iv) *Sub-Committee on Liaison* :

Determination :

- of relations to be established between the Political Community and the Council of Europe (implementation of the Eden Plan),

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(1) Cf. especially Recommendation 36 (1952) of the Consultative Assembly of the Council of Europe on the establishment of a single European Court of Justice.

- of special relationship to be established between the Community and Member States of the Council of Europe or other European States,
- of relationship of the Community with major European and international organisations, such as O. E. E. C., N. A. T. O., and U. N. *and I. L. O.*

*The solution to the above problems must be considered in its relation to the problem of the juridical character of the Community.*

## INTRODUCTORY REPORT

TO THE DRAFT TREATY EMBODYING THE STATUTE OF THE EUROPEAN COMMUNITY, PRESENTED TO THE AD HOC ASSEMBLY BY M. HEINRICH VON BRENTANO

### I

1. The Constitutional Committee concluded its work on 26 February 1953. With only one dissentient it adopted the draft Treaty embodying the Statute of the European Community, together with two Protocols, and instructed its Chairman to present these documents to the *ad hoc* Assembly.

2. It will be the task of the *ad hoc* Assembly to examine the draft and, after adopting it, to transmit it to the Governments of the Six countries which brought this Assembly into being on 10 September 1952.

### II

3. After two World Wars the peoples of Europe have finally become fully conscious of their common interests. They have also realized the vanity of those dreams of hegemony which during the course of history the great European States have desired to achieve at the expense of the other peoples of the Continent.

As in the years following 1918, but with incomparably greater power, the European idea has awakened the hopes of the peoples and determined the actions of the European Governments.

4. This idea is no longer merely a political ideal; it has become a vital necessity. Only those peoples

which have combined together on the European level will henceforth be able to assert themselves in a world whose structure has been rendered terrifyingly simple by the last World War. The political catastrophes which accompanied the events of recent decades have resulted in waakening once more in Europe a feeling of solidarity, of a community of interests for better or worse. Europe is finding it ever more necessary to organize herself, to become united and to create a common market, without which the original economies of the peoples will be brought to a standstill and finally doomed to destruction.

5. Associations such as the "European Movement" were the first to bring forward once again the idea of European unity and to present it to the public with greater emphasis. It was owing to the initiative given by this Movement that the Council of Europe was formed, as a forum for the formation of a common European public opinion. The Council gave birth to other movements, which also contributed towards the formation of common political objectives.

6. Three years ago, the then Foreign Minister of France, Robert SCHUMAN, announced in this House a revolutionary idea, namely the creation of a common market for coal and steel, the setting up of a High Authority responsible in this field to a European Parliament. This plan has in the meantime been realized; six States have jointly hitched their wagon to this star.

7. The same States have pledged themselves to form a European Defence Community. They were led to do so by a two-fold conviction;

1° that free democratic peoples must finally and irrevocably renounce the use of force in the attainment of political objectives;

2° that a threat to peace and freedom from the outside can only be averted by a common effort.

Other free peoples of the world have associated themselves with the objectives of the Treaty setting up the European Defence Community.

8. These endeavours are only stages on the road to a European Political Community which shall be as comprehensive as possible. The realization of a common economic policy in restricted fields, and the preparation of defence against a positive danger, demand a common policy. The recognition of this fact moved the Six Foreign Ministers to adopt their well-known resolution of 10 September 1952, which has led to the formation of the *ad hoc* Assembly and the Constitutional Committee.

### III

9. On the first part of the work of the Constitutional Committee a report was made to the *ad hoc* Assembly during the January session. The Assembly approved the basic features of the work, and the Consultative Assembly of the Council of Europe made a similar pronouncement.

The directives worked out by this Assembly, as well as the proposals and recommendations of the Consultative Assembly of the Council of Europe, led the Constitutional Committee to continue its activities immediately after the conclusion of the two Assemblies.

10. I am very happy to be able to say that, despite the short time available, we are to-day in a position to present for your consideration a draft treaty divided into Articles.

I feel I must also express here, as elsewhere, my sincere thanks to the Members of the Committee, and most particularly to the Chairman and Rapporteurs of



the Sub-Committees, for their devoted work, without which it would never have been possible to accomplish our task within such a relatively short time.

I am also anxious at this moment, in submitting the results of the work performed by your Committee, to speak with special emphasis, but also with special satisfaction, of the spirit of friendly co-operation which has characterised our labours and made them fruitful. It is of course the case that there have been genuine differences of view. These have indeed been manifested, but we have not by-passed them; we have tried thoroughly to discuss them in frank debate and to reach solutions which we all felt to be good and useful. In the final vote by roll-call, 21 out of 22 members of the Committee present voted in principal in favour of the draft, and this seems to me a convincing proof that the method we chose was a good one. It need, of course, hardly be mentioned that an affirmative vote in principle does not exclude criticism of individual provisions; but to be loyal to my colleagues I consider it my duty to make this express statement.

11. According to the proposal of the Six Foreign Ministers, our preliminary work is to be concluded on 10 March. I hope that on that day the Assembly will be in a position to transmit its decisions to the Governments, who will be represented in Strasbourg at that time by their Six Foreign Ministers.

#### IV

12. It is not my task here to go into details. For these I would rather refer you to the explanatory memoranda submitted by the Rapporteurs.

13. The task set by the Six Foreign Ministers, and our acceptance of that task, which we shall now bring to its provisional end, represents a revolution which has

been quietly going forward. The public has indeed noticed this work, although without being able to recognize its full implications.

14. What is the basically new and revolutionary element in the political reality of Europe? For the first time the union of several States is being brought about by peaceful means. For the first time Parliamentarians have been entrusted with a genuinely diplomatic task, with the preparation, that is to say the negotiation, of an international treaty. The *ad hoc* Assembly and its Constitutional Committee represent a completely new form of diplomatic relationship, a form which is to take account of the new political facts. This new element is also expressed in the objective set by the *ad hoc* Assembly, for it consists of nothing less than the preparation, under international law, of a treaty which at the same time embodies a Constitution.

15. The European Community, whose basic features are set forth in the document now before us, will be neither a Confederation nor a Federal State. It unites in itself the most varied elements known to traditional products of constitutional law. It is, of course, clearly and definitely distinguishable from any coalition or alliance based solely on international treaties or agreements. Such coalitions or alliances leave existing antitheses intact, and are guided by the principle of hegemony, whereas in the Community proposed in the draft Statute, although the individual existence of the peoples which compose the Community will be guaranteed, it will be impossible for any individual State, or any group of States within that Community to assert its hegemony.

16. There were two possible ways of establishing such a Community:

- 1° To provide the Political Community, from the outset, with very far-reaching powers and competence. This would have made it necessary to ask the individual States to make further transfers of sovereignty, which would have entailed giving them very extensive rights of co-determination in respect of the European institutions.
- 2° To ask for no further renunciations of sovereignty, but to set up the European institutions in such a way that they would constitute genuinely European organizations, carrying out their tasks in the greatest possible independence of national influences.
17. The *ad hoc* Assembly, at its January session, decided in favour of adopting the second alternative.
18. The Community is to be such that it will be able to take on a more and more precise form, according to its own laws, until it develops, by a natural process into a real Federal State or Confederation.
19. This appears particularly clearly from the fact that the supranational Community possesses one of the attributes of a State : its Parliament will consist of a directly-elected Peoples' Chamber, and of an indirectly-elected Senate which is to guarantee co-operation, on a basis of equality, between the peoples of the individual national States. A supra-national executive organ is envisaged in the form of the European Executive Council, whose formation, composition and activity will, in accordance with the principles of parliamentary democracy, require the confidence of Parliament. Constitutional order will be ensured by the Court of the Community. The Council of National Ministers will have a dual task. In the first place it will have to make it clear that there is no intention of establishing one single

super-State in place of the six participating national States — a fact which is also especially stressed in the Preamble and in Article 1, where reference is made to “the contribution which a living, united, free Europe can bring to civilization and to the preservation of our common spiritual heritage”, and where it is stated that “the Community is founded upon a union of peoples and States, upon respect for their personality and upon equal rights and duties for all.” In the second place, this Council of National Ministers is to exercise a co-determinative activity and simultaneously to provide for the necessary co-ordination with the Governments and Civil Services of the individual States. The fifth and final common institution will be the Economic and Social Council. Its formation will be regulated by legislation enacted by the Community. As soon as the Council of Europe sets up a similar institution, the Economic and Social Council of the Community will act as an integral part of that institution, and thus will simultaneously provide the necessary link with the Member States of the Council of Europe.

20. This last provision, like others, expresses the unequivocal desire, which is shared equally by us all, that this Community shall work in the closest possible co-operation with all other existing supra-national or international organizations. It stands open to any European democratic States and communities of States that wish to join it, or to associate themselves with it by means of special treaties and separately specified mutual rights and duties. We are, as the Preamble declares, “determined to invite other European peoples, inspired by the same ideal, to join with us...”

## V

We hope that you also will give your approval, in principle to the draft Statute, and that it will be

possible to submit the result of our common efforts to the different Governments on 10 March. That will not be the end of the Committee's task. As soon as we have put the draft Statute of the European Community before the Six Governments, it will be the particular duty of the Constitutional Committee to participate in the final preparation and realization of that Statute.

DOCUMENT 10

## DRAFT TREATY

embodying the

# Statute of the European Community

ADOPTED BY THE *AD HOC* ASSEMBLY  
IN STRASBOURG ON 10 MARCH 1953

## PREAMBLE

WE, THE PEOPLES OF THE FEDERAL REPUBLIC OF GERMANY, THE KINGDOM OF BELGIUM, THE FRENCH REPUBLIC, THE ITALIAN REPUBLIC, THE GRAND DUCHY OF LUXEMBOURG AND THE KINGDOM OF THE NETHERLANDS,

CONSIDERING that world peace may be safeguarded only by creative efforts equal to the dangers which menace it ;

CONVINCED that the contribution which a living, united free Europe can bring to civilization and to the preservation of our common spiritual heritage is indispensable to the maintenance of peaceful relations ;

DESIROUS of assisting, through the expansion of our production in improving the standard of living and furthering the works of peace ;

DETERMINED to safeguard by our common action the dignity, freedom and fundamental equality of men of every condition, race or creed ;

RESOLVED to substitute for our historic rivalries a fusion of our essential interests by creating institutions capable of giving guidance to our future common destiny ;

DETERMINED to invite other European peoples,  
inspired with the same ideal, to join with us in our  
endeavour ;

HAVE DECIDED to create a European Community.

Wherefore our respective Governments, through  
their Plenipotentiaries, meeting in the city of .....,  
with powers found in good and due form, have  
adopted the present Treaty.

PART I.

The European Community

*ARTICLE 1*

The present Treaty sets up a EUROPEAN COMMUNITY of a supra-national character.

The Community is founded upon a union of peoples and States, upon respect for their personality and upon equal rights and duties for all. It shall be indissoluble.

*ARTICLE 2*

The Community has the following mission and general aims :

— to contribute towards the protection of human rights and fundamental freedoms in Member States ;

— to co-operate with the other free nations in ensuring the security of Member States against all aggression ;

— to ensure the co-ordination of the foreign policy of Member States in questions likely to involve the existence, the security or the prosperity of the Community ;

— to promote, in harmony with the general economy of Member States, the economic expansion, the development of employment and the improvement of the standard of living in Member States, by means, in particular, of the progressive establishment of a common market, transitional or other measures being taken to ensure that no fundamental and persistent disturbance is thereby caused to the economy of Member States ;

— to contribute towards the endeavours of Member States to achieve the general objectives laid down in the Statute of the Council of Europe, the European Convention for Economic Co-operation, and the North Atlantic Treaty, in co-operation with the other States parties thereto.

