Opinion 3 (1952)[1]

Best means of giving effect to the United Kingdom proposals

Parliamentary Assembly

The Assembly,

Having received from the Committee of Ministers a request for an Opinion on the best means of giving effect to the United Kingdom proposals,

Reserving the possibility of continuing its examination of this question during future Sessions,

Submits to the Committee of Ministers the following Opinion :

The Assembly,

Considering that the intention underlying the United Kingdom proposals is that the pattern of the restricted Communities, including a Political Authority, should be worked out, and that they should develop, within the orbit of the Council of Europe,

Considering that appropriate measures should be taken so that the United Kingdom proposals may be made applicable as fully and as quickly as possible,

SECTION A

Welcomes the decision of the Ad Hoc Assembly to invite observers from non-participating countries to join in the work of preparing plans for a European Political Community.

SECTION B

Considering that it is of the highest importance that the United Kingdom proposals should be made applicable to the European Coal and Steel Community, the first Community to be established,

Emphasising the political significance of the establishment of organic links between the Council of Europe and the E. C. S. C., which, would prepare the way for those Members of the Council of Europe that do not participate in the restricted Communities to enter into close association with such Communities as may be created later, in particular with the Political Community.

1. Suggests that the following measures should be taken immediately in the matter of the relations between the Council of Europe and the E. C. S. C. :

a. All Member States of the Council of Europe which do not accede to the E. C. S. C. should be invited to establish permanent delegations to the High Authority. These delegations might, in the case of States so desiring, be the delegations already accredited to the Council of Europe.

b. The Six Governments should permanently maintain the seat of the Assembly of the E. C. S. C. at the seat of the Council of Europe, so that the latter's buildings and Secretariat may be utilised by the new Assembly,

c. As far as possible the same Representatives should in future be appointed to the Assemblies of the E. C. S. C. and of the Council of Europe,

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1. This Opinion was adopted by the Assemblyat its Twenty-eighth Sitting, 30th September, 1952 (seeDoc. 86, Report of the Committee onGeneral Affairs).

d. By agreement between the Assemblies of the E. C. S. C. and the Council of Europe, and on conditions to be jointly decided, the following measures should be taken :

Representatives to the Assembly of the Council of Europe of countries not participating in the E. C. S. C. shall be able, as observers, to take part in the proceedings of the Assembly of the E. C. S. C. and have the right to speak but not to vote.

Close co-ordination shall be secured in respect of the proceedings of the Assemblies with regard to matters of common interest

e. That the Committee of Ministers should open discussions with the High Authority and the Council of Ministers of the E. C. S. C. for the purpose of :

1. deciding upon the conditions under which Member States of the Council of Europe not participating in the E. C. S. C. could be represented by observers on the Council of Ministers of the E. C. S. C., and also the mutual obligations thereby entailed,

2. defining the conditions under which the High Authority might be authorised to take part in certain meetings of the Committee of Ministers and the Assembly of the Council of Europe, especially when consideration is being given to its Reports submitted to the Council of Europe.

2. Reserving to itself the right to pursue a more detailed examination of the relationship to be established between the E. C. S. C. and the Council of Europe, requests the Committee of Ministers to keep it informed of the progress of negotiations with the E. C. S. C.

SECTION C

1. Recalls that it is the wish of the Assembly that all Governments of Member States be invited to attend the negotiations for the establishment of the restricted Communities and, in particular, the Political Community.

2. Considers that appropriate changes should be made in the Statute of the Council of Europe, so that negotiations on the Political Community may more easily be initiated within the orbit of the Council of Europe.

3. Submits to the Committee of Ministers the following Draft Protocol :

Draft Protocol

The Member States of the Council of Europe,

Considering that the Statutory Resolutions on the Specialised Authorities and partial agreements adopted at the Eighth and Ninth Sessions of the Committee of Ministers allow of negotiations being held within the orbit of the Council of Europe, with a view to setting up European Communities whose aims lie within the limits of Article 1 of the Statute, or the linking of such Communities with the Council of Europe,

Considering that it is essential to extend these possibilities so as to include European Communities whose objects go further than the present Statute, while maintaining the co-operation of all Member States within the Council,

Have agreed as follows :

a. the Committee of Ministers and the Consultative Assembly may be empowered to act as the Ministerial and Parliamentary organs of any European Community whose aims are within the scope of Article 1 (a) of the Statute, and in which Members of the Council of Europe alone participate.

b. when the Committee of Ministers and the Consultative Assembly act as organs of a European Community :

their competence shall extend to all matters within the competence of that Community and their powers, functions, composition and procedure shall be determined by the provisions of the instrument establishing that Community and of any relevant Statute, rules or regulations which may be in force within it ;

they shall meet in restricted session. Only the Members of the Community shall be entitled to representation ; it shall rest with them to determine the conditions on which other Member States of the Council of Europe may be invited to send observers to such restricted meetings or to participate in them as associate Members ;

the measures taken by the Council of Europe, sitting with restricted membership, involve the responsibility only of those States participating in the decision, other Member States and the Council of Europe as a whole being in no way committed.

c. any additional expense incurred by the Council of Europe in connection with the measures taken in giving effect to the present Protocol shall be borne exclusively by the Member States which shall have participated therein or by the Communities concerned.

4. Requests the Committee of Ministers to consider the possibility of increasing the number of representatives of all Member States in the Assembly, taking as a basis the number of seats proposed for the Common Assembly of the E. D. C.

SECTION D

Secretariat

Considering :

a. that its policy is to establish organic liaison between the European Communities and the Council ;

b. that it is necessary, in the interests of the unity of Europe and of the effectiveness and good repute of international administration, and also with the object of economy, to avoid a multiplication of machinery such as would impair its efficiency and be disheartening to public opinion ;

Suggests that :

1. The Assemblies of the Council of Europe and of the Communities should each have a Clerk appointed by itself and responsible only to it. He would deal with procedural matters, the conduct of business appropriate to the Assembly, and day-to-day administration.

2. The Clerk to the Assembly of the Council of Europe should assume the functions of Director of European Parliamentary Services.

3. The primary duties of the Director should be :

   a. to act as a medium of liaison between the Assemblies on administrative matters of common concern.

   b. to provide, from amongst the personnel and material facilities at his disposal, the necessary services for each Assembly.

4. In the interests of economy and efficiency, and pending the creation of a unified Civil Service for Europe, the Director should draw to the greatest possible extent on the staff and material resources of the Council of Europe. Where it proves necessary to engage additional staff, the latter would be recruited by the Council of Europe under conditions of service and remuneration similar to its own.

5. The Council of Europe and the European Coal and Steel Community should share in the expense involved in these services according to proportions to be determined. Any Community subsequently utilising these services should also make an appropriate contribution.

6. These proposals should be the subject of negotiation between the Bureau of the Assembly of the Council of Europe and the Bureau of the Common Assembly of the Coal and Steel Community. Any agreement thus reached should be subject to confirmation, so far as the Council of Europe is concerned, by its Committee of Ministers.

SECTION E

Requests the Committee of Ministers to consider what amendments to the Statute would be required in order to put into effect the foregoing measures.