Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 139
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Conclusion of a Pact of European Union

Motion for a resolution
tabled by Mr Jacques BARDOUX and other members of the Assembly

The Assembly recommends the adoption by the Committee of Ministers of the following draft Convention :

In the name of their peoples, the Heads of the European Governments, duly authorised by their freely elected Parliaments,

Conscious of all that Europe has contributed for more than two thousand years in progress and in material and moral achievements to Humanity;

Resolved to restore to Europe its vitality and its prestige weakened by periodical wars of ever-increasing brutality ;

Persuaded that this restoration can only be brought about by continental co-operation in the economic, financial, legal and cultural fields, under a lasting peace of the European nations;

Loyal to the principles established, the disciplines imposed and the institutions created under the Pact of the United Nations Organisation ;

Have agreed upon the following Charter of European Union.

I. Definition and Aims

ARTICLE 1

The European States establish by this Charter the International Organisation, which they have developed to achieve an order of peace and justice, to promote their political freedoms and to ensure collaboration in their economic and moral activities. Within the United Nations Organisation, the European Union is a regional entity.

ARTICLE 2

All European States, which ratify the présent Charter, are Members of the European Union.

ARTICLE 3

Overseas territories, which are totally or partially europeanised, linked by a federal or semi-federal bond to a European State, may form part of the European Union.

ARTICLE 4

The European Union, in order to put into practice the principles on which the Charter of the United Nations is founded and to fulfil its regional obligations under the Articles of this Charter, reaffirms its essential aims to be as follows :

1. To ensure the maintenance of peace for all Member States ;
2. To arrive at a peaceful settlement of any of their differences which may arise;

3. To solve all political, legal and economic problems which may occur;

4. By an organised co-operation of the European States, to promote their economic, social and cultural development;

5. To guarantee the fundamental rights of the individual without distinction as to race, nationality, sex or creed;

6. To strengthen the spiritual unity of Europe by respect for and co-operation in the cultural values of each of its nations.

II. Rights and obligations

ARTICLE 5

The European States are juridically equal. They enjoy the same rights. They have equal capacity to exercise these rights. They have the same obligations. The rights of each State do not depend upon its power to ensure the exercise thereof. They result from the mere fact of its existence as an internationally recognised State.

ARTICLE 6

Every Member State of the European Union is under an obligation to respect all the rights enjoyed by every other European State.

ARTICLE 7

Every State has the right to defend its independence, to ensure its prosperity, to legislate for its State services, to run its administrative machinery, and to define its jurisdiction.

The exercise of these rights is limited only by the rights of other States.

ARTICLE 8

Within the frontiers of its own territory, the jurisdiction of a State is exercised equally over all the inhabitants, whether nationals or aliens.

ARTICLE 9

Each State has the right to develop in full sovereignty its economic, political and cultural life, respect always being paid to the rights of the individual.

The solidarity of the European States and the aims of the European Union require that the political organisation of Member States shall be, in fact and in law, a representative democracy.

ARTICLE 10

No State has the right to intervene, directly or indirectly, for any reason whatever, in the internal affairs or external activities of any other State. This principle prohibits not only armed force but also any other form of interference or pressure winch threatens the personality of the State or its political, economic and cultural elements.

ARTICLE 11

No European State may, on its own initiative, adopt coercive measures of an economic on political character in order to force the sovereign will of another European State and obtain from it advantages of any kind.

ARTICLE 12

The territory of a European State is inviolable for any other State. It may not be the object, even temporarily, of a measure of force taken by another European State, directly or indirectly, on any grounds whatever.

ARTICLE 13

The European States bind themselves never to have recourse in their relations to the use of force. They outlaw war in Europe.

ARTICLE 14

All international differences which may arise between European States shall be submitted to the legal procedures set forth below, before being referred, if not resolved, to the Security Council of the United Nations.

ARTICLE 15

If a difference between European States cannot be settled either by direct negotiation, good offices, or mediation, the Member States of the European Union undertake to submit it to the arbitration either of the International Court of Justice or of the Council of Europe.