#### *ARTICLE 3*

The provisions of Part 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4th November 1950, together with those of the protocol signed in Paris on 20th March 1952, are an integral part of the present Statute.

#### *ARTICLE 4*

The Community shall have juridical personality.

In international relationships the Community shall enjoy the juridical personality necessary to the exercise of its functions and the attainment of its ends.

In each of the Member States the Community shall enjoy the most extensive juridical personality which is recognized for legal persons of the nationality of the country in question. Specifically, it may acquire, or transfer, immovable and movable assets and may sue and be sued in its own name.

The Community shall possess, in the territories of the Member States, such immunities and privileges as are necessary to the fulfilment of its task, under conditions determined in the Protocol appended to the present Treaty.

#### *ARTICLE 5*

The Community, together with the European Coal and Steel Community and the European Defence

Community, shall constitute a single legal entity, within which certain organs may retain such administrative and financial autonomy as is necessary to the accomplishment of the tasks assigned by the treaties instituting the European Coal and Steel Community and the European Defence Community.

#### *ARTICLE 6*

The Community shall exercise all such powers and competence as are conferred upon it by the present Statute or by subsequent enactment.

The provisions defining the powers and competence conferred upon the Community by the present Treaty shall be restrictively interpreted.

#### *ARTICLE 7*

The Community shall carry out its functions in close co-operation with the national civil services, through their respective governments, and with any international organization having objectives similar to its own.

#### *ARTICLE 8*

The Community shall enact legislation defining the fundamental principles of the general status of its officials.

PART II.

The Institutions of the Community



*ARTICLE 9*

- The institutions of the Community shall be :
- Parliament ;
  - the European Executive Council ;
  - the Council of National Ministers ;
  - the Court of Justice, hereinafter termed “the Court” ;
  - the Economic and Social Council.
- 

*Chapter I*

**PARLIAMENT**

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*ARTICLE 10*

Parliament shall enact legislation and make recommendations and proposals. It shall also approve the budget and pass a bill approving the accounts (\*) of the Community. It shall exercise such powers of supervision as are conferred upon it by the present Statute.

*ARTICLE 11*

Parliament shall be composed of two Chambers which, unless the present Statute otherwise provides, shall have the same powers and competence.

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(\*) La loi des comptes.

The first Chamber, entitled the Peoples' Chamber, shall be composed of deputies representing the peoples united in the Community.

The second Chamber, entitled the Senate, shall be composed of senators representing the people of each State.

*ARTICLE 12*

Deputies and senators shall vote as individuals and in person.

They may not accept any mandate as to the way in which they shall cast their votes.

*ARTICLE 13*

Deputies shall be elected by universal, equal and direct suffrage, by secret ballot open to both men and women.

The Community shall enact legislation defining the principles of the electoral system.

*ARTICLE 14*

The Peoples' Chamber shall be elected for five years, subject to the provisions of Article 31, paragraphs 4 and 5.

*ARTICLE 15*

The peoples united in the Community shall be represented in the Peoples' Chamber in accordance with the following conditions :

1. The number of deputies elected from the territory of a Member State may not be less than 12 nor more than 70.

2. An equal number of deputies shall be elected from the territories of Germany, France and Italy. Additional representation shall, however, be granted to the French Republic in order to take into account its oversea departments and territories, under conditions to be laid down by French legislation.

An equal number of deputies shall be elected from the territories of Belgium and the Netherlands.

3. The number of deputies elected from the territories of the Member States shall be as follows :

Germany .....	63
Belgium .....	30
France .....	70
Italy .....	63
Luxembourg .....	12
Netherlands .....	30

*ARTICLE 16*

1. Senators shall be elected by the national Parliaments for five years in accordance with the procedure determined by each Member State.

2. A senator shall commence his term of office at the opening of the session of the Senate next following his election.

*ARTICLE 17*

The number of senators shall be as follows :

Germany .....	21
Belgium .....	10
France .....	21
Italy .....	21
Luxembourg .....	4
Netherlands .....	10

*ARTICLE 18*

Each Chamber of Parliament shall verify the regularity of the election of its Members.

*ARTICLE 19*

The Community shall enact legislation determining the conditions of eligibility for membership of Parliament.

*ARTICLE 20*

1. Membership of the European Parliament shall not be confined to members of national Parliaments.
2. A combination of the office of a senator with that of a deputy shall be prohibited.
3. The exercise of the functions of a Member of Parliament of the Community shall be incompatible with that of the functions of a Member of the Council of National Ministers and of a Member of the Economic and Social Council.
4. The exercise of the functions of a Member of Parliament of the Community shall be incompatible with the holding of judicial office on behalf of the Community, with permanent functions remunerated by the Community or with directorial functions in an enterprise or organization directly controlled by the Community.
5. The Community may enact legislation laying down other rules as to incompatibility.

*ARTICLE 21*

Parliament shall hold two ordinary sessions annually. It shall assemble regularly on the second Tuesday in May and the last Tuesday in October.

An extraordinary session of either Chamber may be convened by its President, either on his own initiative, or at the request of a quarter of the Membres of the Chamber concerned, or of the European Executive Council.

*ARTICLE 22*

Each Chamber shall elect its President and its Bureau from among its own Members, by secret ballot. It shall decide upon its Rules of Procedure by majority vote of its Members.

The records of the proceedings of each Chamber shall be published in accordance with the conditions laid down in its Rules of Procedure.

*ARTICLE 23*

1. Members of Parliament and of the European Executive Council shall have the right to initiate legislation.
2. Members of Parliament shall have the right of amendment and interpellation. They may put oral or written questions to the European Executive Council, which shall be required to answer them.
3. Each Chamber shall receive and examine any petitions which may be addressed to it. Such petitions may not be presented in person.
4. Each Chamber shall have the right to institute inquiries. The Community shall enact legislation governing the exercise of this right.

*ARTICLE 24*

1. Members of the European Executive Council may attend all meetings of each of the Chambers. They shall

*ARTICLE 26*

be heard if they so request. They may take part in the work of the Committees.

2. Members of the Council of National Ministers may attend all meetings of each of the Chambers. The President of the Council of National Ministers, or a member of the Council specially appointed to represent him, may be heard on behalf of the Council by each of the Chambers, either at the request of the latter, or on his own initiative.

Each Chamber shall lay down in its Rules of Procedure the manner in which it will exercise its powers and competence.

*ARTICLE 25*

1. No restriction shall be placed upon the travel of Members of Parliament proceeding to or coming from the place of meeting of Parliament.

As concerns customs and exchange control, Members of Parliament shall be granted the privileges accorded to accredited Heads of diplomatic Missions ; they shall be exempted from the visa regulations in force in Member States.

2. During their term of office, Members of Parliament shall enjoy exemption from all measures of detention and from any legal prosecution.

Such immunity may not be invoked when Members are found committing, attempting to commit, or just having committed an offence.

Each Chamber of Parliament may waive the immunity of its Members.

3. Members of Parliament shall enjoy absolute immunity from legal action in respect of opinions or votes expressed by them in the exercise of their functions. They shall continue to enjoy this immunity after the expiry of their term of office.

*Chapter II*

**THE EUROPEAN EXECUTIVE COUNCIL**

*ARTICLE 27*

The European Executive Council shall undertake the general administration of the Community. It shall have no powers other than those conferred upon it by the present Statute.

*ARTICLE 28*

1. The Senate shall elect the President of the European Executive Council in secret ballot, by majority vote of its Members.
2. The President shall appoint the other Members of the European Executive Council.
3. The European Executive Council shall not include more than two Members of the same nationality.
4. The Members of the European Executive Council shall have the title of Ministers of the European Community.

*ARTICLE 29*

Only nationals of Member States may be Members of the European Executive Council.

*ARTICLE 30*

1. The office of a member of the European Executive Council shall be incompatible with that of a member of the Government of a participating State, of a judge

or solicitor-general in the Court or of a member of the Economic and Social Council.

2. Members of the European Executive Council may not exercise any paid function.

They may belong neither to the management nor the Board of Directors of any enterprise conducted for profit.

*ARTICLE 31*

1. The European Executive Council shall assume its functions as soon as its composition has been published in the Official Journal of the Community. It shall forthwith request the Peoples' Chamber and the Senate for their vote of confidence, which shall be given by each Chamber by majority vote of its members.
2. The European Executive Council shall remain in office until the end of the life of the current Peoples' Chamber. It shall resign from office notwithstanding, if a vote of no confidence is passed against it by the Peoples' Chamber or the Senate. It shall also be required to resign if the Peoples' Chamber or the Senate refuses to grant its request for a vote of confidence.
3. The Senate shall be deemed to have passed a vote of no confidence in the European Executive Council if it elects a new President, under the provisions of the first paragraph of Article 28.

The Peoples' Chamber shall pass a vote of no confidence in the European Executive Council by a three-fifths majority vote of its members.

Subject to the provisions of paragraph 1 of the present article, the withholding of a vote of confidence, if it is to be effective, must take place under the same conditions as a vote of no confidence.

4. If a motion of no confidence, or alternatively the withholding of a vote of confidence which has been requested of the Peoples' Chamber by the European Executive Council, is voted by a majority of less than three-fifths of the members of the Chamber, it shall be at discretion of the European Executive Council either to resign or to declare the Chamber dissolved.

Such dissolution may not be ordered until after the expiry of a period of five clear days. The instrument of dissolution shall include convocation of the electoral body of the Peoples' Chamber within a period of forty days, and of the Chamber within two months.

The withholding of a vote confidence by the Peoples' Chamber shall not, however, entail the option of dissolving the Chamber in the case mentioned in paragraph I of the present Article.

5. The right of the European Executive Council to order the dissolution of the Peoples' Chamber in implementation of the preceding paragraph shall lapse if, within the period determined in that paragraph, the Senate passes a vote of no confidence in the European Executive Council under the conditions laid down in paragraph 3 of the present Article.

6. The President of the European Executive Council shall tender the resignation of the Council to the President of the Senate. The retiring Council shall conduct current business until its successor takes up office.

7. The members of the European Executive Council shall resign in a body if and when the President ceases to exercise his functions.

#### ARTICLE 32

The President of the European Executive Council may dismiss or replace any Member of that Council subject to the approval of the Peoples' Chamber and the Senate.

#### ARTICLE 33

In order to fulfil the tasks entrusted to it, and in accordance with the conditions laid down in the present Statute, the European Executive Council shall take decisions, make recommendations or express opinions.

Decisions shall be binding in all aspects.

Recommendations shall have binding effect as regards the aims specified therein, but shall leave the means of implementation to the Authorities to whom the recommendation is addressed.

Opinions shall not be binding.

#### ARTICLE 34

The President of the European Executive Council shall represent the Community in international relations.

The Council of National Ministers shall communicate with each Member State through the Minister representing the latter.

*Chapter III*

**THE COUNCIL OF NATIONAL MINISTERS**

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*ARTICLE 35*

The Council of National Ministers shall exercise its powers and competence in the cases specified and in the manner indicated in the present Statute with a view to harmonising the action of the European Executive Council with that of the Governments of Member States.

