



Doc. 737

22 octobre 1957

Création d'une Cour suprême européenne

Proposition de recommandation

déposée par M. Eduard WAHL et d'autres membres de l'Assemblée

The Assembly,

Considering that European conventions are at present applied by national courts, with the result that the diversity of national legal systems may jeopardise the common idea which the authors of such conventions had in mind; que la diversité des systèmes juridiques nationaux peut compromettre le sens commun qui a inspiré les auteurs de ces conventions;

Considering that a remedy should be found for this situation, which Bartin described some sixty years ago, holding it to imply the impossibility of eliminating conflicts of law by means of international conventions;

Considering, further, that a European court would be able to fill this gap as regards the interpretation of European conventions and that such a court would encroach on the jurisdiction neither of The Hague International Court of Justice nor of the supreme courts of the various countries;

Considering, lastly, that such an institution would be a stimulus to the preparation of European conventions by overcoming the reluctance now felt owing to the almost complete absence of real and effective control,

Recommends that the Committee of Ministers set up a European Supreme Court to hear charges of breaches of European conventions brought by individuals.

Signé (voir au verso)



Signé:

WAHL Eduard, Allemagne