III. Collaboration and Co-operation

ARTICLE 16

The Member States of the European Union recognise the imperative necessity for Europe, if it is to repair its ruins and recover its prestige, to increase its economic vitality.

They agree to co-operate with one another, in a spirit of friendship, as far as their resources may permit and their laws may provide, in order to strengthen their structure, increase their agricultural and industrial output, remove barriers, facilitate exchanges, both in the monetary and commercial fields, and eventually to establish European exchanges for basic products, and European undertakings for common public services : especially railways, motor-roads, ports and aerodromes.

ARTICLE 17

If the economy of a European State is beset by serious problems that cannot be solved by its own unaided efforts, such State has the right to place these problems before the Council of Europe to seek the most suitable solution.

ARTICLE 18

An inter-European Council of Jurists, appointed by each of the States of the European Union, shall watch over the development and carry out the codification of international law, both public and private. They shall study the possibility of standardising legislation on specific subjects in these European countries.

ARTICLE 19

The Member States of the European Union agree to co-operate with one another to secure, in the social field, the health, justice and security for their people which European civilisation demands.

ARTICLE 20

They agree that there shall be applied within each State to all workers, whether nationals or aliens, social legislation based on the following principles :

a. All human beings, without distinction as to race, nationality, sex or creed, have the right to attain material well-being and spiritual growth under circumstances of liberty, dignity, equality of opportunity, and security for the future ;

b. Work is not a commercial commodity, but a right and a duty. It demands respect for freedom of association and for the dignity of the worker. It is to be performed under conditions which, without injuring health, ensure a decent standard of living, both during the working years and during old age, or when any circumstance renders the individual incapable of working.

ARTICLE 21

The Member States of the European Union affirm that the only culture worthy of the name is that which promotes the intellectual progress and moral integrity of the human being, which is at the service neither of Government, class, nor party, but at the service of man. They proclaim that no power has the right to intervene or to impede, in any field, the spirit of free enquiry and free creation. Every citizen must be ensured access to culture, notwithstanding economic or social inequalities.

ARTICLE 22

Recognising the fact that European culture, built up through a long tradition of more than two thousand years, is at the same time unity and diversity — unity, in that it has always claimed that the spirit is of prime importance; diversity, because it forms the base of creative forces — the Member States of the European Union undertake to unify, and, if necessary, to extend existing cultural agreements, concerning in particular :

a. The adjustment of programmes, and uniformity of diplomas ;

b. Exchanges of teachers, technicians and students and educational and scientific material ;

c. Arrangements made to organize leisure time and holidays for students and workers ;

d. The adoption of measures for directing and promoting, in the European sense, the education of youth.

IV. Enforcement of security

ARTICLE 23

AH aggression, whether direct or indirect, by economic means or armed force, against one of the signatories of the European Pact, constitutes an aggression against all the signatories.

ARTICLE 24

In case of armed aggression, the state attacked is entitled to military assistance from the other states.

A European state, whose neutrality has been recognised internationally, and which preserves the integrity of its frontiers, is not obliged to furnish military assistance to the state attacked, but only economic assistance.

ARTICLE 25

The amount of material and effectives pooled for the defence of Europe shall be decided by an agreement between the states of Europe.

ARTICLE 26

The formation, armament, housing and establishment of the units of the European Army, being part of the Atlantic community, shall be controlled by a European Minister of Defence. His Headquarters shall be at the Executive Committee of the Council of Europe.

V. Organs of the European Union

ARTICLE 27

The European Union shall consist of three organs :—two Consultative Assemblies—the Assembly of Representatives or House of Deputies, and the Assembly of Ministers or House of States; and an Executive Committee—the European Council or European Board.

ARTICLE 28

The Assembly of Representatives or House of Deputies, whose status is defined in Chapter V of the Statute signed on 5th May 1949, shall draw up its own Agenda.