The Council of National Ministers and the European Executive Council shall exchange information and consult each other.

*ARTICLE 36*

The Council of National Ministers shall be composed of representatives of the Member States. Each State shall delegate a member of its Government as a representative.

The Chairmanship shall be taken by each of the Members of the Council in turn for a period of three months, in accordance with the alphabetical order of the names of the Member States.

*ARTICLE 37*

The Council of National Ministers shall be convened by its Chairman at the request of a Member State or of the European Executive Council.

*Chapter IV*

**THE COURT**

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*ARTICLE 38*

1. The Court shall ensure the rule of law in the interpretation and application of the present Statute and of the laws and regulations of the Community.
2. The Court of the Community shall be identical with the Court of the European Coal and Steel Community and of the European Defence Community, thus ensuring unity of jurisprudence.
3. Other courts set up by existing or subsequent treaties shall assist the Court in the exercise of its functions.

*ARTICLE 39*

1. The number of judges shall not exceed fifteen.

They shall be selected from a double list by the European Executive Council, acting with the approval of the Senate. Each Member State may put forward three candidates ; the national groups of the Permanent Arbitration Court in each Member State shall be entitled to exercise a similar right.

2. The candidates must be of the highest moral character, and must either possess the qualifications required, under their national legislation, for the

exercise of the highest judicial functions, or be jurists of unquestionable ability.

3. Judges shall be appointed for nine years and shall be re-eligible. Nevertheless, the first seven judges shall cease to exercise their functions at the expiry of the period for which provision is made in the treaty instituting the European Coal and Steel Community.

4. The Court shall have exclusive jurisdiction in disciplinary proceedings against its own members.

5. The judges shall be independent and subject only to the law.

*ARTICLE 40*

1. The texts relating to the competence of the Court and the organisation of the judicial system shall be supplemented and modified in accordance with Articles 112 or 113. Nevertheless, should such modification entail an alteration in the powers and competence of the Community vis-à-vis the Member States, the provisions of Article 111 shall be applicable.

2. Notwithstanding the provisions in the preceding paragraph, the Court shall lay down its own Rules of Procedure.

*ARTICLE 41*

1. The Court shall in its own right take cognisance of disputes arising out of the application or interpretation of the present Statute or of a law of the Community, to which the parties are

- either Member States among themselves,
- or one or more Member States and the Community.



2. The Court shall take cognisance, through the machinery provided for the hearing of appeals, of the judgments or decisions delivered by the judicial organs of the Community, all of which are subordinate to it.

*ARTICLE 42*

1. The Court shall take cognisance in first and final instance of all appeals formally lodged against the Community, except when provision is made to the contrary in the present Statute or in a law of the Community conferring this competence on another Court.

2. The Court shall pass judgment on disputes arising from the application of the Treaties instituting the European Coal and Steel Community and the European Defence Community in accordance with the provisions of those Treaties.

*ARTICLE 43*

The Court shall have jurisdiction to pass judgment on appeals for annulment on grounds of lack of competence, substantial procedural violations, violation of the Statute or of any regulation concerning its application, or abuse of power, where such appeals are lodged by any interested party against the decisions or recommendations of the European Executive Council or of the administrative authorities subordinate thereto.

*ARTICLE 44*

The Court shall have sole jurisdiction to decide on the validity of decisions or recommendations of

the European Executive Council and of deliberations of the Council of National Ministers, in cases where such validity is contested in litigation before a national Court.

*ARTICLE 45*

1. Any dispute arising from a decision or measure taken by one of the Institutions of the Community, which affects the rights recognised in the Convention for the Protection of Human Rights and Fundamental Freedoms, shall be referred to the Court.

2. If an appeal is lodged with the Court under the conditions mentioned in the preceding paragraph by a natural or legal person, such appeal shall be deemed to be lodged in accordance with the terms of Article 26 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

3. After the establishment of the legal machinery for which provision is made in the Convention for the Protection of Human Rights and Fundamental Freedoms, should any dispute arise which involves a question of principle as to the interpretation or extent of the obligations resulting from the said Convention and which consequently affects all the Parties thereto, the Court shall renounce judgment, if necessary, until the question of principle has been settled by the judicial organs for which provision is made in the Convention.

*ARTICLE 46*

The Member States undertake not to avail themselves of any mutual declarations or conventions existing among them to submit any difference arising out of the interpretation or application of the present

Treaty to a method of settlement other than those provided for herein.

*ARTICLE 47*

The Court may also, by virtue of the present Statute or a law of the Community, be empowered to act as an Arbitration Court.

*ARTICLE 48*

The judicial organs of the Community and those of Member States shall assist each other in the exercise of their functions.

*ARTICLE 49*

Appeals lodged with the Court shall have no suspensory effect. Notwithstanding this provision the Court may, if it considers that circumstances so demand, order a stay of execution of the decision or recommendation which is the subject of the appeal.

The Court may also order any other interim measures which it deems necessary.

*Chapter V*

**THE ECONOMIC AND SOCIAL COUNCIL**

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*ARTICLE 50*

The Economic and Social Council shall assist the European Executive Council and Parliament in an advisory capacity.

It shall deliver opinions to each of the Chambers of Parliament and the European Executive Council, if they so request. It may also transmit resolutions to them.

*ARTICLE 51*

The Community shall enact legislation establishing the membership, competence and *modus operandi* of the Economic and Social Council.

If an Economic and Social Council is set up by the Council of Europe, agreements shall be concluded to enable the Economic and Social Council of the Community to constitute a section of the Council thus created, and to take part in its deliberations. Where necessary, however, the Economic and Social Council of the Community shall be separately consulted.

*Chapter VI*

**LEGISLATION**

*ARTICLE 52*

1. The passing of legislation shall require the assent of each of the two Chambers in succession by simple majority.
2. After the adoption of a bill by the two Chambers, a second deliberation shall be held automatically in the Peoples' Chamber and in the Senate if requested by one quarter of the Members of the Senate within three clear days.

The second deliberation shall begin ten clear days after the request has been made.

A second deliberation in accordance with this procedure may not be requested more than once on the same bill.

3. A bill shall be considered as finally passed into law after it has been approved at a second deliberation, or, if no admissible request for a second deliberation has been made, at the expiry of the period of three clear days laid down in § 2 of the present Article.
4. Laws shall be promulgated by the President of the European Executive Council within a period of eight clear days from the day on which they are finally voted in accordance with the provisions of § 3.

Before the expiry of this period the President of the European Executive Council may request Parliament to hold a new debate.

5. Laws shall be published in the Official Journal of the Community. They shall have executive effect at such time and under such conditions as shall be laid down in legislation enacted by the Community.

*ARTICLE 53*

The European Executive Council may issue regulations to ensure the implementation of the laws of the Community.

The European Executive Council and the Authorities of each Member State shall be charged, as they are each and severally affected, with the execution of the Community's legislation and of the regulations of the European Executive Council.

*ARTICLE 54*

Under the conditions and within the limits in which it is entitled to legislate, Parliament may also make recommendations which shall be binding as regards the aims specified therein, but shall leave the means of implementation to the Authorities to whom the recommendation is addressed.

Recommendations shall be adopted and promulgated in accordance with the procedure laid down in Article 52 for legislation of the Community.

PART III.

**Powers and Competence**

*Chapter I*

**GENERAL RIGHT OF INITIATIVE**

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*ARTICLE 55*

The Community may make proposals to the Member States with the object of attaining the general aims defined in Article 2.

Such proposals shall be made by the European Executive Council, either on its own initiative or as a result of a motion by Parliament or by one of the Chambers.

The European Executive Council may request Member States for information on the action which they have taken in regard to the proposals of the Community.

*Chapter II*

**INTEGRATION OF THE EUROPEAN  
COAL AND STEEL COMMUNITY AND  
OF THE DEFENCE COMMUNITY**

*ARTICLE 56*

The Community shall, with due regard to the provisions of Article 5, exercise the powers and competence of the European Coal and Steel Community and those of the European Defence Community.

*ARTICLE 57*

Subject to the provisions of Articles 5 and 56, the provisions of the Treaties instituting the European Coal and Steel Community and the European Defence Community shall remain in force, except in the cases provided for in Articles 39, 58 to 65, 109 and 116, and in the Protocol on the privileges and immunities of the Community.

*ARTICLE 58*

The decisions which the High Authority or the Board of Commissioners are authorized to take by virtue of the first paragraph of Article 95 of the Treaty instituting the European Coal and Steel Community and Article 124 of the Treaty instituting the European

Defence Community must be submitted to Parliament for prior approval.

In urgent cases the measures taken shall be immediately submitted to Parliament for subsequent ratification.

*ARTICLE 59*

The integration of the European Coal and Steel Community and the European Defence Community shall be accomplished progressively during a period of adaptation not exceeding two years from the date of the constitution of the Peoples' Chamber.

*ARTICLE 60*

1. As soon as the Peoples' Chamber has come into being, the Common Assembly of the European Coal and Steel Community and the European Defence Community shall be replaced by the Parliament of the Community, which shall exercise the powers and competence of the former, except as laid down in the transitional provision embodied in sub-paragraph (ii) of paragraph 1 of Article 62.

2. When the present Treaty comes into force :

— The Council of National Ministers shall replace the special Councils of Ministers of the European Coal and Steel Community and the European Defence Community and shall exercise their powers and competence.

— The judicial powers provided for in the present Statute shall be exercised by the Court of Justice of the European Coal and Steel Community and of the European Defence Community.

#### ARTICLE 61

During the period laid down in Article 59, the High Authority of the European Coal and Steel Community and the Board of Commissioners(\*) of the European Defence Community shall discharge their functions under the supervision and responsibility of the European Executive Council.

#### ARTICLE 62

1. During the period laid down in Article 59 :

(i) The President of the High Authority of the European Coal and Steel Community and the President of the Board of Commissioners of the European Defence Community shall sit "ex officio" on the European Executive Council with the right to vote :

(ii) The President of the High Authority of the European Coal and Steel Community shall retain the status resulting from the treaty instituting the European Coal and Steel Community.

The responsibility envisaged in Article 24 of that treaty may be questioned only before the Senate.

2. As soon as the first European Executive Council takes office, the Board of Commissioners of the European Defence Community shall be responsible to Parliament under the same conditions as the European Executive Council.

#### ARTICLE 63

At the expiry of the period laid down in Article 59, and with due regard to the provisions of Articles 5 and 56 :

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(\*) « Commissariat ».

1. The European Executive Council shall be substituted for the Board of Commissioners of the European Defence Community and shall exercise the powers and competence thereof ;

2. The High Authority of the European Coal and Steel Community shall continue to exist as an administrative body having the character of a board. Its members shall be appointed by the European Executive Council on proposals submitted by the Governments of the Member States. It shall discharge its functions under the direction and supervision of the European Executive Council.

#### ARTICLE 64

1. The budgetary and financial provisions of the treaty instituting the European Coal and Steel Community shall remain in force during the period laid down in Article 59.

2. Nevertheless, with effect from the date on which the Peoples' Chamber comes into being the budget of expenditure of the European Defence Community shall be voted by Parliament, under the conditions laid down in Article 76 of the present Treaty.

3. At the expiry of the period laid down in Article 59, the whole of the regulations embodied in Articles 75 to 81 shall come into force, subject to the proviso that the allotment of receipts resulting from the implementation of the Treaties instituting the European Coal and Steel Community and the European Defence Community shall be maintained.

