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Role of the Council of Europe in the new pattern of organisation of Europe

Report[1]
Committee on Political Affairs and Democracy
Rapporteur: Ms Margaretha Albertina Maria KLOMPE, Netherlands

1. 1952 - 4th Session - Second part

A. Resolution I - on the application of the United Kingdom proposals to the creation of the European Political Community

The Committee on General Affairs,

Requests the President of the Assembly to transmit to the Governments of the Six countries participating in the Coal and Steel Community and the European Defence Community the following Resolution :

" The Committee on General Affairs,

Recalling that the Assembly, in Resolution 14 concerning the most appropriate means of drafting the Statute of the European Political Community, asked the Six Governments to put into effect immediately the provisions of Article 38 of the European Defence Community Treaty concerning the determination of the future political structure of Europe,

Being of opinion that it is in consonance with the spirit of the United Kingdom proposals that the Political Community should be elaborated and should develop within the Council of Europe,

Recalling that the two organs of the Council of Europe have given their approval in principle to the United Kingdom proposals,

Calls the attention of the Six Governments, when they consider the implementation of Resolution 14, to the extreme importance for the future of the United Kingdom proposals of deciding on a procedure which will ensure that the work of elaboration referred to in this Resolution should be carried out within the Council of Europe. "

B. Resolution II - on the appropriate changes to be made in the Statute and on the initial relations to be established between the Council of Europe and the European Coal and Steel Community

The Committee on General Affairs,

Having been instructed by the Assembly to proceed with the consideration of the request from the Committee of Ministers for an opinion on the best means of giving effect to the United Kingdom Proposals, and to communicate its conclusions, with the agreement of the President of the Assembly, to the Ministers' Deputies, [2]

Requests the President of the Assembly to transmit to the Committee of Ministers the following Resolution :

" The Committee on General Affairs,

Considering that the intention underlying the United Kingdom Proposals is that the pattern of the Restricted Communities, including the Political Community for which provision is made in the Treaty for the European Defence Community, should be worked out, and that they should develop, within the orbit of the Council of Eiirope,

Considering that appropriate measures should be taken so that the United Kingdom Proposals may with all speed be made applicable to the European Coal and Steel Community, to the European Defence Community and to the negotiations for the establishment of a European Political Community,

Section A

Draft Protocol

1. Recalls that it is the intention of the Assembly that all Governments of Member States be invited to attend the negotiations for the establishment of the Restricted Communities and, in particular, the Political Community,

2. Considers that an urgent task to be undertaken in connection with the implementation of the United Kingdom Proposals is to make the appropriate changes in the Statute in order to make it easier for the negotiations on the Political Community to take place within the orbit of the Council of Europe,

3. Considers that, in view of the close association which must exist between the European Defence Community and the Political Community, these modifications should, in particular, aim at so altering the conditions of application of Article 1 (d) of the Statute as to allow of the establishment of liaison with certain institutions of the E. D. C , specifically its Assembly,

4. Recalls that the Assembly has suggested that " the forms of association within the Council of Europe should be adjusted so as to enable Member States unwilling to enter into liaison with certain Communities—such as the European Defence Community—to continue to co-operate within the Council for the achievement of the aims laid down in Article 1 of the Statute without being in any way bound by the agreements concluded between the Council and such Communities, "[3]

5. Submits to the Committee of Ministers the following Draft Protocol :

Draft Protocol

The Member States of the Council of Europe

Considering that the Statutory Resolutions on the Specialised Authorities and the partial agreements adopted at the Eighth and Ninth Sessions of the Committee of Ministers allow of negotiations being held within the orbit of the Council of Europe, with a view to setting up European Communities whose aims lie within the limits of Article 1 of the Statute, or the linking of such Communities with the Council of Europe,

Considering that it is essential to extend these possibilities so as to include European Communities whose objects go further than the present Statute, while maintaining the co-operation of all Member States within the Council,

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2. See Resolution of the Assembly No. 11 (para. 5).
3. See Resolution of the Assembly No. 11, para 2(v).

