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COUNCIL OF EUROPE
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Statute of a Political Community of a supranational character – Conclusion relating to the preparation of the draft treaty setting up a European Political Community

Conclusions[1]
Parliamentary Assembly

Letter from the President of the Ad Hoc Assembly to the President of the Consultative Assembly

Strasbourg, 12th January, 1953.

AD HOC ASSEMBLY, The President

Mr. President,

Section B of the Resolution adopted at Luxembourg on 10th September, 1952, by the six Foreign Ministers of the European Coal and Steel Community provides that the Ad Hoc Assembly " shall periodically report to the Consultative Assembly on the progress of its work ".

In accordance with this provision I have the honour to submit to you, for the information of the Consultative Assembly, a report on the progress of the work of the Ad Hoc Assembly on the results so far achieved.

1. The Ad Hoc Assembly held its constituent sitting on 15th September, 1952. It set up a Constitutional Committee under the chairmanship of M. von Brentano, and instructed it to draw up the provisional draft of a treaty for submission to the Ad Hoc Assembly. The Assembly decided at this sitting to invite the delegations to the Consultative Assembly of those countries which are not Members of the E. C. S. C. to send observers to participate in its work as well as in that of the Constitutional Committee. It gave the right to these observers to speak at both the plenary sittings and the meetings of the committees in the conditions laid down in Resolution 7 of the Ad Hoc Assembly. The Constitutional Committee subsequently agreed that they should also be entitled to attend the meetings of its Sub-Committees and to speak subject to the same conditions as in the Assembly. M. J.-C. Paris, Secretary-General of ; the Council of Europe, the representative of the j High Authority of the E. C. S. C. and the representatives of the six Governments were also invited to take part in the work.

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1. Adopted by the Ad Hoc Assembly at its meetings on 7th, 8th, 9th and 10th January, 19S3, and communicated to the Consultative Assembly in accordance with the provisions of Section B of the Resolution of the Council of the European Coal and Steel Community dated 10th September, 1952.

See 4th Session, 1952 : Doc. 35 (Request for inclusion in the Agenda).

(a) See 4th Session, 1952 : Doc. 40 (Communication from the Council of the European Coal and Steel Community)and Resolution 23.

(b) See Extraordinary Session, 1953 : 29th Sitting, 14th January, 1953 (referred to the Committee on General Affairs, and for an Opinion to the Committee on Legal and Administrative Questions), 32nd Sitting, 16th January, 1953 (referred for opinion to the Committee on Economic Questions) Docs. 103 to 107 (Reports and opinions), Recommendations 41, 42 and Resolution 26.

2. On 23rd October, 1952, under Section C of the Luxembourg Resolution, the six Foreign Ministers transmitted " questions relating to the creation of a European Political Community " (cf. attached document). This document, which was forwarded to the Constitutional Committee, contributed to the elaboration of the " Programme of Work " of the Committee;

3. The Constitutional Committee set up four Sub-Committees (Powers and Competence, Political Institutions, Legal Institutions, j and Liaison) which met in November and : December, 1952, basing their proceedings on the j " Programme of Work The Sub-Committee j on Liaison was, in particular, instructed to j determine the liaison to be established between j the Political Community and the Council of ; Europe (application of the Eden Plan), and the special links to be established between the Community and the Member States of the Council of Europe or other European States. The observers on behalf of the Council of Europe took part in the debates of the Sub- Committees and, in particular, in those of the Sub-Committee on Liaison.

4. At its meeting of 15th to 20th December, 1952, the Constitutional Committee considered the conclusions of its Sub-Committee and adopted a report which was submitted to the Ad Hoc Assembly.

5. The Ad Hoc Assembly held a plenary Session from 7th to 10th January, 1953, in the course of which it was particularly concerned with certain provisions of the report of the Constitutional Committee on which it appeared essential to reach a conclusion in order to ensure that suitable directives were given to the Committee for the continuation of its work. These provisions relate to the methods of integrating the E. C. S. C. and the E. D. C. with the Community, to the nature and scope of the powers and competence accorded to the Community, more especially in matters of foreign policy, and economic questions and with regard to the future policy to be pursued in the matter of specialised Authorities. They also relate to the structure of the political institutions of the Community : the Parliament (composition and method of election to the two Chambers), the European Executive Council, the Council of National Ministers, and to the basic principles of association and liaison with the Council of Europe.

6. I have the honour to submit the conclusions of the Ad Hoc Assembly on these points, which constitute directives to the Constitutional Committee for the establishment of a draft Statute of the Political Community, i I also attach the text of a Resolution on certain immediate measures to be taken by the Governments, also adopted by the Assembly.