#### ARTICLE 65

The European Executive Council, during the period laid down in Article 59, shall take such decisions

as are necessary to ensure the implementation of Articles 5 and 56.

Should these measures involve the amendment of one or more provisions of the treaties instituting the European Coal and Steel Community and the European Defence Community, other than those already modified by the present Treaty, in particular by Articles 5, 56 and 59 to 64, such amendments shall be made in accordance with the provisions of Articles 110 to 115.

*ARTICLE 66*

Such provisions of the present Treaty as relate to the European Defence Community shall be applicable when both the present Treaty and the treaty instituting the European Defence Community shall have come into force.

*Chapter III*

**INTERNATIONAL RELATIONS**

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*ARTICLE 67*

1. Within the limits of the powers and competence conferred upon it, the Community may conclude treaties or international agreements or accede thereto.
2. The Community may conclude treaties or agreements of association with third States, under the conditions prescribed in Articles 90 to 92.

*ARTICLE 68*

The European Executive Council shall negotiate and conclude treaties or international agreements on behalf of the Community.

Where such treaties or agreements relate to matters in which the present Statute provides for the assent of another institution of the Community, the European Executive Council may ratify them only when authorized so to do by the other institution concerned, acting in accordance with the procedure and conditions laid down for the exercise of its competence.

*ARTICLE 69*

In order to achieve the general aims laid down in Article 2, the Community shall ensure that the foreign policies of Member States are co-ordinated.



For this purpose the European Executive Council may be empowered, by unanimous decision of the Council of National Ministers, to act as common representative of the Member States.

#### ARTICLE 70

For the purposes defined in the previous article :

1. Representatives of Member States in the Council of National Ministers shall exchange information and institute a procedure for mutual and permanent consultation on all questions which affect the interests of the Community.
2. The European Executive Council may make proposals for this purpose to the Council of National Ministers. It shall have the right to be heard at all meetings of the Council of National Ministers when these proposals are examined.
3. Parliament, acting through the European Executive Council, may address proposals to the Council of National Ministers or to the Governments of Member States on all matters affecting the interests of the Community.

The European Executive Council may, at the request of Parliament, invite the Council of National Ministers or the governments in question to make known what action has been taken on these proposals.

#### ARTICLE 71

The Community shall :

1. institute a procedure for consultations among the Member States, so that a common attitude may be adopted at any international conferences where the interests of the Community may be involved ;

2. prepare a draft pact for the peaceful settlement of any disputes which may arise between the Member States and which do not come within the competence of the Court ;
3. establish the procedure for conciliation and arbitration required for the implementation of Article 73 ;
4. draft other treaties or agreements among the Member States or between certain individual Member States.

The European Executive Council shall invite the Member States to implement such treaties or agreements in accordance with their usual constitutional procedure.

#### ARTICLE 72

Member States may not conclude treaties or international agreements which run counter to commitments entered into by the Community or adhere to such treaties or agreements.

#### ARTICLE 73

Member States shall inform the European Executive Council of any draft treaties or agreements which they are in process of negotiating, or of any initiative taken by them which affects the Community.

If the European Executive Council considers that any such draft or initiative is likely to impede the implementation of the present Statute or to affect the interests of the Community, and if no agreement with the State in question can be reached, the dispute shall, subject to any other procedure provided for in the present Statute, be submitted to conciliation or, if this is unsuccessful, to arbitration.

*ARTICLE 74*

The Community shall, to the extent required for the achievement of its aims and within the limits of its powers and competence, have the right to accredit and receive diplomatic representatives.

*Chapter IV*

**FINANCIAL PROVISIONS**

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*ARTICLE 75*

1. The budget shall embrace the total receipts and expenditure of the Community. It shall be divided into Chapters.
2. The Community shall enact legislation defining the methods of presentation and implementation of the budget, together with the methods by which this implementation shall be supervised.

*ARTICLE 76*

1. The budget shall be proposed by the European Executive Council, subject to the provisions of Articles 78, 79 and 80.
2. The budget shall be voted annually by Parliament. Parliament may exercise its right of amendment only within the limits of the grand total of the proposed expenditure. It may not add new Chapters involving additional expenditure.
3. If the budget is not approved by Parliament before the beginning of the financial year, the European Executive Council may prolong the budget of the preceding year for a quarter at a time, until the new budget shall have been adopted. In that case, the provisions of Article 81, relating to the transfer of

credits from one chapter to another, shall not be applicable.

*ARTICLE 77*

The financial resources of the Community shall be derived from :

- its own receipts, which include taxes, loans and various products of the Community ;
- the contributions paid by Member States.

*ARTICLE 78*

1. The methods of determining the assessment, the rates of taxation and the manner in which the Community's taxes are levied shall be laid down by the European Executive Council in the form of bills, with the unanimous concurrence of the Council of National Ministers. Such bills shall be submitted to Parliament for approval. Their provisions shall be promulgated as legislation of the Community.
2. There shall be no exemption from taxes levied by the Community.

*ARTICLE 79*

No loan may be issued without the approval of Parliament, except such loans as fall due within less than one year when necessary to provide for the annual balancing of accounts by the Treasury.

*ARTICLE 80*

The basis for determining the contributions of Member States and the rate of contribution shall be

unanimously decided by the Council of National Ministers, on the proposal of the European Executive Council.

*ARTICLE 81*

1. The European Executive Council shall implement the provisions of the budget, in accordance with the provisions of the legislation envisaged in Article 75. It may not transfer credits from one Chapter to another, unless authorized by Parliament so to do.
2. Not later than six months after the end of the financial year, the European Executive Council shall submit to Parliament a bill approving the accounts for that financial year.

*Chapter V***ECONOMIC POWERS***ARTICLE 82*

The Community, while upholding the principles defined in Articles 2, 3 and 4 of the Treaty instituting the European Coal and Steel Community, shall establish progressively a common market among the Member States, based on the free movement of goods, capital and persons.

In order to achieve the aim mentioned in the preceding paragraph, the Community shall foster the co-ordination of the policy of the Member States in monetary, credit and financial matters.

The Community shall have the power to take the measures rendered necessary by Articles 84 to 87.

*ARTICLE 83*

From the date on which the present Treaty becomes effective, nationals of Member States who have completed their service in the European defence forces shall have freedom of movement within the Community and freedom to choose their domicile in the territory of any Member State under the same conditions as are applicable to nationals of that State.

The same facilities shall be afforded to nationals of Member States born after the present Treaty has come into force.

1. The Community may not exercise the powers conferred upon it by Article 82 until one year after the present Treaty has come into force.

2. At the expiry of the period mentioned in the preceding paragraph, and during a period of five years thereafter, the measures to be taken in application of Article 82 shall be embodied in proposals drawn up by the European Executive Council, with the unanimous concurrence of the Council of National Ministers who may consult, if need be, their respective national Parliaments before delivering an opinion. Such proposals shall be submitted to the Parliament of the Community for approval. The provisions which they contain shall be enacted as legislation of the Community.

3. At the expiry of this period of five years, the measures to be taken in application of Article 82 shall be embodied in proposals drawn up by the European Executive Council, with the concurrence of the Council of National Ministers. Such proposals shall be submitted for approval to the Peoples' Chamber, voting by simple majority and to the Senate, voting by two-thirds majority. The provisions which they contain shall be enacted as legislation of the Community.

*ARTICLE 85*

1. In order to facilitate the progressive establishment of the common market envisaged in Article 82 a European Re-adaptation Fund shall be instituted, to enable assistance to be given where necessary to enterprises and workers, on lines similar to those laid down in Article 56 of the treaty instituting the European Coal and Steel Community.

Applications for assistance may also be made by the Governments of Member States.

2. The Fund shall be financed by :

(i) contributions from the Member States,

(ii) loans raised by the Community,

(iii) an annual levy at a rate not exceeding 5 % of the value of orders placed in execution of the programmes referred to in Article 101 of the treaty instituting the European Defence Community.

The rate of the levy, within the limits defined above, and its assessment and collection shall be laid down in legislation to be enacted by the Community.

3. The Fund shall be administered by the European Executive Council under the supervision of Parliament.

The Economic and Social Council may be consulted on the administration and operation of the Fund.

#### ARTICLE 86

One or more Member States may appeal to the Arbitration tribunal provided for in Article 73 or, prior to the date on which such tribunal is set up, to the Court, against the measures taken by the Community in implementation of paragraph 3 of Article 84, if they deem that such measures might cause fundamental and persistent disturbances to their economy.

The existence or imminence of such disturbances shall be confirmed, at the request of the Member State or States concerned, by the Court or Arbitration Tribunal. Until such time as the competent institution of the Community shall have taken appropriate steps to eliminate the disturbances, the Court or Arbitration Tribunal shall, at the request of the same State

or States and in so far as that State or States are concerned, suspend application of the measures in question.

The Court or the Arbitration Tribunal shall pass summary judgment, notify the President of each Chamber that the appeal has been lodged, and state what decision it has taken.

#### ARTICLE 87

Member States shall consult the European Executive Council before concluding among themselves agreements likely to restrict the movement of labour and commodities, or before taking any measures, particularly in the monetary field, which might have similar effects.

Should the European Executive Council find that such agreements or measures conflict with the aims of the present Treaty, in particular those defined in Article 82, or that they are likely to cause fundamental and persistent disturbances to the economy of the other Member States or to entail the application of the measures specified in Article 67 of the treaty instituting the European Coal and Steel Community, it may, with the assent of the Council of National Ministers, address appropriate proposals to the Member States concerned.

*Chapter VI*

**SPECIALIZED AUTHORITIES**

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*ARTICLE 88*

Within the framework of the mission and general aims laid down in Article 2, the Community may set up, or sponsor the creation of, administrative bodies, institutions, public services or services in the European public interest, or self-governing and financially independent organizations, centralized or decentralized ; it may also exercise supervision over them.

Organizations of the Community for which provision is made in the preceding paragraph may be governed by any form of public or private law, or be subject to national or Community legislation.

In order to fulfil the tasks entrusted to it, the Community may also make use of existing services.

The Community shall enact legislation in implementation of the present Article.

*ARTICLE 89*

The Community may represent its Member States in any Specialized Authority or Community to which all such Member States belong.

PART IV.

Association

*ARTICLE 90*

The Community may conclude treaties or agreements of association in order to establish, in certain fields, close co-operation, involving reciprocal rights and obligations, with such third States as guarantee the protection of the human rights and fundamental freedoms mentioned in Article 3.

Such treaties or agreements may be concluded either with a European non-member State or, in accordance with the provisions of its Constitution, with an overseas State, having constitutional links either with a Member State or with a State which is already associated with the Community.

Should such treaty or agreement of association necessitate a revision of the present Statute, such revision shall be made in accordance with the provisions of Article 116.

*ARTICLE 91*

A treaty of association may provide *inter alia* for :

1. Participation in the Council of National Ministers of representatives of the Governments of the associated States, and participation in the Senate of representatives of the peoples of the associated States, either with full or with partial rights ;
2. the creation of permanent joint committees on the governmental or parliamentary level ;
3. the obligation to exchange information and undertake mutual consultation.

*ARTICLE 92*

The treaty of association shall provide for procedure to uphold the rule of law in the interpretation and application of the treaty of association.

The Court of the Community may be empowered by the treaty of association to settle differences between the Community and an associated State.

The Court and the other judicial organs of the Community may also be given competence to take cognizance of certain litigation concerning nationals of an associated State.