Have agreed as follows :

1. Member States which so desire shall be authorised to take within the framework of the Council of Europe appropriate measures for defence to further the achievement of the general aim of the Council as defined in Article 1 (a) of the Statute,

2. When the organs of the Council of Europe consider the measures alluded to in paragraph (i) above, they shall sit with restricted membership, only those Member States taking part which have expressed the desire to take such measures, the other States being, by mutual agreement, afforded the right to follow such study by means of representatives attending as observers,

3. The object of the measures referred to in paragraph 1 above may be either :

   a. the creation, within the framework of the Council of Europe, of European Communities whose competence would extend to the spheres specified in Article 1 (d) of the Statute; or

   b. the establishment of organic links between the Council of Europe, sitting with restricted membership as defined in paragraph 2 above, and a European Community whose competence would extend to the spheres specified in Article 1 (d) of the Statute,

4. The measures taken by the Council of Europe, sitting with restricted membership, involve the responsibility only of those Member States participating in those measures, other Member States and the Council of Europe as a whole being in no way committed.

5. Any additional expense incurred by the Council of Europe in connection with the measures taken in giving effect to the present protocol shall be borne exclusively by the Member States which shall have participated in taking these measures.

Section B

Considering that the United Kingdom Proposals should be implemented in the initial stages of the establishment of the European Coal and Steel Community, since this constitutes a first element of the Continental Community,

6. Suggests, with a view to facilitating the subsequent establishment of close association between the E. C. S. C. and a State not participating in it, the following measures should be taken immediately in the matter of the relations between the Council of Europe and the E. C. S. C.

a. Member States of the Council of Europe which do not accede to the E. C. S. C. should be invited to establish permanent delegations to the High Authority,

b. The six Governments should decide to establish the institutions of the E. C. S. C. at the seat of the Council of Europe, so that the latter's buildings (especially for the Assemblies) and secretariat may, in so far as is practicable, be at their disposal.

c. The same Representatives should be appointed to the Assemblies of the E. C. S. C. and of the Council of Europe.

d. Immediate effect should be given to the provisions contained in the Protocol to the Treaty for the E. C. S. C, particularly in the matter of the submitting of reports by the High Authority and the Assembly of the E. C. S. C. to the Council of Europe.

e. The Committee of Ministers should enter into negotiations with the High Authority and the Council of Ministers of the E. C. S. C. for the purpose of :

   1. deciding upon the conditions under which States not participating in the E. C. S. C. could be represented by observers on the Council of Ministers of the E. C. S. C , and also the mutual obligations thereby entailed.

   2. defining the conditions under which the High Authority might be authorised to take part in certain meetings of the Committee of Ministers and the Assembly of the Council of Europe, especially when consideration is being given to its reports submitted to the Council of Europe.

f. By agreement between the Assemblies of the E. C. S. C. and the Council of Europe the following measures should be taken :

   1. the Assembly of the E. C. S. C. shall consent to being considered as the Assembly of the Council of Europe sitting in restricted membership with its own powers and its own Rules of Procedure;

2. Representatives to the Assembly of the Council of Europe of countries not participating in the E. C. S. C. shall be able as observers, to take part in the proceedings of the Assembly of the E. C. S. C. and have the right to speak but not to vote;

3. close co-ordination shall be secured between the proceedings of the Assemblies with regard to matters of common interest.

7. Requests the Committee of Ministers to envisage making such amendments to the Statute as would facilitate the implementation of the measures mentioned under para. 1 (e) and (/).

8. Emphasises the political significance of the establishment of such organic links between the Council of Europe and the E. C. S. C. in that they may prepare the way for those Members of the Council of Europe which do not participate in the restricted Communities to such Communities as may be created later, in particular with the Political Community.

9. Reserves to itself the possibility of pursiiing a more detailed examination of the relationship to be established between the E. C. S. C. and the Council of Europe and requests that it should be kept informed of the progress of negotiations with the E. C. S. C.

10. Instructs the Secretariat-General to undertake a study of the legal aspects of the question of the association of a State to a Restricted Committee, and specifically the European Coal and Steel Community.