It shall meet once a year in Ordinary Session, the duration of which shall be one month, and may, at the request of its Standing Committee, be convened for an Extraordinary Session, the duration of which shall not exceed that of the Ordinary Session.

A two-thirds majority is required, to decide questions of substance.

The Committees shall sit as often and for as long as is necessary to produce their texts or draft their reports.

ARTICLE 29

The Assembly of Ministers, or House of States, shall consist of two Ministers from each State, one of whom shall be the Minister for Foreign Affairs. It shall, during the month following the Ordinary or Extraordinary Session of the Assembly of Representatives, examine the Motions, Recommendations or Conventions adopted by the other House. It shall approve, amend or reject them. The decisions of the Assembly of Ministers, as laid down in Article 20 of the Statute signed on 5th May 1949, shall be taken by a two-thirds majority of the votes cast.

ARTICLE 30

The European Council shall be responsible for executing the decisions taken and transmitting the texts adopted by the two Assemblies. For this purpose, it shall communicate directly with the Governments of the Member States, who may refer similar matters to it. It shall prepare the Agendas of the Assemblies, and shall report to them. It shall manage or control the European Institutions.

ARTICLE 31

Six of the Councillors shall specialise each in matters which relate to one of the Committees of the Assembly of Representatives. The management or control of each of the European institutions shall be entrusted to a Councillor.

ARTICLE 32

The European Council shall consist of nine members : six shall be appointed by secret ballot and by an absolute majority of each of the Committees of the Assembly of Representatives and three by the Assembly of Ministers. No Member State may possess more than one Seat on this European Council. No member of the Bureau of the Assembly of Representatives, or of the Bureau of any of its Committees, may sit on this European Council.

ARTICLE 33

The European Councillors shall be elected for three years and shall be eligible for re-election. Their appointment may be terminated by one or other of the Assemblies, after the Councillor has been heard.

ARTICLE 34

The European Council shall hold its meetings in private at the seat of the Secretariat of the European Union; they shall be held as often as is deemed necessary and at least once a month. The Secretariat General shall be placed under its authority. The Secretary-General shall arrange for Minutes to be taken of the proceedings of these meetings.

ARTICLE 35

The European Council shall elect, by secret ballot and an absolute majority, one President and one Vice-President for a period of three years.

VI. The United Nations Organisation and the European Union

ARTICLE 36

None of the provisions of this Charter shall be construed as impairing the rights or obligations of a Member State of the European Union under the Charter and Organisation of the United Nations.

ARTICLE 37

The present Charter shall be registered with the Secretariat of the United Nations Organisation through the Secretariat of the European Union.

ARTICLE 38

During plenary Sessions of the United Nations Organisation, the representatives of the Member States of the European Union shall meet in a European Committee to consider the votes to be cast and the decisions to be taken.

ARTICLE 39

The Organisation of the European Union shall enjoy in the territory of each Member such capacity and immunities as are necessary for the exercise of its functions and the achievement of its aims.

ARTICLE 40

European Council correspondence and that of the Secretariat, including printed matter and parcels, bearing the frank of the European Union, shall be handled free of charge by the postal authorities of the Member States of the European Union.

ARTICLE 41

The original instrument of this Charter, the English and French texts of which are authentic, shall be deposited at the seat of the European Union. Certified copies thereof shall be sent to the Governments for purpose of ratification. The instruments of ratification shall be deposited with the European Union, which shall notify the signatory Governments of such deposit.

ARTICLE 42

The present Charter shall enter into force among the ratifying European States when two-thirds of the signatory States have deposited their ratifications.

It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

ARTICLE 43

Amendments to the present Charter may be adopted only at an extraordinary Session of the European Consultative Assembly convened for that purpose.

Amendments shall enter into force in accordance with the procedure laid down under Article 42 above.

In witness whereof the undersigned Heads of Governments, whose full powers have been presented and found to be in good and proper form, sign the present Charter on the dates that appear opposite their respective signatures.

Signed (see overleaf)

Signed:

BARDOUX Jacques, France