In such cases, and in accordance with the methods defined in the treaty of association, judges appointed by the associated State may sit in the judicial organs of the Community.

*ARTICLE 93*

The members of the European Executive Council, those of the Council of National Ministers and the representatives of the associated States shall periodically meet in conference.

PART V.

Inauguration of the Institutions  
of the Community



*ARTICLE 94*

The first Senate shall be constituted within a month after the present Treaty has come into force.

It shall be convened by the President of the Common Assembly of the European Coal and Steel Community.

*ARTICLE 95 (\*)*

The Senate shall fix the date of the elections to the Peoples' Chamber. They shall take place within six months after the present Treaty comes into force.

*ARTICLE 96*

1. Until such time as the legislation envisaged in Article 13 has come into force, elections to the Peoples' Chamber shall take place in the territory of each Member State on a basis of proportional representation, the use of the "combined list" (apparentement) system being optional.

The procedure to be followed in each State shall be laid down by national legislation. Regulations concerning the electoral law, in particular the right of franchise, the electoral list, the organization and

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(\*) After voting on this Article, the Assembly agreed to the recommendation of the Constitutional Committee "that the expenses of the first election to the Peoples' Chamber be borne by the Community, subject to such precautions and safeguards as the Community shall stipulate".

counting of votes, shall be laid down by legislation in each Member State.

2. Until such time as :

(i) the law on eligibility mentioned in Article 19 ;

(ii) the law on incompatibility mentioned in paragraph 5 of Article 20,

have come into force, the regulations concerning eligibility and incompatibility shall be laid down by the legislation of each Member State, subject to the reservation that paragraphs 1, 2, 3 and 4 of Article 20 shall be applied forthwith.

#### *ARTICLE 97*

The President of the Senate shall convene the Peoples' Chamber and the Senate within the fortnight following the date of the elections which shall be determined in accordance with the provisions of Article 95.

#### *ARTICLE 98*

As soon as the Peoples' Chamber has been constituted, the Senate shall elect the President of the European Executive Council.

#### *ARTICLE 99*

The Council of National Ministers shall meet as soon as the European Executive Council has taken up office.

## PART VI.

### General Provisions

*ARTICLE 100*

1. The seat of the various Institutions of the Community shall be determined by Parliament within a period of one year from the date on which the Peoples' Chamber comes into being.
2. Each Chamber shall vote by a two-thirds majority of its Members.
3. As an appendix to the law which they adopt, a Protocol shall be issued by the European Executive Council, placing the location or locations selected under the exclusive jurisdiction of the Community. Before this law is voted, the Protocol must be agreed between the European Executive Council and the Government or Governments of the State or States whose territory is affected.
4. Pending the decision for which provision is made in paragraph 1 of the present Article, the Institutions of the Community shall have their provisional seat at Strasbourg.

*ARTICLE 101*

1. Unless any Member State concerned makes a declaration to the contrary before signature of the Treaty, the provisions of the Statute shall apply to all territories under the jurisdiction of each State.
2. Laws, recommendations and all other decisions of the Community, together with the treaties concluded by the latter, shall not be applicable to non-European territories except with such adaptations as may be

laid down by the Member State under whose jurisdiction they fall.

3. The provisions of the Statute may be extended in whole or in part, by means of separate protocols, to the territories mentioned in the declaration provided for in paragraph 1, and also to States, countries or territories for whose international relations a Member State or an Associated State is responsible.

#### ARTICLE 102 (\*)

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(\*) This Article was referred, with the relevant Amendments, to the Special Council of Ministers of the European Coal and Steel Community. (See Appendix I, page 93.)

#### ARTICLE 103

When a Member State regains jurisdiction over a territory which formed part of that State on 31 December 1937, the present Statute shall *ipso facto* become applicable to the said territory.

Any adjustments to the composition of the Peoples' Chamber which might result from this situation shall be made by means of the procedure provided in Article 112.

#### ARTICLE 104

Member States may request the European Executive Council for assistance in maintaining constitutional order and democratic institutions within their territory.

The European Executive Council, with the unanimous concurrence of the Council of National Ministers, shall lay down the conditions under which the Community shall be empowered to intervene on its own initiative. The relevant provisions shall take the form of a bill to be submitted to Parliament for approval within one year from the date of the coming into being of the Peoples' Chamber. They shall be enacted as legislation of the Community.

#### ARTICLE 105

The Member States pledge themselves to take all measures necessary to implement the laws, regulations, decisions and recommendations of the Community and to assist the Community in the accomplishment of its mission.

The Member States further undertake to refrain from any measure incompatible with the provisions of the present Statute.

*ARTICLE 106*

The decisions of the European Executive Council and the judgements of the Court shall have executive force in the territory of the Member States.

Enforcement in the territory of the Member States shall be ensured through the normal legal channels of each State. It shall be preceded by the customary executive formula employed in the State within whose territory the decision is to be enforced, there being no intervention by the national authorities other than a verification of the authenticity of the decision. This formality shall be entrusted to a Minister appointed for the purpose by each Government.

*ARTICLE 107*

Liaison between the Institutions of the Community and the Council of Europe shall be ensured in accordance with the provisions of the Protocol appended to the present Treaty.

*ARTICLE 108*

1. In the present Treaty the words "the present Treaty" shall be interpreted to mean the clauses of the Treaty and its appendices.
2. In the present Treaty, the words "the present Statute" shall be interpreted to mean the clauses of the present Treaty as defined in the preceding paragraph, together with the provisions of the treaty insti-

tuting the European Coal and Steel Community and of the treaty instituting the European Defence Community, to the extent that these have not been modified by the present Treaty.

*ARTICLE 109*

The 3rd and 4th paragraphs of Article 95 and Article 96 of the Treaty instituting the European Coal and Steel Community, and Articles 125 and 126 of the Treaty instituting the European Defence Community are abrogated.

*ARTICLE 110*

The European Executive Council, either of the two Chambers, and each of the Member States may make proposals for the amendment of the present Statute.

Proposals for amendment made by one of the Chambers or by a Member State shall be transmitted to the European Executive Council which shall set in motion the procedure for which provision is made in Articles 111 to 115 of the present Statute.

*ARTICLE 111*

Amendments to the provisions of the present Statute involving a modification of the powers and competence of the Community vis-à-vis the Member States, or a modification of the definition of human rights and fundamental freedoms guaranteed by the present Statute, shall be made by means of the following procedure :

The European Executive Council shall decide on a draft amendment to the Statute, with the unanimous concurrence of the Council of National Ministers.

The draft amendment shall be submitted for approval to the Parliament of the Community and to the Parliaments of the Member States.

The amendment shall be promulgated by the European Executive Council.

#### *ARTICLE 112*

Amendments to the provisions of the present Statute involving an alteration in the relations between the Institutions of the Community, or in the division of powers and competence among them, or amendments tending to affect the guarantees provided for the States in the composition or working procedure of these Institutions, shall be made in accordance with the following procedure :

The European Executive Council shall decide on a draft amendment of the Statute, which shall be submitted to the Council of National Ministers for unanimous approval.

The draft amendment shall be submitted for approval to the Parliament of the Community.

The amendment shall be promulgated by the European Executive Council.

#### *ARTICLE 113*

Amendments to the provisions of the present Statute other than those referred to in Articles 111 and 112 shall be made in accordance with the following procedure :

The European Executive Council shall decide on a draft amendment to the Statute.

The draft amendment shall be submitted for approval to the Parliament of the Community.

The amendment shall be promulgated by the European Executive Council.

#### *ARTICLE 114*

The Court shall adjudicate in any dispute concerning the procedure to be followed on a proposal for amendment, if requested to do so by an institution of the Community or a Member State.

#### *ARTICLE 115*

Amendments to the provisions of the Treaty instituting the European Defence Community, which might affect mutual aid agreements between the Member States of the European Defence Community and the United Kingdom, on the one hand, and the Member States of the European Defence Community and States parties to the North Atlantic Treaty, on the other hand, shall not become effective until agreement has been reached with the interested States.

#### *ARTICLE 116*

1. Accession to the Community shall be open to the Member States of the Council of Europe and to any other European State which guarantees the protection of human rights and fundamental freedoms mentioned in Article 3.

2. Any State desirous of acceding to the present Statute shall address its request to the European Executive Council. The latter shall inform the Council

of National Ministers and the Parliament of the Community accordingly.

3. Accession shall form the subject of an instrument of accession which shall form a Protocol to the present Statute. This instrument, which shall contain the necessary amendments to the Statute, shall be drawn up by the European Executive Council with the concurrence of the Council of National Ministers. It shall be submitted to the Parliament of the Community for approval.

4. The instrument of accession shall come into force as soon as the European Executive Council has promulgated it and the State concerned has deposited its instrument of ratification with the European Executive Council.

5. The provisions of Article 98 of the treaty instituting the European Coal and Steel Community and of Article 129 of the treaty instituting the European Defence Community are abrogated.

#### *ARTICLE 117*

The present Treaty, drawn up in a single original copy, shall be provisionally deposited in the archives of ... which shall transmit a certified copy thereof to the governments of each of the other signatory States.

The present Treaty shall be ratified. The instruments of ratification shall be deposited with ..., which shall notify the Governments of the other Member States accordingly.

The present Treaty shall come into force on the day when the instrument of ratification shall be deposited by the penultimate State to fulfil this formality.

Within one year after the present Treaty shall have come into force, ... shall deposit the present Treaty, together with the instruments of ratification, in the archives of the European Executive Council.

When the Council of National Ministers has taken up office, it shall arrange for the preparation of authoritative texts of the present Treaty in the languages other than that of the original copy.

Should there be any divergence, the text of the original copy shall prevail.

In witness whereof the undersigned Plenipotentiaries have placed their signatures and seals at the end of the present Treaty.

**Protocol on the privileges and  
immunities of the Community**



The Member States of the European Community

Considering that, under the terms of Article 4 of the Treaty, the Community will enjoy on the territories of the Member States the immunities and privileges necessary to the fulfilment of its mission under the conditions provided for in an annexed Protocol,

Have agreed to the following :

*ARTICLE 1*

The privileges, immunities and facilities laid down in the present Protocol are granted with the sole object of guaranteeing to the Community the conditions necessary for the fulfilment of its mission.

*ARTICLE 2*

The premises and buildings of the institutions of the Community, together with its archives, shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

*ARTICLE 3*

The property and assets of the Community may not be the object of any administrative or judicial measure of constraint without the authorization of the Court.

#### ARTICLE 4

The Community may hold or have accounts in any kind of currency.

#### ARTICLE 5

The Community, its assets, income and other properties shall be exempt from :

- (i) all direct taxes ; however, the Community will not request exemption from such taxes, charges and duties as constitute only direct payment for public utility services ;
- (ii) all customs duties, prohibitions and restrictions on imports and exports with respect to articles intended for its official use ; articles thus imported free of duty shall not be sold on the territory of the country into which they have been imported, except under conditions agreed to by the government of such country ;
- (iii) all customs duties and all prohibitions and restrictions on imports and exports with respect to its publications.

#### ARTICLE 6

For their official communications, the institutions of the Community shall enjoy on the territory of each Member State the treatment granted by that State to diplomatic missions.

Official correspondence and other official communications of the institutions of the Community shall not be subject to censorship.