Section C

Requests the Committee of Ministers to consider the possibility of increasing the number of representatives of all Member States in the Assembly, taking as a basis the number of seats proposed for the Common Assembly of the E. D. C.

C. Explanatory Memorandum

1.

1. The Assembly instructed the Committee on General Affairs to continue the study of the means of implementing the United Kingdom proposals and to inform the Ministers' Deputies of its conclusions (Resolution 11). The Committee of Ministers and the Assembly having both warmly approved " the general principle underlying the proposals of the United Kingdom to the effect that organic links be established between the Communities and the Council of Europe ", the task of the Committee was limited to the question of the measures necessary for putting the proposals into effect. During its session from 3rd to 5th July, the Committee adopted two Resolutions, which are contained in this report, one of them being addressed to the Six Governments participating in the restricted Communities and the other to the Committee of Ministers. This Explanatory Memorandum is the responsibility of the Rapporteur alone.

2. The Committee first made a close study of the questionnaire drawn up by the Ministers' Deputies. It was of opinion that to attempt, at the present stage, to give general answers to the questionnaire would not be the most effective method of procedure. The Committee preferred to try to discover what political decisions commensurate in scope with the Eden Plan could immediately be taken in order to translate into concrete measures the determination affirmed by the Governments and the Assembly to render effective, within the framework of the Council of Europe, the association with the European Continental Community of the United Kingdom and the other Member States of the Council of Europe. The Committee, therefore, attached particular importance to the studies to be carried out in connection with the creation of a Continental Political Community and to the initial relations to be established between the Council of Europe and the European Coal and Steel Community.

2. Chapter I - The "Questionnaire"

The initial study of the various questions drawn up by the Deputies has given rise to the following comments.

3. Question 1. Should the Committee of Ministers and the Consultative Assembly of the Council of Europe serve as the framework of :

a. the Ministerial institutions, and

b. the Parliamentary institutions of the Specialised Authorities, with appropriate composition and exercising powers as such?

The Committee of Ministers has since preferred to speak of the establishment of " organic links " between the corresponding Ministerial and Parliamentary organs of the Communities and of the Council of Europe. This alteration, while it offers the prospect of closer association, does not substantially modify the sense of the question itself.

2.1. Ministerial Organs.

4. It was the impression of the majority of the members of the Committee that real difficulties will always be encountered in any attempt to establish absolute correspondence between the Committee of Ministers and the special Councils of Ministers of the Communities. They are organs of quite a different nature. The Council of Ministers of a Community (and particularly that of the E. C. S. C.) can only function in close relationship with the Executive. The Council is required to ensure liaison between the Executive and the Governments and to set its seal on the decisions of the Executive by its " approval " etc. Cut off from the Executive, it will be incapable of action, as would be a Parliament without a Government. The Committee of Ministers of the Council of. Exirope, on the other hand, exercises the executive power of the Council, within the modest limits of the Council's terms of reference. It is the " organ which acts on behalf of the Council of Europe ". (Article 13 of the Statute.) It will clearly be possible and desirable to establish " organic links " (or a close association) on the governmental level between the Member States of the Council of Europe and the Communities. It will not be possible, however, to establish these links with the Council of Ministers alone, and we must envisage something more than mere governmental contacts within the Council of Europe If effective co-operation is desired, a " tripartite " agreement must be considered : Executive— Council of Ministers—Committee of Ministers.

2.2. Parliamentary Organs.

5. In respect of the Assemblies, the problem is different. Though the powers of the Assemblies of the European Coal and Steel Community or of the European Defence Community may be more extensive than those of the Assembly of the Council of Europe, their functions are not radically different. Both bodies have supervisory and pre-legislative tasks.

5.1. The European Coal and Steel Community Assembly will receive regularly, and debate, reports from the High Authority in the same way as the Assembly of the Council of Europe receives and debates reports from 0. E. C. E and from the Committee of Ministers, and will receive and debate, in the near future, it is hoped, reports, from the Brussels Treaty Organisation and the European Coal and Steel Community. After such debate, all these Assemblies can " make observations, express wishes or make suggestions. " The only difference is that the European Coal and Steel Community Assembly has an additional prerogative, in that it has the power, which can be exercised once a year, of passing a vote of censure on the High Authority.

