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Conclusions of the Ad Hoc Assembly relating to the draft treaty setting up a European Political Community (Questions of association and liaison)

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Lord John HOPE, United Kingdom

1. 1953 - Extraordinary Session

A. Draft Resolution expressing the opinion of the Assembly on the directives for the preparation of the draft treaty setting up a European Political Community, as adopted by the Ad Hoc Assembly at its meetings on 7, 8, 9 and 10th January, 1953 - (Questions of association and liaison[2])

The Assembly,

Having considered the Report communicated by the Ad Hoc Assembly to the Consultative Assembly, in accordance with the provisions of Section B of the Resolution adopted by the Council of the European Coal and Steel Community at Luxembourg, 10th September, 1952;

Reserving its right to comment further on the Treaty setting up a European Political Community drafted by the Ad Hoc Assembly at such time as that body has completed its work,

Considers that the future development of relations between the Community and the other Member States of the Council of Europe not Members of the Community should be on the following lines :

Ministerial level

1. There shall be regular meetings of Ministers representing the six Member States of the Community and Ministers representing the other Member States of the Council of Europe. These Ministers shall be the Ministers for Foreign Affairs. When a Minister for Foreign Affairs is unable to be present, or in other circumstances where it may be desirable, an alternate, who should be a member of his Government, may be nominated to act for him.

2. The meetings shall be attended by one Minister representing each State and by the European Executive Council.

3. The purpose of the meetings shall be to discuss, in particular :

   3.1. measures proposed by the Community which would affect the interests of other Member States of the Council of Europe;

   3.2. conventions or parallel legislation to be applied both to the Community and to other Member States of the Council of Europe.

4. Special rules of procedure for the meetings shall be adopted by the Ministers and the members of the European Executive Council at their first meeting.

5. The meetings shall be held at the Seat of the Council of Europe.

Parliamentary level

6. As from the date of the establishment of the European Political Community, the Assembly of the Council of Europe shall be recognised as consisting of the members of the Senate of the European Political Community, and of a corresponding number of Representatives of the other Member States of the Council which are not Members of the Community.

7. The Assembly thus constituted shall be consulted before the implementation of :

   7.1. measures proposed by the Community which would affect the interests of other Member States of the Council of Europe;

   7.2. conventions or parallel legislation to be applied both to the Community and to other Member States of the Council of Europe.

Economic and Social Council

8. An Economic and Social Council shall be set up with consultative functions representing the fifteen Member States of the Council of Europe. If needed, an Opinion of the Economic and Social Council may be obtained in dual form; an Opinion by the majority of the representatives of the Member States of the Council of Europe and an Opinion by the majority of Member States of the Community.

Relations between the Community and the Cowicil of Europe

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2. cf. Resolutions V and VI of the Constitutional Committee of the Ad Hoc Assembly.

9.

a. Information and statistical data shall be exchanged, as fully as possible, on a basis of reciprocity.

b. On conditions to be laid down, the Council of Europe, as such, may appoint an Observer or Observers, whose rôle shall be defined, in the different institutions of the Community.

Bilateral relations between the Community and other Member States of the Council of Europe

10. The Consultative Assembly accepts the text proposed by the Ad Hoc Assembly concerning Association, subject to the replacement of the word " Agreement " by the word " Treaty " in line 1 of Section 6 and in line 1 of Section 7 of Resolution V of the Report of the Constitutional Committee (English Text).

Consequential amendments to the Statute of the Council of Europe

11. If the above provisions are adopted, the following consequential amendments to the Statute of the Council of Europe would be required to take effect at the same time as the European Political Community is set up :

12. Article 1

13. Add the following clause :

14. The European Political Community, established in accordance with the Treaty signed in on , is in accordance with the aim of the Council.

15. Members of the Council who are not Members of the Community shall be free to accede to it or to conclude agreements of Association with the Community, in accordance with the provisions laid down in the Treaty setting up the Community.

16. Article 10

17. Add the following phrase to the first paragraph :

18. (iii) An Economic and Social Council.