#### ARTICLE 7

The European Executive Council shall issue *laissez-passer* to the members and higher officials of the insti-

tutions of the Community. These passes shall be recognized as valid travel documents by the Authorities of Member States.

#### ARTICLE 8

The privileges, immunities and facilities granted to Members of Parliament shall be governed by Article 25 of the present Treaty.

The privileges, immunities and facilities granted to the judges and solicitors-general of the Court shall be governed, unless the present Treaty otherwise provides, by the provisions of the Protocol on the Code of the Court of Justice of the European Coal and Steel Community and any amendments which may be made thereto.

#### ARTICLE 9

Members of the Council of National Ministers and persons accompanying them officially shall enjoy, during the exercise of their functions and during their travel to or from the place of meeting, the customary privileges and immunities.

#### ARTICLE 10

On the territory of each of the Member States, and regardless of their nationality, Members of the European Executive Council :

- (i) shall enjoy immunity from legal process for acts performed by them in their official capacity, including their speeches and writings ; this immunity shall continue after the expiry of their term of office. In cases where an action is brought before a national Court, proceedings shall be suspended until such time as the

Senate has waived immunity, in accordance with Article 13 below ;

ii) shall be exempt from any national taxation on salaries or emoluments paid by the Community ;

iii) shall be exempt, together with their spouses and the dependent members of their families, from regulations limiting immigration and from formalities for the registration of foreigners ;

iiii) shall enjoy the right to import their personal property and effects free of duty at the time they assume their functions in the country in question, and to re-export such property and effects free of duty to their country of residence at the expiry of their term of office.

#### *ARTICLE 11*

The Community shall enact legislation defining the classes of officials of the Community to which the provisions of the preceding article shall apply in whole or in part, and the conditions under which such immunity may be waived.

The Community may also enact legislation ordering that a tax be levied for the benefit of the Community on the salaries and emoluments which it pays to its officials, to the extent that such salaries and emoluments are exempt from national taxation by Member States, in accordance with the provisions of the present Protocol.

#### *ARTICLE 12*

Until such time as the legislation mentioned in Article 11 shall have come into force, the European

Executive Council, on the proposal of the President of each institution, shall determine the classes of officials to which the provisions of Article 10 above shall apply in whole or in part.

The names of the officials included in such classes shall be communicated periodically to the Governments of the Member States.

The European Executive Council shall be empowered to waive the immunity granted to an official of the Community, after consulting the President of the institution to which the official belongs.

#### *ARTICLE 13*

The immunity granted to a member of the European Executive Council may be waived only by a decision of the Senate.

#### *ARTICLE 14*

The European Executive Council may conclude, with one or several Member States, complementary agreements to amend the provisions of the present Protocol.

#### *ARTICLE 15*

Any dispute concerning the interpretation or application of the present Protocol shall be submitted to the Court.

Protocol on links with the  
Council of Europe<sup>(\*)</sup>

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(\*) An identical protocol would be appended to the Statute of the Council of Europe. It would differ from the present text as regards certain procedural articles only.

The corresponding versions are given in italics and in parentheses in the present text.

The Members of the European Community,

[ *The Members of the Council of Europe,* ]

Believing that it is necessary to establish as many and as close links as possible between the Council of Europe and the European Community, so that the Council of Europe may constitute the general political framework of Europe,

Now hereby agree as follows :

*ARTICLE 1*

The Consultative Assembly of the Council of Europe shall consist of the members of the Senate of the Community and of a corresponding number of representatives of the other Members of the Council of Europe, determined on the basis of the qualified distribution at present in force.

The provisions of Article 25 (c) of the Statute of the Council of Europe, concerning substitutes, shall not be affected by the present Article.

*ARTICLE 2*

The European Executive Council shall be represented at the meetings of the Committee of Ministers of the Council of Europe by one or more of its members.

*ARTICLE 3*

The European Executive Council shall transmit a report on the activities of the Community at least

once a year to the Consultative Assembly and to the Committee of Ministers of the Council of Europe.

The Members of the European Executive Council may attend all meetings of the Consultative Assembly at which such reports are discussed, and shall be heard if they so request.

#### ARTICLE 4

1. The Council of Europe shall exercise vis-à-vis the Community the competences conferred on it by Article 15 of its Statute.

2. The European Executive Council shall inform the Council of Europe of measures proposed by the Community, which are likely to affect the interests of other Members of the Council of Europe.

3. The European Executive Council may consult the Council of Europe before taking the measures referred to in the previous paragraph.

4. The European Executive Council shall inform the Council of Europe of the effect which it has given to any Recommendations received from the Committee of Ministers of the Council of Europe, in accordance with the provisions of Article 15 (b) of the Statute of the Council of Europe.

#### ARTICLE 5

The Committee of Ministers and the Consultative Assembly shall place on their respective agenda any requests for opinions addressed to them by the European Executive Council and any proposals the latter may make for the preparation of treaties or parallel legislation on questions of common interest to the

Community and other Members of the Council of Europe.

#### ARTICLE 6

The Community and the Council of Europe shall consult together as regards the possibility of installing the seat of their respective institutions in the same place.

#### ARTICLE 7

Other forms of collaboration between the Community and the Council of Europe shall be laid down in agreements, which may provide *inter alia* :

(1) that certain administrative services be common to the Community and the Council of Europe, to an extent still to be determined ;

(2) that information and other data be exchanged on a basis of reciprocity.

#### ARTICLE 8

The present protocol shall come into force immediately upon the institution of the Community, and as soon as the Secretary-General of the Council of Europe shall have notified the European Executive Council that the protocol on links with the Community, appended to the Statute of the Council of Europe, has come into force.

[Article 8. — *The present protocol constitutes an amendment to the Statute of the Council of Europe. It will be ratified and will come into force as soon as... Member States shall have deposited their instruments of ratification with the Secretary-General of the Council of Europe, and as soon as the European Executive Council shall have notified the Secretary-General that the Treaty instituting the European Political Community has come into force.*]

## APPENDIX I

### Texts relating to Article 102 of the Draft Treaty

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#### I. - TEXT OF ARTICLE 102 PROPOSED BY THE CONSTITUTIONAL COMMITTEE.

(Article 101 of the Draft presented to the Assembly  
by the Committee)

1. The Saar and its people shall be an integral part of the European Community. The people of the Saar shall share the rights and duties of the Community in the same way as the peoples of Member States.

2. Until such time as the final status of the Saar shall have been established, and without prejudice to any subsequent decision taken to this effect, the people of the Saar shall be represented in the European Community in the following manner :

i) The people of the Saar shall elect .. representatives to the Peoples' Chamber and three representatives to the Senate.

In both Chambers, representatives of the people of the Saar shall have the same rights and duties as the other members.

ii) Representatives of the people of the Saar in both Chambers of Parliament shall be elected in accordance with Article 13, paragraph 1, of the present Treaty. The first election shall take place by universal, equal and direct suffrage and by secret ballot, according to the proportional representation system and the methods adopted by common agreement, before ratification of the present Treaty, between the Saar, the Federal Republic of Germany and the French Republic.

II. - AMENDMENTS TO THIS ARTICLE TABLED DURING THE  
MARCH SESSION OF THE AD HOC ASSEMBLY

AMENDMENT N° 98  
TO THE REPORT OF THE CONSTITUTIONAL COMMITTEE

*presented by M.M. Muller and Singer  
on 7 March 1953*

ARTICLE 101

Paragraph 2 to be reworded as follows :

2. Until such time as the final status of the Saar shall have been established, and without prejudice to any subsequent decision taken to this effect, the people of the Saar shall be represented in the European Community in the following manner :

i) The Saar shall be represented in Parliament by 12 deputies and 4 senators.

In both Chambers, representatives of the people of the Saar shall have the same rights and duties as the other members.

ii) The Statute of the European Community shall become effective in the Saar as soon as it has been approved by the Saar Parliament.

AMENDMENT N° 105  
TO THE REPORT OF THE CONSTITUTIONAL COMMITTEE  
*presented by M. Maurice Faure  
on 7 March 1953*

ARTICLE 101

Paragraph 2 to be replaced by the following paragraphs :

2. The people and territory of the Saar shall have the same claim to representation in the institutions of the Community as the people and territories of the other Members.

3. The conditions governing the representation of the Saar shall be laid down as soon as the status of the Saar has been determined and confirmed by international agreement.



FORMAL HANDING-OVER  
OF THE DRAFT TREATY  
TO THE MINISTERS FOR FOREIGN  
AFFAIRS OF THE SIX COUNTRIES

## SPEECH

BY M. PAUL-HENRI SPAAK,  
*President of the ad hoc Assembly*

MADE WHEN HANDING OVER THE DRAFT STATUTE OF  
THE EUROPEAN POLITICAL COMMUNITY TO THE SIX  
MINISTERS FOR FOREIGN AFFAIRS ON

Monday, 9 March 1953

*Mr. President, Your Excellencies, Lady and Gentlemen,*

It is obviously impracticable in the federal government of these states, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all; individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was increased by a difference among the several states as to their situation, extent, habits and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each state in the Convention to be

less rigid on points of inferior magnitude, than might have been otherwise expected ; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensable.

That it will meet the full and entire approbation of every state is not perhaps to be expected ; but each will doubtless consider, that had her interest been alone consulted, the consequences might have been particularly disagreeable or injurious to others ; that it is liable to as few exceptions as could reasonably have been expected, we hope and believe ; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

How I could wish, Gentlemen, that these simple but apposite words had issued from my pen for they are a perfect reflection of what I wish to say to you.

Unfortunately, they are not mine.

They constitute an essential passage, reproduced almost word for word from the letter dated 17 September 1787, in which George WASHINGTON, President of the Federal Convention transmitted the draft Constitution of the United States of America to the President of Congress.

It is not out of place to read this historic document at to-day's ceremony. It contains much that is worthy of thought and it is a message of comfort and hope.

You will certainly have been struck by its topical character. Other men, more than a century and a half ago, had difficulties similar to ours ; they were faced with problems hardly different from those which confront us to-day ; they had the same anxieties as

we, but they dared and they succeeded. Why should not our fate be the same as theirs?

If we show the same boldness and the same courage, there is no sound reason why we should not hope for the same success.

Ours and ours alone is the task ; we and we alone have the responsibility of giving back to the old Europe her strength, her greatness and her glory.

Mr. President, Your Excellencies,

On 10 September last, the Ministers for Foreign Affairs of the Federal Republic of Germany, of Belgium, France, Italy, Luxembourg and the Netherlands, meeting in Luxembourg, decided to embark on the political stage in the building of a united Europe. On their behalf, Chancellor ADENAUER, on 13 September 1952, asked us in this House to draw up a plan for a European Political Authority and gave us a period of six months in which to accomplish our task.

We accepted the responsibility, although fully aware of the difficulties which we should encounter. To-morrow the six months will come to an end. And this evening, Mr. President and Your Excellencies, I shall hand you, on behalf of the Assembly, the draft political Statute of the European Community.

We have succeeded in fulfilling our mission thanks to the goodwill, the skill and sense of discipline of those whom you see in this House to-day. But it is only just that I should pay a special tribute to a few men who for weeks past have devoted their time, night and day, to the great work which inspires them and in which they all believe.