5.2. The Assembly of the European Defence Community is to study a plan for a " federal or confederal structure " in Europe (Article 38 of the E. D. C. Treaty). Its conclusions will have substantially the same legal value as the " Recommendations " to Governments made by the Assembly of the Council of Europe— recommendations which have sometimes paved the way for " European laws " (Convention on Human Rights, Status of European Companies, etc.).

Within the limit of its powers the Assembly of the Council of Europe has assumed functions (supervisory, legislative) similar to those of any Parliament and to those which will later devolve on the Assembly of the Political Community, with the difference that the latter will have greater authority, since certain of its decisions will be binding, whereas ours remain subject to the approval of the Governments. An " organic link " between theAssemblies of the Communities and that of the Council of Europe would, therefore, appear easier to achieve. It would also perhaps be one of the most profitable politically, since, under Article 38 of the E. D. C. Treaty, the Assembly of the Six is to become one of the essential political organs of the European Community.

6. Questions 2, 4 and 5. Is it possible to establish forthwith certain general principles valid for all the Specialised Institutions and, in particular, will it be necessary to amend the Statute of the Council of Europe? The Committee considered that it would be unwise here and now to lay down general principles in this matter, particularly as the establishment of a Political Community may lead to profound changes in the structure of the institutions of the Communities. It noted however that the Statute, particularly Article 1 (d), imposed excessive restrictions on the ability of the Council of Europe to conduct negotiations. The Committee was, therefore, of opinion that one of the first of the practical measures to be considered should be to render the Statute more flexible in a manner acceptable to all Member States.

7. Question 3. Should the United Kingdom proposals be extended to include the judicial and executive organs of the Specialised Authorities? The Assembly has already, in 1951, recommended the institution of a single European Court (Recommendation 22). With regard to the executive organs, the question has already been dealt with above (paragraph 4).

8. Question 6. This question bears on the terms and conditions governing such links as are liable to be established, in particular between the Assemblies. The Committee is of opinion that these terms and conditions cannot profitably be studied until negotiations are started with each of the restricted Communities. It would seem useful, however, to draw attention to certain observations made during the discussion.

Seat of the institutions (Item /) .

The Committee made clear once again, almost unanimously, the great importance which it attached to the concentration of the Institutions of the restricted Communities (beginning with the Coal and Steel Community) at the same Seat, which would also be that of the Council of Europe (cf. also Resolution 11, Para. 4).

Common status of the staff (Item g).

Attention was again called to the principle laid down in Resolution 11, para. 2 (vi).

Official languages (Item h).

The question is still being studied in the Coal and Steel Community. Several Representatives were of opinion that, if observers were admitted from other Member Countries of the Council, in order to keep in touch with the work of certain of the institutions of the E. C. S. E., English would also have to be adopted as a working language. This would, moreover, keep the English and American press better informed on the work of the Community.

9. Question 7. European Defence Community—paragraph (d) of Article 1 of the Statute of the Council of Europe. This question is examined in detail in Chapter II, A.

10. Questions 8 and 9. Relations with 0. E. E. C. and the Brussels Treaty Organisation. The Committee was concerned with the delay in settling the vexed question of relations with 0. E. E. C. Attention was drawn to the importance of Recommendation 25. The aim is a simple one : to ensure that a single Ministerial organ is competent to take action on the economic Recommendations of the Assembly, and to put an end to the present interminable shuttling to and fro between a Committee of Ministers and an 0. E. E. C. Council, both of which are composed of more or less the same States. The facilities already possessed by the Assembly must, obviously, be maintained or adapted.

11. From the observations made during the discussion on the questionnaire an explicit reply did not appear justified. The Committee preferred that these observations should be incorporated in its Resolution on the initial relations to be established with the Coal and Steel Community and the adaptations to the Statute which might be urgently needed (Resolution II hereunder).

