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# **Towards political union**

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**EUROPEAN PARLIAMENT**

**POLITICAL COMMITTEE**

# **Towards Political Union**

**A selection of documents**

**with a foreword by Mr. Emilio Battista**

**GENERAL DIRECTORATE  
OF  
PARLIAMENTARY DOCUMENTATION AND INFORMATION**

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## Foreword

This selection of key documents covers the initial phase of the negotiations for the creation of the political union.

It starts out with a decision taken in November 1959 whereby the six Foreign Ministers agreed to hold quarterly consultations on international policy and on the political implications of the activities of the European Communities. This is followed by the texts of the communiqués issued at the two summit conferences that marked the beginning of a study of the rules of the political union. The development of the negotiations is then illustrated by the successive texts submitted by the French Government, as well as by the texts drawn up by the five other delegations and the views expressed by the European Parliament. As these documents concern diplomatic negotiations, there are inevitably some gaps which, for want of any official reports, can be filled only by unofficial information.

The selection ends with an account of the mission undertaken by Ambassador Cattani in May-June 1962 in a final attempt to bring about a reconciliation.

These papers show how close the opposing arguments were brought together and how easy it would have been to reach agreement. It may therefore be concluded that the obstacles lay not in the texts analysed but in the political climate created by other negotiations.

We have accordingly added some details on the crisis in the negotiations with the United Kingdom and also the text of the Franco-German Treaty.

This selection of documents is submitted to the Political Committee in the hope that the negotiations will shortly be resumed and brought to a successful conclusion. The Political Committee itself could help towards their resumption by making a further study of these documents in the light of the events that have since taken place on the European political scene. It could take advantage of the lull imposed by developments in the EEC situation to study new proposals for submission to the European Parliament. The Governments themselves have recently expressed interest in a resumption of negotiations on the political union. The Political Committee cannot regard this chapter as closed without betraying the principles by which it has always been guided.

Emilio BATTISTA



## I — QUARTERLY MEETINGS OF THE FOREIGN MINISTERS

In a communiqué issued at a meeting in Strasbourg on 23 November 1959, the six Foreign Ministers made the following statement :

“The six Foreign Ministers have agreed to hold regular consultations on matters of international policy. These consultations will cover both the political implications of the activities of the European Communities and the other

international problems... The six Ministers will meet every three months... (The) consultations will be conducted without prejudice to consultations in NATO and the WEU.”

This was in fact the first practical expression of the resolve to extend the economic unity of Europe to the political level <sup>(1)</sup>.

## II — FIRST FRENCH PROPOSALS

The political organization of Europe was discussed at General de Gaulle's meetings with the Prime Ministers and Foreign Ministers of the Six during 1960. French ideas on the subject were first made public at a press conference given by the President of the French Republic on 5 September 1960, of which the following are the salient passages :

“Together with the Prime Minister and the Foreign Minister, and in accordance with the policy laid down and pursued by the Government, we have recently initiated a series of consultations with the Heads of State and with the Governments of the countries of western Europe, more particularly with those belonging to what is known as the “Europe of the Six”. This, we hope, will not prevent our meeting the British Prime Minister again on a future occasion which will necessarily be a happy one.

The rebuilding of Europe — that is, its unification — is clearly essential. To say this is to utter a commonplace. Why should this great source of civilization, of strength, reason and prosperity be allowed to expire beneath its own ashes ?

However, in a sphere such as this, one should not cling to dreams but be guided by realities.

Now, what are the realities, what are the pillars upon which Europe can be built ?

These are, in fact, the States — States that while undoubtedly differing widely one from the other, each possessing a soul, a history and language of its own, its own misfortunes, glories and ambitions, are the sole entities endowed with the right to command and to be obeyed.

To imagine that something effective could be created and win the approval of the peoples without the assent of the States, is to indulge in fantasy.

It is true that, pending the time when the problem of Europe can be tackled as a whole, it has been possible to set up certain bodies of a more or less extra- or supra-national character. These bodies have their technical value but do not, and cannot exert authority or effective political influence. So long as nothing serious occurs, they function without much trouble ; but as soon as a dramatic issue is raised, as soon as a major problem has to be solved, it is immediately found that this or that high authority has no control over the various national groups. That such control lies exclusively in the hands of the States was demonstrated not long ago at the time of the coal crisis and was further borne out by the problems raised in the Common Market in respect of agricultural products, economic aid to certain African states and relations between the Common Market and the Free Trade Area.

(1) The quarterly meetings were held at regular intervals : on 25 January 1960 in Rome, on 9 May 1960 in Luxembourg, on 18 July 1960 at The Hague.

The sequence was interrupted following the first « summit » meeting which took place in Paris on 10 and 11 February 1961.

It is again quite natural that the States of Europe should be able to call on specialized bodies to deal with their common problems, to prepare and, if need be, follow up their decisions. These decisions, however, must be taken by the States themselves. They alone can take such decisions, which can be reached only on the basis of co-operation.

France considers that regular co-operation between the States of western Europe in the political, economic, cultural and defence fields is not only desirable, but both possible and practical.

