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Draft Treaty embodying the Statute of the European Community, adopted by the Ad Hoc Assembly

Report¹

Committee on Political Affairs and Democracy

Rapporteur: Mr Georges BOHY, Belgium, Socialist Group

1. 1953 - 5th Session - First part



A. Draft Recommendation (I)

The Assembly,

Having considered the draft Treaty embodying the Statute of the European Community adopted by the Ad Hoc Assembly, 10th March, 1953, and communicated to the Consultative Assembly in accordance with the Resolution adopted in Luxemburg, 10th September, 1952, by the six Ministers for Foreign Affairs of the Member States of the European Coal and Steel Community;

Recalling its unanimous Resolution of 6th September, 1949, that the " aim and goal of the Council of Europe is the creation of a European political authority with limited functions but real powers " ;

Recalling that it has sought to define those functions and powers, and that accordingly, on 26th August and 23rd November, 1950, it voted in favour of the draft Treaty instituting the European Coal and Steel Community; on 11th May, 1951, welcomed the signature of the said Treaty; on 11th August, 1950, adopted a Recommendation calling for the " creation of a unified European army under the authority of a European Minister for Defence, subject to proper European democratic control"; on 30th May, 1952, requested that the European Defence Community be subordinated to a Political Authority; and has subsequently given its support to the draft Treaty instituting the European Defence Community;

Regarding the creation of the Specialised Communities as so many preliminary steps towards the creation of the European Community;

Expressing the gratitude of the free peoples of Europe to the authors of the draft treaty who have with ability and devotion fulfilled the task they undertook upon the invitation of the six Ministers for Foreign Affairs;

Believing that, if the creation of the European Community is to be compatible with the interests of the Member States of the Council of Europe as a whole, there must be closer unity among these Member States;

Emphasising that such closer unity of Europe has always been regarded as an imperative political necessity in the economic and social fields as well as in that of defence, and believing therefore that even a possible reduction of tension between the U. S. S. R. and the free world would not eliminate this necessity ;

Bearing in mind that the success of the European Community will in large measure depend on the extent to which links are maintained and reinforced between that Community and the States not Members thereof, on the one hand, and between that Community and the Council of Europe, on the other, and on the efficiency of the working relationships which are introduced between them;

Emphasising that in the economic field, in particular, the prosperity and well-being of the Community and of the European States which are not Members thereof are inevitably interdependent, and therefore it is desirable that, in any new relationships which may arise between them, the measures taken by the Community should be in harmony with those adopted within the larger framework of the Council of Europe, of the O. E. E. C. and of the European economic organisations of which the Member States of the Community form an integral part;

Drawing the attention of those responsible for the further negotiation of the draft Treaty to the suggestions contained in its Recommendation concerning the European Community,

Recommends to the Committee of Ministers :

- a. that the Governments of the Member States of the Council of Europe which propose to set up the European Community proceed to the speedy conclusion of the task they have undertaken;
- b. that the Governments of all Member States make determined efforts during the coming year to develop closer unity within the framework of the Council of Europe among all the nations therein represented, so that this larger unity may develop contemporaneously with that achieved in the European Community.

B. Draft Recommendation (II)

The Assembly,

Having considered the draft Treaty embodying the Statute of the European Community adopted by the Ad Hoc Assembly on 10th March, 1953, and communicated to the Consultative Assembly in accordance with the Resolution adopted in Luxembourg, 19th September, 1952, by the six Ministers for Foreign Affairs of the Member States of the European Coal and Steel Community;

Recalling the terms of its Resolution 26 of 17th January, 1953, as follows :

" The Assembly,

Called upon for an opinion on the directives transmitted by the Ad Hoc Assembly to its Constitutional Committee.

Expresses its unreserved appreciation of t h e quality of t h e work hitherto performed by the Constitutional Committee";

Considering therefore that it is its duty to formulate precise proposals for the amendment of t h e draft Treaty with t h e object of ensuring the unity of the Member States of the Council of Europe within the framework of the latter, and at the same time of seeking to introduce improvements into the draft Treaty,

Draws the attention of the Foreign Ministers of the Member States of the European Coal and Steel Community to its Resolution ... concerning the questions of Association and Liaison, and to the Opinions² appended to this Recommendation concerning certain legal, economic and social aspects of the draft Treaty;

And further recommends to the Foreign Ministers of the Member States of the Coal and Steel Community :

- a. that in Article 116, paragraph 1, the words " and to any other European State which guarantees the protection of human rights and fundamental freedoms as defined in Article 3 " be omitted;
- b. that in Article 25, paragraph 1 :
 - the first sub-paragraph be worded as follows : " No restriction shall be placed upon the freedom of movement of the Members of the Parliament within the territory of the Community ";*
 - in the second sub-paragraph the word " visa " be replaced by the word " passport ";*
- c. that in implementing Article 71, paragraph 2, due regard be had to the draft European Convention for the peaceful settlement of disputes;
- d. that Article 83 be reconsidered and t h a t due regard be given to the draft European Convention for the reciprocal treatment of nationals;
- e. that Article 101 be re-drafted in the light of the observations made in Section 11 of the Opinion appended to this Recommendation, concerning certain legal aspects of the draft Treaty ;
- f. that Article 103 be reconsidered in t h e light of such objections as may be made to the present text ;
- g. that, in the spirit of Recommendation 26 (1952) of the Consultative Assembly (" The Strasbourg Plan ") , the provisions for consultation contained in Article 4, paragraph 3, of the Protocol on links with the Council of Europe be made mandatory in respect of the policy of the Community, whenever the latter has a bearing on the interests of the overseas territories constitutionally linked with a Member State of the Council of Europe;
- h. that, with possible exception of the Court, all institutions of the European Community and of the Council of Europe be located permanently in the same town;
- i. that one of t h e members of the European Executive Council be specifically charged with the responsibility for the implementation of Articles 3, 4 and 5 of the Protocol on links with the Council of Europe.

2. See 5th Session, 1953 : [Doc. 127](#), [128](#) and [131](#) (Opinions of the Committees on Economic Questions, Social Questions and Legal Questions).

C. Draft Orders of the Assembly

1. The Assembly instructs the President to transmit Recommendations , together with the Reports of the Committee on General Affairs, [Doc. 120](#) and [Doc. 148](#), to the President of the Ad Hoc Assembly and the Presidents of the Chambers of Parliament of the Member States of the European Coal and Steel Community.
2. The Assembly instructs the Committee on General Affairs to report to the Assembly in due course on the progress made towards the conclusion and implementation of the draft Treaty embodying the Statute of the European Community.

D. Explanatory Memorandum

1.

1. The Assembly referred back to the Committee five amendments to the draft Recommendations which the Committee had submitted to the Assembly concerning the draft Treaty embodying the Statute of the European Community. The Assembly also instructed the Committee to study the political aspects of the Report of the Committee on Legal and Administrative Questions ([Doc. AS \(5\) 131](#)).

2. Your Committee has taken these various documents into account in drafting the revised Recommendations which it now submits to the Assembly. Draft Recommendation (I) was adopted in Committee by 14 votes to 1, with 7 abstentions. Draft Recommendation (II) was adopted in Committee by 11 votes to 1, with 7 abstentions.