2.3. Chapter II - Implementation of the United Kingdom proposals : initial aims

Significance and scope of the United Kingdom proposals

12. The speeches made in the Assembly by Mr. Nutting, United Kingdom Under- Secretary of State for Foreign Affairs, on 28th and 30th May, 1952, brought out the full significance of the United Kingdom proposals. At the same time they provided an opportunity for appreciating the importance which the Government of the United Kingdom attaches to their implementation. The Council of Europe now appears as an element of the utmost importance in the policy of the British Government in regard to Europe. The political conclusions to be drawn from Mr. Nutting's speech appear briefly to be the following :

12.1. The object of the United Kingdom proposals is that the restricted Communities, such as the European Coal and Steel Community, should develop (and in the future be planned) within an organisation, namely the Council of Europe, of which the United Kingdom is a full Member.

12.2. The United Kingdom proposals are to apply, in particular, to the Political Community so that it may be planned within the Council of Europe.

12.3. The above would appear to be a condition sine qua non of the continued active support of the United Kingdom for the restricted Communities and, in particular, for the European Political Community.

13. The Committee was of the opinion that the practical action taken on the United Kingdom proposals might influence the whole future of Britain's policy of association with the Continental institutions. It was observed that, although the Governments approved " the general principle underlying the United Kingdom proposals ", they have so far entered into no precise commitments. The documents transmitted by the Committee of Ministers show that their approval in principle barely conceals differences of interpretation which are still considerable. The Committee was of opinion that the question at issue—the association of Great Britain and Europe—was too serious to be settled by a hollow compromise. The agreement of the Governments in principle—both of the Six and of the Fifteen—must now be translated into practical commitments on matters of sufficient importance to preclude any subsequent reversal. It seems probable that a proposal will be made on the governmental level within the next few weeks for a study to be made of the Continental Political Community. On the other hand, the entry into force of the Treaty instituting the European Defence Community, moreover, is not likely to be long delayed. The Committee pointed out that here were two opportunities for undertaking the practical obligations which were deemed essential.

2.3.1. Application of the United Kingdom Proposals to the planning of the Continental Political Community

14. Mr. Nutting stated in the Assembly : " ...We wish to see European institutions, of the kind already developing in the Schuman Pool and the European Defence Community, building up to a Political Authority which would co-ordinate all their activities and aims. The only condition which we seek to impose upon that development is that it should be within the orbit of a body of which Britain is a member and through which

Britain may be associated with it. We believe that that body exists already; we believe it to be this Council of Europe... that is the only condition which I attach to my wholehearted approval of the idea of a European Political Authority... " (Ninth Sitting, 30th May, 1952). Mr. Nutting also made it clear that if the task of drawing up the plans for the European Political Authority were to be assigned to an Assembly meeting outside the framework of the Council of Europe " the final links which the United Kingdom hopes to establish with the European Community would be missing. Thus, a blow would be struck at the very basis of our policy on European co-operation, and we should no longer be able to play a very effective part in European affairs " (Fourth Sitting, 28th May, 1952)

15. The Committee thought fit to note the similarity between the attitude defined in these statements and that which Great Britain has already adopted with regard to the E. D. C. In fact, if not perhaps in theory, it can be said that the European Defence Community was negotiated " within the framework " of N. A. T. 0 . (cf. the attendance of observers from SHAPE and from the Member States of N. A.T. 0., the regular transmission of reports to the Atlantic Council, etc.). Are we not to conclude that it is because the negotiations took place in such close liaison with N. A. T. 0. (of which the United Kingdom is a full member), and because the European Defence Community is " organically linked " with N. A. T. 0., that the United Kingdom agreed to give additional guarantees to the European Defence Community and indeed to contemplate a form of integration of some of its forces with those of European Defence. In my view, the United Kingdom appears to wish that the Council of Europe should play the same part with regard to the Political Community and the other restricted Communities as was played by N. À. T. 0. with regard to the European Defence Community, so that Great Britain (and the other Member States of the Council of Europe) should be able to follow all negotiations having as their objective the political organisation of Europe. The counterpart to this would be that the Communities set up on this basis would find it easier to obtain British " guarantees " or to secure the close association of Great Britain.

