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# Treaty instituting the European Atomic Energy Community

**Report**[1]
Committee on Political Affairs and Democracy
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1. 1957 - 9th Session - First part

**A. 1, Draft Resolution**

The Assembly,

Reaffirming its conviction that it is only by concerted action that Western Europe can ensure the rapid and efficient development of atomic power and thus safeguard its future independence in energy supplies,

Congratulates the six Governments participating in the Intergovernmental Committee upon the conclusion of the Treaty instituting the European Atomic Energy Community (Euratom);

Notes with satisfaction that on vital points—security control, the open character of the Community, co-operation with O.E.E.C., incorporation of Euratom in the general Common Market and the setting up of an Economic and Social Committee—the Treaty conforms to the wishes previously expressed by the Consultative Assembly;

Invites Member States which have not so far felt able to join Euratom to reconsider, if possible, their attitude and if they are unable to join the organisation, to work out concrete plans for co-operating on specific projects with the six Members of Euratom;'

Urges the Parliaments and Governments of the Six to make every effort to assure the speedy ratification of the Treaty;

And requests the Committee of Ministers of the Council of Europe and the Interim Committee for Euratom and the Common Market to conclude, in accordance with the Resolution of May 1951 of the Committee of Ministers on the setting up of European Specialised Authorities, an agreement providing for an annual report to be sent by the Atomic Energy Commission to the Consultative Assembly, to be discussed, together with a report from 0. E. E. C, at joint meetings between the Assembly of the Six and the Consultative Assembly.

## B. 2. Explanatory Memorandum

### 1. General remarks

1. The Consultative Assembly, conscious of the vital importance of the problem of atomic energy, has from the outset, that is, since 1955, closely followed the work of 0. E. E. C. and the Intergovernmental Committee set up by the Messina Conference on European cooperation in the field of atomic energy (cf. Resolution 89 (1955), Resolution 97 (1956) and Resolution 119 (1957)).

2. The Consultative Assembly is now required to give its views on the final text of the Treaty instituting the European Atomic Energy Community. This Treaty was signed in Rome on 25th March 1957, by the Governments of the six member countries (Belgium, France, Federal Republic of Germany, Italy, Luxembourg and the Netherlands).

3. It is, of course, for the Economic Committee to suggest to the Assembly how far the arrangements set up by the Treaty are the most efficient that could be made for the proper development of this economic sector

4. The comments put forward by your Committee on General Affairs are limited to the political aspects of the Treaty. We have, in particular, endeavoured to ascertain whether the wishes expressed by the Assembly in previous Resolutions have been fulfilled.

### 2. Does the Treaty fulfil the wishes expressed by the Assembly in previous Resolutions?

5. We have always stressed the need for setting up as soon as possible a European atomic energy organisation which could also contribute to the promotion of European unity. We are therefore fully justified in congratulating the authors of the Treaty on the speed with which the Treaty was negotiated, drawn up and signed.

6. The Treaty has forged new links between the six countries for an unlimited period of time (Article 207); in doing so it has not reduced the links with the other Western European countries but has, on the contrary, increased them. In fact, the Preamble states that the Contracting Parties are desirous of associating other countries in their work and Article 2 states that the Community shall establish with other countries and with international organisations all contacts that are calculated to further the peaceful use of atomic energy.

7. Moreover, it is specifically stated in Article 205 that " any European State may ask to join the Community ", and Article 206 adds that the Community may conclude with an outside State or an international organisation agreements creating an association characterised by mutual rights and obligations, joint action and special procedures.

8. With regard to relations with O.E.E.C. and the Council of Europe, Article 201 states that " the Community shall establish with the Organisation for European Economic Co-operation close collaboration, the details of which shall be determined by agreement between the two bodies ". Furthermore, Article 200 provides that " the Community shall co-operate in every way that is useful with the Council of Europe ".

9. In Resolution 119 (1957) our Assembly, basing itself on a Resolution adopted by the Committee of Ministers in May 1951, which provides for the establishment of links between Specialised Authorities on the European plane and the Council of Europe, invited the Committee of Ministers to draw up a Protocol establishing close co-operation between Euratom and the Council of Europe. Our Committee had envisaged a Protocol similar to that which establishes a relationship between the Council of Europe and the European Coal and Steel Community. The text of Article 200 does not limit in any way co-operation with the Council of Europe. It is therefore to be hoped that this clause will be applied in a satisfactory manner. It is, for instance, possible that one half of the representatives from the six countries to the Consultative Assembly may be automatically appointed to the Euratom Assembly. It is up to members of the Assembly to take steps in their Parliament at home, when the Treaty comes into force, in order to ensure that the necessary arrangements are made.

10. The Treaty meets the wishes expressed by the Assembly in previous Resolutions concerning harmonisation of legislations in the countries concerned in respect of health protection and insurance insofar as they relate to the development of atomic energy.

11. The Assembly had stressed the need for a watertight system of security and close co-ordination between the control system of Euratom, the OEEC European Nuclear Energy Agency and the Armaments Control Agency of W.E.U. The control system provided for in the Treaty will certainly be closely coordinated

with that of the OEEC Agency (Article 201). Co-ordination with the control systems of other international organisations is also ensured by Article 199, which instructs the Commission to secure all useful contacts with the organs of the United Nations of their Specialised Agencies, as well as appropriate contacts with all international organisations.

12. With regard to the United Nations International Atomic Energy Agency, co-ordination is facilitated by Article XVI of its Statute, which provides for the conclusion of agreements establishing appropriate relations between the Agency and all other organisations whose activity is related to that of the Agency. Furthermore, examination of the Agency's Statute and the Euratom Treaty shows that the two control systems are similar.

13. Article 84, which stipulates that control shall not extend to material intended for the purposes of defence, ensures that there shall he no overlapping with the system of the Agency for Armaments Control.

14. It is also satisfactory to note that the Treaty fulfils the wishes of the Assembly on two points :

*a.* incorporation of Euratom in a general common market;

*b.* creation of a consultative, economic and social committee (Chapter III), consisting of persons connected with the different social and economic aspects of the work of the Community.

15. Unfortunately, the Treaty does not fulfil to the same extent the desires previously formulated by the Assembly with regard to the granting of real powers of decision either to the Commission or to the Parliamentary Assembly. It is quite clear that the powers of the Euratom institutions represent an undeniable retrogression if compared with those of the institutions of the European Coal and Steel Community. The Assembly can adopt a motion of censure by a two-thirds majority and force the Commission to resign; the Assembly can move amendments to the budget proposals made by the Council, but, in actual fact, it is the Council which decides on the budget, and it is with the Council that almost all powers of decision rest.

16. The Assembly made these suggestions concerning the powers of the Commission and the Assembly because it felt that their acceptance would contribute both to the efficiency expected from technical industrial operations and to the proper democratic control required. It must, however, be admitted that it will only be possible to judge the efficiency of the working of Euratom in the light of experience.

17. Your Committee therefore invites the Assembly to adopt the draft Resolution which appears at the beginning of this report. It was adopted by your Committee unanimously less one abstention.