19. Article 25

20. Substitute for paragraph (a), the following :

21. (a) The Consultative Assembly shall consist, in the case of those of the Member States of the Council of Europe which are Members of the European Political Community, of the representatives of the States concerned in the Senate of that Community. In the case of the Member States of the Council of Europe which are not Members of the European Political Community, it shall consist of representatives of each Member elected by its Parliament or appointed in such manner as that Parliament shall decide, subject, however, to the right of the Governments of such Member States to make any additional appointments necessary when their Parliaments are not in session and have not laid down the procedure to be followed in that case. Each representative niust be a national of the Member State which he represents, but shall not at the same time be a member of the Committee of Ministers.

22. Article 26

23. Members shall be entitled to the number of representatives given below :

24. (To be completed after a decision has been taken as to the representation in the Senate of the Community.)

Transmission to the Ad Hoc Assembly

25. This Resolution shall bè communicated to the President of the Ad Hoc Assembly.

B. Draft Order of the Assembly

The Assembly

1. Instructs the Committee on General Affairs to follow the work of the Ad Hoc Assembly in order to prepare a draft Opinion thereon, to be discussed by the Consultative Assembly during the First Part of the Fifth Ordinary Session, with a view to its subsequent transmission to the Committee of Ministers of thé Council of Europe;

2. Instructs the Committee on Economie Questions and the Committee on Social Questions to collaborate in tabling a Draft Recommendation concerning the creation of an Economic and Social Council, to be discussed by the Consultative Assembly during the First Part of the Fifth Ordinary Session.

C. Draft Recommendation relating to the amendment of the Statute of the Council of Europe

The Assembly,

Welcoming the desire of the Ad Hoc Assembly to strengthen the Council of Europe and to make it the general political framework for Europe;

Noting the view of the Ad Hoc Assembly that, if there are to be close links binding the Council of Europe and the Political Community together, the amendment of certain provisions of the present Statute is required;

Recommends to the Committee of Ministers :

a. that, in conformity with the suggestions of the Ad Hoc Assembly, these amendments should provide, in particular, for prior consultation, which in certain cases would be obligatory, on all questions of European interest, and, specifically, on measures proposed by the Community which would affect the interest of other Member States of the Council of Europe;

b. that sympathetic consideration be given to such further amendments as may prove necessary;

c. that all proposed amendments be transmitted to the Consultative Assembly for an Opinion during the Fifth Ordinary Session.

D. Explanatory Memorandum

1.

1. The first task of the Rapporteur must be to welcome most sincerely the spirit of cooperation which pervades the Conclusions of the Ad Hoc Assembly,Doc. 96, with regard to Association and Liaison.

2. This spirit is strikingly summed up by the phrase used at the end of the Conclusions where the Ad Hoc Assembly declares itself to be " 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 ".

3. It need hardly be said that the Consultative Assembly fully reciprocates these sentiments of co-operation. The Committee on General Affairs recommends the acceptance of the whole of Resolution V—with the exception of a modification of Sections 6 and 7. They also recommend acceptance of the principles of Resolution VI ; of this the Report has made a synthesis containing a development of earlier proposals for the establishment of organic links between the Senate of the Community and the Consultative Assembly.

4. With regard to the modification suggested in Resolution V, the Committee felt that it would not be helpful to make too rigid the conditions of Association with a Community that has yet to be formed. The original conception of the Constitutional Committee was that Association should be by Treaty only. Certain provisions to be contained in the Treaty were laid down. The Constitutional Committee then amended this to the effect that Association could also be brought about by " such other arrangement, having the same object in view, as may be agreed in common ". Exactly the same provisions, however, were laid down for this alternative possibility as for the Treaty, thus destroying the effect of the amendment. The modification now suggested puts this right.

5. The Community loses nothing as a result of the modification. It may indeed gain much, since it is surely in the interest of the unity of Europe that effective Association should be made as easy as possible to achieve.

6. The Committee has borne in mind the statement made on 10th January by Lord Layton and by the President of the High Authority of E. C. S. C. The Committee also received, and has incorporated in a draft Order of the Assembly, the Opinion of the Committee on Social Questions concerning the creation of an Economic and Social Council.

7. In conclusion, it is necessary to stress the provisional nature of the Report inasmuch as it deals with a hypothesis. But at the same time the Consultative Assembly cannot but wish success to the Six in their task of finding a solution acceptable to them all. The Six should not regard it as illogical that those who will not themselves enter the Community should want them to succeed. For it is in the interest of all that Europe should be united and strong.

8. The Report was adopted in Committee by 22 votes to 1, with 2 abstentions.