16. Faced with these facts, the Committee was of opinion that an unequivocal answer must be given to the following question. — Should the Eden Plan he made applicable to the preparatory work for the European Political Community, so that the latter may originate and develop within the orbit of the Council of Europe? This question had already been raised during the May Session of the Assembly, when, however, the differing views expressed on the details of how the study was to be carried out sometimes obscured the fundamental issue. The Committee considered that the initiative recently taken in the matter by the French Government reflected a desire to find a compromise between the two procedures proposed in Resolution 14 of the Assembly. Without dwelling further on the choice between these procedures, the Committee wished to make quite clear its strong desire that the studies on the Political Community should in any case be carried on within the orbit of the Council of Europe. Its reply to the question raised is thus in the affirmative. The majority of the Representatives belonging to countries participating in the Schuman Plan emphasised the exceptional importance that they attached to the decision which would be taken on this point. To their mind it would be a test of the readiness of the Six to commit themselves unambigously to a Continental Community associated with Great Britain. In their view, if the studies and negotiations for the establishment of the Political Community were carried on oiitside the framework of the Council of Europe, it would imply that the Six in fact rejected the British offer of association. It was therefore incumbent on each of them to draw the inferences honestly. With a vital decision—the ratification of the Treaty on the European Defence Community—• only a few months ahead it is essential that the relations between Great Britain and the Continent should be defined without any possible ambiguity.

17. The Committee was thus led to make the following requests :

a. To the " Six ". The Committee solemnly calls their attention to the fact that upon the procedure which they choose for the studies in regard to the Political Community will to a large extent depend the future of the United Kingdom proposals. Whatever procedure is adopted, it must ensure that the studies and negotiations are carried on within the framework of the Council of Europe (Resolution I hereunder).

b. To the " Fifteen ". The Council of Europe must give the Six the necessary facilities to enable them, without encountering any difficulties of procedure, to carry out the studies and negotiations on the Political Community within the orbit of the Council of Europe. The Committee considered that this implied in particular that during the next very few weeks the Statute should be adapted so as to give it greater flexibility, with particular respect to Article 1 (d), in view of the close connection which will exist between the European Defence Community and the Political Community (Resolution II, Section A hereunder).

Application of Article 1 (d)

18. In Resolution 11 (para. 2; v), the Assembly stipulated that " the forms of association within the Council of Europe should be adjusted so as to enable Member States unwilling to enter into liaison with certain Communities— such as the European Defence Community —to continue, to co-operate within the Council for the achievement of the aims laid down in Article 1 of the Statute, without being in any way bound by the Agreements concluded between the Council and such Communities. " As regards the Committee of Ministers, a statutory Resolution has been adopted on " Partial Agreements " with the object of defining Article 20 (a) of the Statute in such a way " that the individual representatives of the Committee of Ministers should be able, by abstaining from voting for a proposal, to avoid committing their Governments to the decision taken by their colleagues. "

19. In view of these two Resolutions, the Committee suggests that a Protocol to the Statute be drawn up, authorising meetings of the organs of the Council of Europe with a restricted membership to which the limitations of Article 1 (d) would not apply. The competence of the Council of Europe meeting with this restricted membership would be defined simply by Article 1 (a) : " to achieve a greater unity between its Members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress. " Meetings might for example be restricted to the " Thirteen " for debating questions concerning relations with the European Defence Community (Sweden and Ireland would doubtless not wish to take part), or to the " Six " for conducting negotiations on the establishment of a Political Community. There is no connection between the restricted meetings of the Committee of Ministers (or of the Assembly) contemplated here and the meetings of the Council of Ministers (or of the Common Assembly) of the Communities " within the framework " of the corresponding organs in the Council of Europe, as proposed in the initial British memoranda. For example, a meeting of the Committee of Ministers restricted under the protocol to " the Thirteen " would preserve its character as an intergovernmental organisation competent to make " Recommendations " or to draw up Conventions. All the provisions of the Statute other than Article 1 (d) would continue to apply to such meetings. The same observation would hold good for the Assembly.

