Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 102
07 December 1951

Establishment of a Single European Court of justice

Report[1]
Committee on Legal Affairs and Human Rights
Rapporteur: Mr Pierre-Henri TEITGEN, France

La commission des Questions juridiques et administratives soumet à l'Assemblée le projet de Recommandation suivant qu'elle a adopté à l'unanimité.

1. 1951 - 3rd Session - Second part

Draft Recommendation

The Assembly,

Considering that various Treaties or draft Treaties concerning the Protection of Human Rights, the establishment of a Coal and Steel Community, of an European Army and of a European Authority for Agriculture, expressly provide for the creation of European Courts,

Considering that other Draft Conventions relating to Social Questions, drawn up at the instigation of the Committee of Ministers, contain an arbitration clause providing for the setting up of arbitration tribunals which should function in case of disputes.

Considering that it is patently necessary to avoid such a multiplication of international jurisdictions,

Considering that, even in connection with disputes regarding the interpretation and implementation of Conventions setting up Authorities having limited membership, a single European Court would offer a far better guarantee of independence and impartiality than a Court of which all the Members would be nationals of States which might have already adopted a particular attitude on the question submitted to the judges,

Considering that a single juridical body would be, in the nature of things, qualified to settle disputes between Members of the Council of Europe, regarding the interpretation and application of the Statute, as of all European Conventions, and could simultaneously fulfil the same advisory functions in relation to the Committee of Ministers and to the Assembly, as the International Court of Justice does in relation to the United Nations Organisation,

Recommends that the Committee of Ministers should appoint a group of Governmental Experts, consisting of seven members, to take part in the discussions of the Special Working Party of the Committee on Legal and Administrative Questions with the object of preparing, before the next Session, a Preliminary Draft Convention to establish a single European Court of Justice.