I congratulate and I thank — might I perhaps venture to cite their names in the general orders of the

army of good Europeans — M. VON BRENTANO, Chairman of the Constitutional Committee, and the Chairman and Rapporteurs of its Sub-Committees ; MM. BLAISSE and BENVENUTI of the Sub-Committee on Powers and Competence, MM. TEITGEN, DEHOUSSE and AZARA, of the Sub-Committee on Political Institutions, MM. PERSICO and VON MERKATZ, of the Sub-Committee on Judicial Institutions, MM. VAN DER GOES VAN NATERS, SEMLER and WIGNY, on the question of links to be established by the Community and its association with the other free nations. To these congratulations, which are so well deserved, I should like to add those which I address to all their colleagues in the Constitutional Committee and to their indefatigable collaborators in the Secretariat.

Gentlemen, the document which we now submit to you is the work neither of the maximalists nor of the minimalists in this Assembly ; the Europe which we are proposing to create is neither federal nor confederal.

In our common work we have forgotten our personal preferences and foregone our academic differences.

We venture to believe that we have prepared for the creation of a community which, while it draws its inspiration from certain rules found valuable by others, also embodies new and original ideas specially adapted to the particular situations which have confronted us. Between the two extremes, represented on the one hand by a purely inter-governmental system, linking States which retain their entire sovereignty and on the other by a Constitution which would immediately pool most of the activities of our States, our Assembly has chosen a middle path — that of setting up a Political Community of a supra-national character.

The Statute which we have drawn up respects the powers and competence which the governments of our countries have hitherto kept under their own control in order to continue to exercise them separately. It does not entail any fresh transfers of sovereignty.

While it thus bears witness to a considered desire to achieve union in diversity and in freedom, to respect the lessons of experience, to safeguard and guarantee the conditions essential for achieving the great changes now impending, the draft Statute gives a positive answer to the demands made by European development and aims at consolidating the results already obtained.

Up till now the building of Europe has been a piecemeal affair. We have the Schuman Plan, which has now been in operation for seven months. We have the European Army, the creation of which has now been submitted for approval to the Parliaments of our countries. These were stages towards a united Europe the political structure of which was still undefined.

The Statute worked out by our Assembly fills the gap. It proposes to set up European political institutions which will have the task of coping with those problems which our Governments and Parliaments have decided to settle in common and those which they may later successively decide to include in the common task. The Statute applies to the limited sphere of the European Community the accepted constitutional principles of our countries. It is the first attempt to associate the peoples themselves in the building of that Europe on which their whole future depends by introducing universal direct suffrage for elections to the Peoples' Chamber of a European Parliament.

All Member States of the Council of Europe will be free to join this political organization. The draft Statute allows for and encourages the forging of the closest possible links with these countries and in particular with the United Kingdom.

The draft Statute places the European Army under the political authority of a European civil authority which is the direct expression of the wishes of the peoples' representatives. It also places this Army under the democratic control of a Parliament elected by universal direct suffrage.

With a view to establishing the requisite conditions under which our countries can increase their production and raise their standard of living to a level in keeping with modern technical progress, the draft Statute institutes a procedure for the progressive establishment of a vast internal market as large as that of the United States — a market the successive stages of whose realization will be subject to the agreement of all the countries. Finally, it gives general application to one of the cardinal innovations in the Schuman Plan: I refer to the creation of a European Readaptation Fund which will assist enterprises and workers to prepare themselves for the expansion of the common market.

The work of our Assembly thus combines moderation with progress. It also provides confirmation that the new method chosen by the Governments of our countries for the framing of this political statute was a wise one.

The Parliaments of our countries have frequently had cause, on the occasion of other initiatives taken by our Governments, to regret that they were given cognizance of them only when they were in their

final form, so that they could then do no more than approve them *en bloc* or reject them. Through our Assembly, however, our respective Parliaments have for the first time been able to take part in the actual drafting of the plan. The experiment has been successful, certainly as regards the time-limit, and also, we believe, as regards the substance. We therefore think that, when the Governments proceed to give final form to the texts before us, they will not go back to the traditional methods but will remain faithful to the initiative they have taken and will take advantage of the infinitely valuable collaboration of some of the men who in these last few weeks have shown the full extent of their devotion, their skill and their knowledge.

*Mr. President, Your Excellencies,*

I will not dissemble the emotion which I feel at this time as I place in your hands the work accomplished by this Assembly.

Six months ago, when the Assembly began its labours, there were many, I feel sure, who were sceptical, and many who thought that the test it was called upon to undergo was too severe.

Many, I am sure, foresaw that there would be setbacks, so numerous were the obstacles of a sentimental, political, legal and technical nature.

Not ten years ago, the countries represented here were making war on one another. Our peoples were locked in a ghastly struggle. We had but one thought, and but a single aim — to destroy one another as completely as possible.

In the immensity of our misfortunes, in the ruins which we have piled up around us, in our weakness

and our poverty, in the threats which constantly haunt us and in the midst of our everpresent anxieties, we suddenly gained an understanding of the mortal peril in which our quarrels and our contentions placed our common way of life, our thousand-year-old heritage which each of us has helped to enlarge and adorn.

We have come to our senses, we have pulled ourselves together; and while forgetting nothing — for that would be sinful — we have resolved to set forth on the great adventure which must, if it succeeds — as succeed it will — enable us to save all that is dearest and finest in our common inheritance.

Therefore this draft Treaty is not only a moving message of reconciliation; it testifies to our confidence in the future.

It is more than a mere document drawn up by politicians and lawyers; it is the positive effort of men who are resolved to preserve inestimable treasures and a heritage of ideas which we cherish all the more because of the aggression to which they are exposed.

*Your Excellencies,*

In this work of creating Europe it was you who, in Luxembourg on 10 September last, bravely took the first decision. We for our part accepted the difficult task entrusted to us and we have brought it to a successful conclusion. Today a new stage is passed. Let us not arrest our forward march, let us not relax our efforts. We must, without losing time, pursue our common task.

This I ask of you in deep sincerity and confidence.

## SPEECH

MADE ON MONDAY, 9 MARCH 1953 TO THE  
AD HOC ASSEMBLY BY M. GEORGES BIDAULT

*President of the Special Council of Ministers of the E. C. S. C.*

*Mr. President, Your Excellencies, Lady and Gentlemen,*

As a result of the normal rotation of functions in the Council of Ministers of the European Coal and Steel Community, I have to-day the privilege and the very great honour of presiding over this Meeting.

On 10 September 1952, in Luxembourg, as you, Mr. President, have just recalled, the six Ministers for Foreign Affairs of the Federal Republic of Germany, of Belgium, France, Italy, Luxembourg and the Netherlands invited the Members of the Assembly of the European Coal and Steel Community to join with the representatives of the Consultative Assembly of the Council of Europe and engage in a common endeavour to work out, by 10 March 1953, a draft treaty setting up a European Political Community.

Beating the clock by twenty-four hours, in response to a request by my Government, you are to-day duly keeping your appointment.

Because of the novelty of the subject, a vast amount of work had to be done in order to complete the task successfully in time for this meeting. The men who worked out the conclusions which you are now submitting for the consideration of the Governments have constantly kept before them, with a per-

severance born of faith, the nobility of an ideal and the wisdom of a purpose.

The Committee, which has in such outstanding fashion prepared the way for your task, met in several countries, seeking its inspiration in the noblest cities of Europe. History, and the caution which it teaches, and the future in whose mirror fear and hope are both darkly reflected, have constantly guided its labours. On behalf of the Governments, I would express to the craftsmen who have produced this great work and to all of you, Gentlemen, our thanks and our deep appreciation of your magnificent effort.

Remembering that I myself have sat on these benches, having by no means forgotten what I have had occasion to say in this House, and not having personally changed my views when changing my seat, I am happy to pay to you, in admiration not unmixed with envy, the tribute addressed by the first Elizabeth of England to the founders of an Empire, "Salute to adventurers!".

One of the questions confronting us all is that of knowing whether the Europe we are going to build, and which we all agree is a necessity, is a mere dream, a wraith, the improvisation of a speaker, or whether it is, on the contrary, a vitally essential creation. When the name of Europe was once again uttered amid the ravages of war, those who refused to fetter the future to the unhappy past were universally acclaimed; all the countries vied with one another as to which would be the most European, the most determined to heal the scars of history and rebuild the brotherhood of man across the frontiers.

We are now nearing the hour of decision. Honesty demands the admission that the undertaking is vast and beset with difficulties. Misunderstandings arise to

bar the road. Men whose irreproachable attachment to ancient traditions inevitably designs them to be the spokesmen of the earth and of the dead feel misgivings about an undertaking which they fear may finally lead to the disappearance of their homelands. And yet our sole aim is to reconcile, to unite and to enlarge those lands. It is they which are sacred and holy, not the frontier barriers and Customs posts. Nor did the voice of our ancestors ever preach the gospel of hatred.

We have undertaken to make a Europe. We could have wished it to be bounded by the frontiers of geography. Here in Strasbourg we have accepted a Europe bounded by the frontiers of freedom. At this moment, though we do not feel that these boundaries can endure, we are making a beginning at the frontiers of free will.

Far be it from us to wish to build this Europe for herself alone. Europe is not a thing apart; Europe exists to serve the world. On the banks of the Rhine, below the spire of the Strasbourg Minster, an age-old tradition proves to us that our present endeavour is the prolongation and expansion of the experience of centuries.

There is an inevitable division of labour between men with bold and independent minds and Governments whose honour and impediment it is to carry the responsibility; and in this you have doubtless the better part, which shall in no wise be taken from you. It now falls to the Governments of our six countries to take over and carry on the task which you have begun. The separation of functions and respect for the institutions which govern our peoples make this our solemn duty.

In the coming months we must, in Bonn, in Brussels, in Paris, in Rome, in Luxembourg and at The Hague, each and all of us, study the document we

have just received. We shall devote ourselves to this study, you may be sure, firmly resolved to keep faith with the ideal which has inspired you, and equally concerned to gain a full realization of the difficulties or objections which might be encountered in each of our countries by one or other of the suggestions you have made, suggestions which, if we were foolish enough to underestimate their importance, would lay us open to the serious, the intolerable danger of having tarried by the way.

It will then be the duty of the Governments to tabulate the observations and conclusions which they have had to adopt. That will be the purpose of the conference envisaged in Article 38 of the Paris Treaty which, working on that basis, will be able to complete the draft Treaty that will serve as the Charter of the European Political Community.

You expressed the wish, Mr. President, that in these two stages, first in each of our own countries and later at the inter-governmental conference, our six Governments should not fail to call once again on the assistance of those eminent men who in the past six months have guided and inspired your labours. You need have no doubt that we shall at all times call upon their experience and their devotion which we so highly esteem. Our responsibilities, which are convergent, must go hand in hand but must not be merged. The Council of Six Ministers has consequently felt that it should be left to governmental circles during these two phases to determine how the Treaty should be drawn up.

When it has been signed by our six Governments, this text will finally be submitted for ratification to our different Parliaments. In the Committees, and on the floor of the Assemblies of which you here are the

chosen representatives, each of you, I am sure, will bring all his faith, his abilities, his authority and his influence to bear, so that our common labours may secure the fullest approval of our national representative bodies.