What precisely does this involve? It involves organized, regular and concerted action by the responsible Governments, and the contributions of bodies that specialize in each of the common fields and are subject to the control of the Governments.

It involves periodic meetings of an assembly consisting of delegates from the national parlia-

ments. As I see it, it also calls for a solemn European referendum to be held as soon as possible so as to ensure for this European undertaking the popular support and participation which is essential to it.

It so happens that the States of Europe today possess, individually and in common, considerable resources; at the same time they are faced with considerable common problems.

Former enmities have been reduced to insignificant proportions. Briefly, an opportunity has now arrived to introduce co-operation between them. This is what France proposes.

If — as is to be hoped — this path is chosen, links will be forged and, in the course of time, it may be possible to take bigger strides towards European unity. This, once again, is what France proposes, this and nothing else."

The European Parliament debated this problem in the light of a report by Mr. Dehousse at the discussions held in November 1960.

### III — SUMMIT CONFERENCES

1. Originally planned for 5 December 1960, the first conference of the Heads of State or Government and Foreign Ministers of the six countries was held in Paris on 10 and 11 February 1961. The following communiqué was issued:

"The Heads of State or Government and the Foreign Ministers of Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Netherlands met in Paris on 10 and 11 February 1961.

Special links already unite the six States at the economic level and these will be further strengthened by the implementation of the Treaties of Paris and Rome. The six Governments are desirous of seeking, in a spirit of good will and friendship, all agreements likely to maintain and develop trade with the other European countries, especially with the United Kingdom, and with the rest of the world. They will endeavour in the same spirit to find a solution to the problems arising from the existence of two economic groups in Europe.

The object of the Conference was to discover suitable means of organizing closer political

co-operation. The establishment of links in other spheres will provide future bases for a progressively developing union. This union, for the moment confined to the Member States of the European Economic Community, could subsequently extend its boundaries.

The establishment in Europe of relations of a new type founded on the development of a single market through the abolition of all customs protection measures and the harmonization of economies, and on political co-operation in a spirit of friendship, mutual trust and equality, has proved to be a major event of our era. Amid the crises and upheavals that disturb the world, western Europe, torn but lately by national rivalries and conflicts, must become a zone of agreement, freedom and progress. In this way, Europe's influence will make itself more effectively felt throughout the world, to the benefit of all free countries and, in particular, of co-operation with the United States.

*It was decided to instruct a committee consisting of representatives of the six Governments to submit at the next session concrete proposals for the meetings of the Heads of State or Government and of Foreign Ministers, as well as for any other meeting that might appear desirable.*

This committee will also study other problems of European co-operation, particularly those relating to the development of the Communities. It was decided to hold the second meeting in Bonn on 19 May 1961."

2. The committee referred to in the Paris communiqué met for the purpose of drafting the recommendations to be submitted to the new summit conference. At a meeting held on 24 March 1961, two sub-committees were set up: the first, under the chairmanship of Mr. Pescatore (Luxembourg), to study problems of cultural co-operation; the second, under the chairmanship of Mr. Ophüls (Federal Republic of Germany), to study problems of co-operation.

The preparatory work having brought to light certain difficulties, the Finance Ministers, meeting in Bonn on 5 May, proposed that the second summit conference should be put back from May to July. The difficulties in question appear to have arisen from the inclusion of defence problems in the contemplated political organization. Agreement having been reached at the meeting of Foreign Ministers held in Rome on 10 July 1961, a date was fixed for the second summit conference.

The following is the text of the Study Committee's draft report to the Heads of State or Government on the problem of political co-operation:

"1. The Study Committee set up by the conference of Heads of State or Government of Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Netherlands carried out, under the terms of its mandate, a study of concrete proposals for the meetings of the Heads of State or Government, as well as for any other meetings that might appear desirable. For this purpose, it had at its disposal a working paper drawn up by the French delegation.

2. The Committee suggests that the Heads of State or Government of the six Member States of the European Communities should meet about once every four months — a sufficiently brief interval to ensure a certain continuity between one meeting and the next.

3. It will be for the Heads of State or Government, at their meeting in Bonn on 19 May 1961, to fix the place of their next meeting.

4. The same applies to the chairmanship of each meeting. The Committee suggests, however, that the meeting could be presided over by the representative of the country in which it is held.

5. Political co-operation between the Six is all the more desirable as the Treaties of Paris and Rome have already established a close community of interests between them. To enable this to be developed to the full, it is desirable

that the Six should compare their foreign policies and harmonize them as far as possible. They should also examine and take advantage of the possibilities for co-operation that exist in spheres other than those covered by the Treaties of Paris and Rome. This is why no limit should be placed on the subjects discussed at meetings of Heads of State or Government. Consultations will embrace not only international policy in general but also the political problems connected with the existence and development of the Communities and questions relating to new spheres of co-operation, for example cultural affairs.

6. It was in general agreed that, although the competence of the institutions established by the Treaties of Paris and Rome should be duly respected, intervention by the Heads of State or Government would be desirable where, because of the exceptional political responsibilities or the requirements of unanimity that the adoption of a decision would entail, the application of these Treaties by the institutions normally responsible would be held up or compromised.