7. The Bureau of the Ad Hoc Assembly was anxious that the Consultative Assembly be kept informed of its work, and prior to the opening of the Session of the Ad Hoc Assembly it supplied the Office of the Clerk of the Consultative Assembly with the conclusions of the j Sub-Committees and the report of the Constitutional Committee in order that these should be transmitted to the Representatives. The Ad Hoc Assembly, with the same object in view, decided that all documents relating to its debates should be transmitted to the Representatives to the Consultative Assembly. I have therefore instructed the Secretary-General of the Ad Hoc Assembly to have them deposited at the Office of the Clerk of the Consultative Assembly.

8. The Secretariat-General of the Ad Hoc Assembly had the advantage, both for its own sittings and for the meetings of the Constitutional Committee, of the help of the staff of the Secretariat-General of the Council of Europe. This was of great value, and I should like to express my warmest thanks.

I have the honour to be, Monsieur le Président,

Your obedient Servant, P.-IT. SPAAK, President of the Ad Hoc Assembly.

Monsieur François DE MENTIION, President of the Consultative Assembly of the Council of Europe.

QUESTIONS RELATING TO THE ESTABLISHMENT OF A EUROPEAN POLITICAL COMMUNITY

Submitted to the Ad Hoc Assembly, by the six Foreign Ministers, on 23rd October, 1952.

I. Is the Ad Hoc Assembly in favour of assuming as a basic principle that the competence of the European Political Community should, from the outset, embrace 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 field of Coal and Steel and of Defence?

II. Does the Ad Hoc Assembly consider that the setting up of a Political Community would represent a further step towards economic and social integration? If so, what are the immediate steps to be contemplated by the Member States?

III. Docs the Ad Hoc Assembly consider that, in order to set up a European Political Community based on the unity of the peoples and including a body ensuring due representation of the Member States, it should first consider the establishment of a European Assembly elected in accord with democratic principles, and should more especially study the following points?

a. Rules for the constitution of the Assembly (electoral system—whether direct suffrage or some other method of ballot, term of office, distribution of seats...).

b. Competence of the Assembly :

  a. Coal and Steel. — Should the European Assembly replace the existing Assembly of the Coal and Steel Community? Should it be given new powers and competence in the field of coal and steel?

  b. Defence. — Should the European Assembly become the Assembly of the European Defence Community? Should it be given new powers and competence in the field of defence?

  c. What powers and competence should be granted to the Assembly in the preparation of the monetary measures required to facilitate the rational production and free circulation of goods, and of measures destined to improve the flow of manpower between Member States, in the spirit of the treaties of the European Coal and Steel Community and the European Defence Community?

  d. What powers and competence should bo granted to the Assembly in respect of the revenue required for the achievement of the aims of the Community? In the event of new powers and competence being granted to the Assembly, how could these be exercised in such a way as to harmonise with the general policy of Member States in those fields remaining within their competence?

IV. How should the treaties of the European Coal and Steel Community and the European Defence Community be amended in relation to the establishment of an Assembly as an element of a European Political Community?

a. Should the Councils of Ministers provided for under those treaties be maintained in their present form? What rules should be followed for the establishment of a Second Chamber?

b. Should the structure and powers of the existing bodies be amended? Should these bodies be merged in order to constitute one single European body?

c. Is it visualised that the Court of Justice which is common to the European Coal and Steel Community and the European Defence Community will also be competent to deal with disputes arising within the general framework of the Political Community, by means of provisions similar to those existing in the treaties of the two former Communities?

V.

a. Should the institutions of the European Political Community be instructed to make proposals to the various Governments for the extension of European integration to other fields (other economic and social questions)?

b. Should the European Political Community absorb such European Communities as may be set up in future? How should this be done?

VI. Does the Ad Hoc Assembly agree to study the question of the links to be established between the Political Community and the existing international bodies—more especially, as stated in the Luxembourg Resolution, those with the Council of Europe? Does it agree to the need for studying the question of relations between the Political Community and any European bodies which may ultimately be established, and whose composition may differ from that of the Community.

DIRECTIVES FOR THE PREPARATION OF THE DRAFT TREATY SETTING UP A EUROPEAN POLITICAL COMMUNITY Adopted by the Ad Hoc Assembly at its meetings on 7, 8, 9 and 10 January, 1953.