Let us beware of thinking, if I may say so, that all things are possible to hearts that are sincere. But let us also be ready to fling wide the gates of hope. May the day soon come when each of us will be free to say: "Germany, Belgium, Holland, Italy, Luxembourg, or France is my motherland, but Europe is my destiny".  
*(Loud applause.)*



## STATEMENT

MADE BY LORD JOHN HOPE, UNITED KINGDOM DELEGATE  
TO THE CONSULTATIVE ASSEMBLY, OBSERVER AT THE  
AD HOC ASSEMBLY

*on Tuesday, 10 March 1953*

Mr. President, whatever may lie ahead, of one thing there is no doubt. This is a historic day for Europe, and as the great constitutional experiment enters upon a crucial phase I feel that it is an honour for me to be addressing these words to this Assembly. It is also a privilege to know, as my friends Mr. ROBENS for the Labour Party and Lord LAYTON for the Liberal Party have told me, that the substance of my speech represents their views also. They unfortunately had to leave to catch an early train.

It has been, Sir, a fascinating and exhilarating experience to watch the development of this Treaty over the last five months. It is a brilliant document, admirably clear, and I want at once to pay my tribute to the tireless and devoted work of Herr VON BRENTANO and his undaunted team. Five months! It is a remarkably short time.

Yesterday evening, Mr. President, you quoted to the Assembly the words written by George WASHINGTON as he transmitted the Draft Constitution of the United States of America to Congress in 1787. I could not help reflecting as you spoke that it had taken the Americans of those early days eleven years to produce their Constitution. It is true that they were nearly all Englishmen. And who knows? perhaps it is because the

English have not been engaged upon this particular task that it has been completed so quickly. If the Assembly will forgive me and allow me to enjoy this little joke rather more than one should, they will understand when I say that I myself am a Scotsman.

Now as to the Treaty itself. I need not remind the Assembly of Great Britain's position or of the reasons for it. We shall work as closely as we possibly can with the new Community. That it should be both stable and effective is our hope and our wish. Obviously we have been concerned mostly with those parts of the Treaty which deal with association and with the question of links with the Council of Europe.

With regard to the latter, the links with the Council of Europe, the spirit of the Protocol will surely give great satisfaction to the Council, embodying as it does the vital factor of the closest liaison between the fifteen nations. With regard to association, we are grateful indeed to the Committee for the helpful and constructive way in which they met our point of view. We are happy that the door to association has been left as wide open as possible. That cannot fail to be for the benefit of all, both of the Community and of the associated States.

Now I must say this. It would not be as beggars that we would ask for the rights of association. Not at all. We would come as those who have already undertaken the most solemn obligations. This we have done by our signature of the E. D. C. Treaty, and these obligations, the Assembly will remember, would, of course remain when that Treaty had been absorbed by the Community.

I can foresee endless possibilities with regard to association, and he would be a bold man who could predict limits to it. Our relations with the Coal and Steel Pool are only one example of a technical kind.

They will grow. The Assembly will, I am sure, be interested to know that the British Government has just written a most important clause into the Iron and Steel Bill now before Parliament. This clause — which, incidentally, originated with my friend Mr. ROBENS — will make possible the continuance and the development of the closest co-operation between the British iron and steel industry in its altered form and the High Authority. So much for comment on the detail of the draft Treaty.

As I have said, we are ready and eager to work with Europe, whatever constitution she may choose. It is for Europe to decide. But, Mr. President, whatever the decision may be, one fact, I suggest, remains fundamental and unchanging. The peace of Europe, and therefore of the world, must rest upon the broad foundation of Atlantic unity. There can be no guarantee of peace which is not backed to the limit by the power and the participation of the United States of America. For any of us to feel that united Europe could or should become a "third force", a neutral in the struggle for life upon which civilization is now engaged, would be as tragic as it would be for our American friends to believe that united Europe could be strong enough to allow them to cut adrift from it. Either course would certainly enjoy the enthusiastic support of the Kremlin, and I pray that neither will ever be followed.

Mr. President, one more word. Great Britain will never turn her back upon Europe. That is our determination, fixed and irrevocable. Our record in the past and the graves of our fallen should alone dispel any doubts. And if the past is not enough, then what of the present? Sir, we are pledged by Treaty five times over to defend France. Even now our troops

with their armour stand in strength upon the soil of Europe.

Gentlemen, it is not a question of whether we shall be with you if danger strikes. We are with you now.

## RESOLUTION 14

concerning the preparation of the Treaty embodying the Statute of the European Community

*adopted by the ad hoc Assembly*

10 March, 1953

### THE ASSEMBLY,

WHEREAS the six Ministers for Foreign Affairs of the Member States of the European Coal and Steel Community, in their Resolution adopted in Luxembourg on 10 September, 1952, expressed the desire to expedite the drafting of the treaty setting up a European Political Community and to invest it at the same time with the greatest possible authority ;

WHEREAS the Governments, when the draft treaty has been transmitted to them, will assume the principal responsibility for this draft until such time as it shall come before the Parliaments ;

WHEREAS the Assembly itself has hitherto, in exercising its functions, assumed far-reaching political responsibilities ;

DESIRING that the Governments should fulfil their task in collaboration with the Assembly,

### DECIDES :

a) to instruct the Constitutional Committee, in liaison with the Bureau, to keep in close touch with governmental action on the draft Treaty embodying the Statute of the European Community, and to take the necessary steps to enable the Governments, where

necessary, to benefit by the experience gained by the Assembly in working out the draft Treaty,

b) to instruct the Constitutional Committee to report to the Assembly at the appropriate time.

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BERTRAND Alfred (Belgium), Member of the Chamber of Deputies (Christian Socialist Party).

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DE SMET Pierre (Belgium), Senator (Christian Socialist Party).

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GERSTENMAIER Eugen (Federal Republic of Germany), Deputy (Christian Democratic Union).

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 STRUYE Paul (Belgium), Senator (Christian Socialist Party).  
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 TOGNI Giuseppe (Italy), Deputy (Christian Democratic Party).  
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 VERMEYLEN Pierre François (Belgium), Senator (Belgian Socialist Party).  
 VIXSEBOXSE G. (Netherlands), Member of the Upper House (Christian Historical Union).  
 WEHNER Herbert (Federal Republic of Germany), Deputy (Social Democratic Party).

MM. WIGNY P. L. J. J. (Belgium), Member of the Chamber of Deputies (Christian Socialist Party).

ZAGARI Mario (Italy), Deputy (Socialist Party).

ZIINO Vinicio (Italy), Senator (Christian Democratic Party).

## 2. — CO-OPTED MEMBERS

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BERGMANN Giulio (Italy), Senator (Republican Party).

BOVETTI Giovanni (Italy), Deputy (Christian Democratic Party).

PLAISANT Marcel (France), Senator (Rally of the Republican Left).

SANTERO Natale (Italy), Senator (Christian Democratic Party).

SEMLER Johannes (Federal Republic of Germany), Deputy (Christian Democratic Union).

SENGHOR Léopold Sédar (France), Deputy (Oversea Independents' Party).

SILVANDRE Jean (France), Deputy (Socialist Party S. F. I. O.)

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### *Vice-Presidents :*

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TEITGEN Pierre-Henri.

VIXSEBOXSE G.

CASATI Alessandro.

FOHRMANN Jean.

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ERKMEN Hayrettin (Turkey), M. P. (Democratic Party).

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JAKOBSEN Frode (Denmark), Member of the Riksdag (Socialist Party).

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MERCOURIS Stamatios (Greece), M. P. (Liberal Party).

ROBENS Alfred (United Kingdom), M. P. (Labour Party).

STEFANOPOULOS Stefanos (Greece), M. P. (Greek National Rally).

STRÖM Arne (Norway), Member of the Storting (Labour Party).

Miss THORSTEINDÓTTIR Rannveig (Iceland), M. P. (Progressist Party).

MM. WISTRAND Karl (Sweden), Member of the Riksdag (Conservative Party).

KOHNSTAMM M., Secretary of the High Authority of the E. C. S. C.

PARIS J.-C., Secretary-General of the Council of Europe.

CALMES Christian, Secretary of the Special Council of Ministers of the E. C. S. C.

LIST OF MEMBERS OF THE CONSTITUTIONAL  
COMMITTEE, THE SUB-COMMITTEES, THE  
WORKING PARTY AND THE INFORMATION AND  
PROPAGANDA COMMITTEE

CONSTITUTIONAL COMMITTEE

- MM. VON BRENTANO Heinrich, *Chairman* (German Federal Republic). C. D. U. (Christian Democratic Union).
- BENVENUTI Lodovico, *Vice-Chairman* (Italy). Christian Democratic Party.
- BRUINS SLOT J. A. H. J. S., *Vice-Chairman* (Netherlands). Anri-revolutionary Party.
- AZARA Antonio (Italy). Christian Democratic Party.
- BECKER Max (German Federal Republic). Liberal Democratic Party.
- BERGMANN Giulio (Italy). Republican Party.
- BLAISSE P. A. (Netherlands). Christian Popular Party.
- BRAUN Heinz (France, Representative of the people of the Saar). Social Democratic Party.
- DEBRÉ Michel (France), Rally of the French People (R. P. F.).
- DEHOUSSE Fernand (Belgium), Belgian Socialist Party.
- DELBOS Yvon (France), Radical Socialist Party.

- MM. GOES VAN NATERS Jonkheer M. VAN DER (Netherlands). Socialist Party.
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- MARGUE Nicolas (Luxembourg). Christian Socialist Party.
- VON MERKATZ Hans Joachim (German Federal Republic). Free German Party.
- MOLLET Guy (France). Socialist Party.
- MONTINI Lodovico (Italy). Christian Democratic Party.
- MUTTER André (France). Peasant Union.
- PELSTER Georg (German Federal Republic). C. D. U. (Christian Democrat Union).
- PERSICO Giovanni (Italy), Socialist Party.
- SANTERO Natale (Italy). Christian Democratic Party.
- SCHAUS Eugène (Luxembourg). Liberal Party.
- SEMLER Johannes (German Federal Republic). C. D. U. (Christian Democratic Union).
- TEITGEN Pierre-Henri (France). M. R. P.
- WIGNY P. L. J. J. (Belgium). Christian Socialist Party.

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WIGNY P. L. J. J. (Belgium). Christian Socialist Party.

#### 2. *Sub-Committee on Political Institutions*

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MM. MONTINI Lodovico (Italy). Christian Democratic Party.

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SCHAUS Eugène (Luxembourg). Liberal Party.

VAN DER GOES VAN NATERS M. (Netherlands). Socialist Party.

#### 3. *Sub-Committee on Jurisdictional Institutions*

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- MOLLET Guy (France). Socialist Party.
- MONTINI Lodovico (Italy). Christian Democratic Party.
- MUTTER André (France). Peasant Union.
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#### WORKING PARTY

- MM. VON BRENTANO Heinrich, *Chairman* (German Federal Republic). C. D. U. (Christian Democratic Union).
- BENVENUTI Lodovico, *Vice-Chairman* (Italy). Christian Democratic Party.
- BRUINS SLOT J. A. H. J. S., *Vice-Chairman* (Netherlands). Anti-revolutionary Party.
- AZARA Antonio (Italy). Christian Democratic Party.
- BLAISSE P. A. (Netherlands). Christian Popular Party.
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- MARGUE Nicolas (Luxembourg). Christian Socialist Party.
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- MUTTER André (France). Peasant Union.
- PERSICO Giovanni (Italy). Socialist Party.
- SEMLER Johannes (German Federal Republic). C. D. U. (Christian Democratic Union).

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- WIGNY P. L. J. J. (Belgium). Christian Socialist Party.

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- BRAUN Heinz (France, Representative of the people of the Saar). Social Democratic Party.
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- SEMLER Johannes (German Federal Republic). Christian Democratic Union.