20. One is thus brought to envisage two categories of Members of the Council : those prepared to make use of the new (optional) facilities of the Protocol with regard to Article 1 (d), and thus able to co-operate within the Council of Europe in the widest fields, and those wishing to keep strictly to the present Statute. The measures taken or the agreements concluded by the Council of Europe meeting with restricted membership would only commit the Member States participating, other Member States and the Council of Europe as a whole, being in no way committed. The same would apply to expenditure incurred in connection with the opération in restricted membership of the Council of Europe.

21. It is manifestly not the object of the Protocol to make of the Council of Europe meeting with restricted membership a European version of N. A. T. 0. Draft Resolution II, A sets out the principal subjects which would call for restricted meetings of the Council of Europe :

21.1. negotiations within the Council of Europe for the establishment of the European Political Community (this would be a " facility " offered to States wishing to set up such a Community).

21.2. establishment of " organic links " between the Council of Europe and the European Defence Community.

The Draft Protocol received the approval in principle of the Swedish and Irish Representatives on the Committee, speaking, of course, in their personal capacity. It was adopted by nineteen votes to one, with one abstention.

22. The adaptation of Article 1 (d) will doubtless not be the only change in the Statute made necessary by the implementation of the Eden Plan. The final forms which the latter will take can only be decided in relation to the structure adopted for the Political Community •—so that the new Statute, the constituent texts of the Political Community and the texts laying down the methods by which the Eden Plan will be applied can be put into effect simultaneously.

2.3.2. Initial relations to be established between the Council of Europe and the European Coal and Steel Community

23. While the Representatives from the " Six " laid particular stress on the need for the immediate application of the United Kingdom proposals to the studies on the Political Community, the British Representatives on the Committee emphasised the importance which their country attached to the speedy establishment of relations between the Council of Europe and the Coal and Steel Community, as soon as it was set up. They pointed out the vital rôle of the Coal and Steel industries in the British economy. British public opinion would not understand why the Eden Plan, having been accepted in principle, should not be

applied in the next few months to the E. C. S. C. Failure to take positive steps in this direction would profoundly disappoint their countrymen and might even discourage them from closer co-operation with the Continent. The conditions in which the studies of the Political Community were carried out would, in the opinion of a large number of Representatives from the Six countries, be the test of their Governments' determination to associate the United Kingdom with the Continental Organisations. For the British and certain Scandinavian Representatives it was the establishment of close relations between the Council of Europe and the Coal and Steel Community which would be the test of the goodwill of the " Six " towards them. If positive results were achieved in this matter, these countries would certainly be encouraged to go further in their association with the other restricted Communities.

24. While appreciating these arguments, the Committee, nevertheless, felt that it would be difficult to apply the Eden Plan in full in the course of the next few months. During the period following their establishment, the High Authority and the Council of Ministers would be faced with a very large number of urgent tasks which would slow up the talks. In addition, it would probably be difficult for the High Authority to enter into commitments of any importance until it had fully decided its methods of work and its general policy. In the light of these considerations, the Committee proposed that the steps taken in the immediate future should be limited to the establishment of certain simple relations between the Council of Europe and the E. C. S. C. It would thus be possible to ensure that the E. C. S. C. should, without detriment to the development of its institutions, be in fairly close relation with the Council of Europe. These measures would facilitate the establishment of a closer association later. The Committee requested that an immediate and detailed study be made of the forms which might be taken by the association of a Member State with the E. C. S. C. In its view, such association should not consist merely of the occasional exchange of information. It should lead to a system of regular consultation by which the policies of the E. C. S. C. and the " Associated States " could be brought into line. It should be made possible under certain conditions for decisions taken within the E. C. S. C. to be extended to the " Associated States, " subject to the participation of the latter in their formulation. The detailed forms of association would evidently require a special Treaty to be concluded either between the Council of Europe and E. C. S. C. (in which case the provisions of this Treaty would apply to all Member States), or, within the framework of the Council of Europe, between the E. C. S. C. and a particular Member State if the need was felt for specially close relations between that State and the Community.