I. Directives concerning Resolution 1 on the integration of the European Coal and Steel Community and of the European Defence Community in the Community

TRANSFER OF THE POWERS AND COMPETENCE OF THE E. C. S. C. AND THE E. D. C.

1. The Community shall possess the powers and competence conferred on the European Coal and Steel Community and on the European Defence Community by the treaties which set up those Communities.

METHODS FOR THE INTEGRATION OF THE E.C.S.C. AND THE E. D. C. IN THE EUROPEAN POLITICAL COMMUNITY

2. The Community, together with the E. C. S. C. and the E. D. C. shall constitute a single legal unit. Within this entity the E. C. S. C. and the E. D. C. shall be separately administered in accordance with the provisions respectively applicable to those Communities.

a. Parliamentary Institutions

3. The Parliament of the Community shall forthwith take the place and assume the powers and competence of the Common Assembly of the E. C. S. C. and the E. D. C.

b. Council of National Ministers

4. The Council of National Ministers of the Community shall forthwith take the place and assume the powers and competence of the Councils of Ministers of the E. C. S. C. and the E. D. C.

c. Institutions for the settlement of disputes

5. The judicial powers of the Community shall be assigned to the Court of Justice contemplated for the E. C. S. C. and E. D. C.

d. Executive Institutions

Transitional Régime

6. Until the expiry of a period of adaptation, the duration of which shall be determined :

i. The High Authority of the E. C. S. C. and the Commissariat of the E. D. C. shall continue in office, but shall discharge the functions assigned to them by the E. C. S. C. and E. D. C. Treaties under the direction and supervision of the European Executive Council;

ii. The President of the High Authority of the E. C. S. C. and the President of the Commissariat of the E. D. C. shall sit ex officio on the European Executive Council with a right to vote, but shall retain their personal status resulting from the E. C. S. C. and E. D. C. Treaties, in particular from Articles 24 of the E. C. S. C. and 36 of the E.D. C;

iii. During the period of adaptation the Community, in collaboration with the President of the High Authority of the E. C. S. C. and the President of the Commissariat of the E. D. C, shall prepare the necessary protocols for the complete integration, by stages, of the E. C. S. C. and the E. D. C. in the Community.

Definitive Régime

7. At the expiry of the period of adaptation the European Executive Council shall take over the functions of the High Authority of the E. C. S. C. and of the Commissariat of the E. D. C, in conformity with the rules laid down in the E. C. S. C. and E. D. C. Treaties, in so far as those rules have not been modified by the Community in accordance with the procedure laid down in paragraph 8 of the Resolution on the powers and competence of the Community.

II. Directives concerning Resolution II on the powers and competence of the Community

A. GENERAL PKINCIPLES

8. The Community can discharge its mission only within the limits of the competence and powers which are expressly conferred on it by its Statute and under the conditions specified therein. The competence conferred on the Community by its Statute shall be restrictively interpreted.

C. POWERS AND COMPETENCE WITHIN THE GENERAL SCOPE OF THE SYSTEM CREATED BY THE E. C. S. C. AND E. D. G. TREATIES

Powers and competence in matters of foreign policy

9. The European Political Community shall have the same powers and competence in matters of foreign policy as those conferred on the E. D. C. and the E. C. S. C. by the provisions of their respective Treaties. It shall further be responsible for defining the common general objectives of foreign policy of the Member States falling within the scope of the objectives laid down in the aforesaid Treaties.

Powers and competence in the sphere of the policy of the Specialised Authorities

14 bis. The Assembly.

Recognising the importance of the creation and supervision of European Specialised Authorities having limited functions,

Requests the Constitutional Committee to make a thorough study of the question, as stipulated in Paragraph 14 bis of its Resolution II.

D. ECONOMIC POWERS

21 to 25. The Assembly,

Having heard the observations made by delegates on the occasion of its second session ;

Recognizing the essential importance of economic powers for the European Political Community,

Resolves to refer Paragraphs 21 to 25 of Chapter D of Resolution II back to the Constitutional Committee.

III. Directive concerning Resolution III in regard to the political institutions of the Community

A. PARLIAMENT OF THE COMMUNITY

a. The Peoples' Chamber

1. The members of the Peoples' Chamber shall be elected by universal direct suffrage.

2. The seats in the Peoples' Chamber shall be allocated in proportion to the populations of the respective Member States. There will be an absolute minimum, thus ensuring that the main political tendencies within each State can be represented. A maximum may be fixed.

b. Senate

7. The Senate shall represent the States. It shall be the second Chamber of the Parliament. It shall have the same powers and the same rights as the Peoples' Chamber.

9. The members of the Senate shall be elected by the national parliaments. They will thus be qualified to sit both in the Consultative Assembly of the Council of Europe and in the Senate of the Community.

10. The States shall be represented in the Senate on the principle, not of parity, but of a qualified distribution of the seats. Germany, France and Italy shall be allowed 21 seats each, Belgium and the Netherlands 10 seats each, and Luxembourg 4 seats.

B. THE EXECUTIVE.

14. The European Executive Council shall undertake the general direction of the Community. The European Executive Council, the Council of National Ministers and the representatives of the Associated States shall meet periodically in a conference.

17. The Community shall be governed by an Executive Council, whose President shall be elected by the Senate and whose members shall be selected by the President. The Executive Council must be approved by both Chambers before entering upon its duties.

18. The Executive Council shall remain in office for the period laid down in the Statute. It shall resign before the expiry of its term of office if a vote of censure is carried against it in both Chambers. A vote of censure may be passed with reference to an individual Minister or to the whole Council.

19 to 24. The Council of National Ministers shall exercise its powers and competence in the cases specified by the Treaty, with a view to harmonising the action of the European Executive Council and that of the Governments responsible for the general policies of their respective countries. In such case the competence and the rules of procedure of the Council of National Ministers shall be determined :

a. in matters of defence and in matters concerning coal and steel :

i. by the treaties which deal with those matters ;

ii. by the protocols or decisions of the Community by which the treaties may subsequently be modified;

b. in regard to all other matters :

i. by the present Statute;

ii. by the treaties which will confer competence on the Community, and if need be;

iii. by decisions of the Community adopted in conformity with the procedure for amending the Statute.

The Assembly instructs the Committee to make the necessary adjustments in the other provisions of the Report relating to the same subject; the whole of the rules concerning the Council of National Ministers shall constitute a new Section C, entitled " Council of National Ministers " which will follow Section B - " European Executive Council ".

IV. Directives concerning Resolution V on the Community's relations with third States and international organisation

A. ASSOCIATED STATES

1. The expression " Associated State " denotes a State which, having declared its willingness to collaborate in certain fields of action, has concluded an agreement of association with the Community, specifying the correlated rights and obligations of each of the contracting parties.

6. Association is effected by the conclusion of an agreement of association or such other arrangement, having the same object in view, as may be mutually agreed.

7. The association agreement must contain the following essential provisions :

a. indication of the matters in respect of which the association is concluded;

b. specification of the rights and obligations of both the contracting parties;

c. indication of the means to be employed for giving effect to the association, such as :

– the accrediting of permanent representatives or observers of the Associated State to the institutions of the Community in which they will sit; either in a consultative capacity or with a right to vote;

– the appointment of permanent mixed committees on the executive, or parliamentary level;

– the undertaking by the parties to keep one another informed and to consult with one another.

The association agreement may further contain conventions of any kind which are connected with the aims of the association.

V. Directives concerning Resolution VI on the links to be established between the Community and the Council of Europe

A. GENERAL OBSERVATIONS

2. The links between the Community and the Council of Europe may be of two sorts :

i. internal links, which imply the participation of the Council of Europe in the international activities of the Community;

ii. external links, designed to co-ordinate the functioning of the two organisations, which remain independent.

All these links must be fitted into one another. The Assembly, being desirous of giving expression to the wish of the participating States to strengthen the Council of Europe of which they are also Members and to make it the general political framework of Europe by facilitating the interlocking of the Community's institutions with the corresponding organs of the Council of Europe, suggests that certain amehdments.be made in the Statute of the Council of Europe.

RESOLUTION ON CERTAIN MEASURES TO BE TAKEN FORTHWITH BY THE GOVERNMENTS

adopted by the Ad Hoc Assembly during its Sitting on 10th January, 1953

The Assembly,

Considering it indispensable that European public opinion should be made more conscious of the progress that has been made towards achieving the unification of Europe;

Believing that the attainment of this aim might be helped by the immediate adoption of certain measures,

Recommends that the six Governments :

a. abolish visas for the movement of citizens of the Member States between the six countries by the time the E. D. C. Treaty enters into force at the latest;

b. consider the issue of uniform postage stamps for the six countries.

The Report of the Constitutional Committee (Doc. 1 of the documents issued by the Ad Hoc Assembly) was placed at the disposal of the Clerk of the Consultative Assembly. It forms an appendix to the above Conclusions of the Ad Hoc Assembly (Doc. 96) and is printed in the English and French texts to form a separate volume of these Documents (Working Papers).