25. Resolution II, Section B hereunder, gives a series of suggestions which, in the opinion of the Committee, could be put into effect immediately. Some of them apply to the non-Member States (appointment of permanent delegations to the High Authority), others to the Six (concentration of the institutions of the Community at the Seat of the Council of Europe, appointment of the same delegates to the Assemblies of the E. C. S. C. and the Council). The Committee also stressed the importance which it attached to the implementation of the Protocol to the E. C. S. C. Treaty.

26. Other provisions would follow from the Agreements concluded between the Council of Europe and the E. C. S. C. The Committee was of the opinion that two series of negotiations should be considered :

26.1. Between the Committee of Ministers, on the one hand, and the High Authority and the Council of the E. C. S. C , on the other. They might bear on the question of the presence of observers in the Council of the E. C. S. C. and on the direct relations to be established in certain cases between the High Authority and the Organs of the Council of Europe (Assembly and Committee of Ministers). The Committee wished to emphasize that, as already pointed out above (paragraph 4) the negotiations must be " tripartite. " The relations between the Council of Europe and the High Authority would be at least as important for the future as those between the Committee of Ministers and the Council of the E.C.S.C.

26.2. Direct negotiations between the Assemblies of the E. C. S. C. and of the Council of Europe. They should make possible fairly rapidly an advanced degree of integration leading to the ultimate formation of a single European parliamentary framework. The Committee adopted the following suggestions (cf. Res. II, section B, para. 1, / hereunder):

26.2.1. The Assembly of the E. C. S. C. might agree to be considered as being the Assembly of the Council of Europe sitting with a restricted membership, with special powers and special rules of procedure. The Assembly at Strasbourg would thus appear as the centre of European parliamentary institutions. It is hardly necessary to say that the link defined in the above formula would be of a purely symbolic character. It would not mean that the E. C. S. C. Assembly had subordinate status.

26.2.2. Provisions could be made by common agreement with a view to :

26.2.2.1. allowing Representatives to the Assembly of the Council of Europe of countries not participating in the E. C. S. C. to take part, in certain cases, in the work of the Assembly of the E. C. S. C. in the capacity of observers (i. e. with a right to speak but not to take part in votes);

26.2.2.2. determining the conditions under which one of the Assemblies might request the inclusion of certain questions on the Agenda of the other, or under which there could be organised joint Sessions of the two Assemblies with the object of discussing questions of common interest (Sessions at which the High Authority would be invited, in appropriate circumstances, to be represented);

26.2.2.3. settling a certain number of administrative questions such as setting up a single Office of Clerks to the two Assemblies, co-ordination of their work (dates of Sessions and of Committee meetings), exchange of information, etc.

27. The Committee was of opinion that certain- minor adjustments to the Statute would facilitate the establishment of the above relations between the two Assemblies. One such adaptation would be an increase in the number of seats in the Assembly of the Council of Europe of all the Member States on the basis of the figures adopted for the E. D. C. Assembly. Others might be designed to render more flexible the system of Substitutes (increase of the number of Substitutes, a provision by which every delegate to the Assembly of the E. C. S. C. would, if not a Representative at Strasbourg, be a Substitute in the Consultative Assembly, etc.). It seemed preferable, however, that the exact composition of the first E. C. S. C. Assembly should be known before any decisions were taken on these latter measures. The Committee has therefore not yet taken up any definite attitude on this question.

Discussion in Committee

Resolution I on the application of the United Kingdom proposals to the creation of the European Political Community was adopted by sixteen votes to three, with four abstentions.

With regard to Resolution II on the changes to be made in the Statute and on the initial relations to be established between the Council of Europe and the European Coal and Steel Community, votes were taken on each part separately.

Section A (changes to be made in the Statute) was adopted by 21 votes to 1 with 1 abstention.

Section B (initial relations to be established between the Council of Europe and the E. C. S. C.) was adopted unanimously, with 21 votes cast.

Section C (possibility of increasing the number of Seats in the Consultative Assembly) was adopted by 13 votes to 4, with 2 abstentions.