It was in general agreed that the meetings of the six Heads of State or Government should not be permitted by force of custom to constitute a court of appeal as against the institutions of the Communities, as otherwise there would be a danger of the fundamental provisions of the Paris and Rome Treaties being allowed to lapse and of the institutions established by these Treaties being gradually deprived of any real competence.

7. Several delegations felt that it would be desirable for the Heads of State or Government, under conditions to be decided by them, to invite representatives of the Community institutions to attend or take part in any discussions on problems falling within their competence.

8. The Heads of State or Government can also decide to report to the European Parliament on their work.

Several delegations felt that such reports could be debated in the Parliament in the presence of the Foreign Ministers.

9. The Dutch delegation felt unable to agree to paragraphs 2 to 8 above.

It fears that the system of European institutions might be compromised by the creation of a political superstructure of an intergovernmental character.

The Dutch delegation was also of the opinion that all questions of world policy, which in principle come under the jurisdiction of NATO, should be excluded from the consultations of the Heads of State or Government. Moreover, the Dutch delegation felt that the United Kingdom's participation was desirable as it would ensure not only that the various shades of NATO opinion were reflected but also that Europe was represented in a more balanced manner that corresponded more closely with political realities.

Should, however, the other delegations maintain the view that these world problems can be raised within the context of the Six — that is, without the participation of the United Kingdom — the Dutch delegation might perhaps agree to the following compromise :

- a) The Six would refrain from discussing during their consultations any problems directly connected with the structure or strategy of NATO ;
- b) The Six would undertake to advocate a greater degree of political consultation in the WEU by introducing consultations parallel to those of the Six. Adequate preparations would be made for these on the lines already adopted for the consultations of the Six.

Increased political consultation in the WEU would tend, in the Dutch Government's view, to encourage a rapprochement between the United Kingdom and the Six at both the political and economic level. Moreover, such participation

would to some extent provide the guarantee alluded to in the third sub-paragraph above.

10. The Committee feels it desirable that the procedure already established for meetings of the six Foreign Ministers should be allowed to stand. These should continue to be held at the same intervals as in the past, regardless of the fact that the Foreign Ministers would attend the meetings of the Heads of State or Government.

Other ministers could also meet if this was found to be necessary.

11. All the delegations — account being taken of the general reservation of the Dutch delegation outlined in paragraph 9 — agree that the permanent body responsible for preparing the proposed meetings and for ensuring their smooth running should be organized in such a way as to ensure that close links are maintained between the Governments. To this end, the Committee itself could remain in office beyond 19 May. The six Governments would continue to be represented on it by senior officials.

12. The Committee will meet as often as necessary. It will prepare the agenda for meetings of the Heads of State or Government and, if necessary, for any other meetings. It will carry out the tasks and duties assigned to it by the Heads of State or Government.

13. Under the terms of its mandate, the Committee studied the problems connected with the development of the European Communities. It reached the unanimous conclusion that progress in this sphere was desirable for the establishment of political co-operation between the Six.

In this spirit, the Heads of State or Government could indicate the importance they attach to the objectives laid down in the Treaties being achieved as rapidly as possible.

The Heads of State or Government could moreover express preference for a reform of the existing organizations, with a view in particular to achieving better co-ordination of general economic policy, avoiding duplication of work and reducing staff. From this standpoint, four delegations feel it is desirable to proceed with the merger of the Commissions and the High Authority. The French and Luxembourg delegations consider that, in its present form, this plan does not correspond to the aims of the contemplated reform. The Committee suggests

that the studies undertaken in this respect should be continued, particular attention being paid to the report of the working party on the development of the Communities, annexed to the present report.

Five delegations, on the other hand, consider that it would now be possible for the Heads of State or Government to decide to study the action to be taken on the proposals put forward by the European Parliament regarding its election by direct universal suffrage. The French delegation feels that the time has not come to embark on such a course.

The second part of the report dealt with the problem of cultural co-operation.

3. In the meantime, on the basis of a new report by Mr. Dehousse<sup>(1)</sup>, the European Parliament had adopted the following Resolution on 28 June 1961 :

*"The European Parliament,*

— having noted the results of the first conference of the Heads of Government and Foreign Ministers held in Paris on 10 and 11 February 1961 ;

is of the opinion :

that regular meetings of the Heads of Government or of the Ministers responsible for the foreign policy of the Member States of the European Communities could effectively contribute towards increasing such co-operation in the best possible way ;

that such an initiative would represent a step forward towards European integration :

— if it involved participation by the Executives of the Communities in the discussion of any questions affecting the discharge of their duties ;

— if it did not interfere with the functions and powers of the Communities and of their institutions on the basis of the Treaties of

4. At a meeting in Bonn on 18 July 1961, the Heads of State or Government took note of the report submitted by the Study Committee and concluded their work by issuing the following communiqué :

"The Heads of State or Government of Belgium, France, the Federal Republic of Germany, Italy, Luxembourg and the Prime Minister and the Foreign Minister of the Netherlands, desirous of affirming the spiritual values and political traditions which form their common heritage ; united in an awareness of the great

14. The delegations have recognized the advantages to be gained, in relations with third countries and international bodies, from establishing and expressing uniform views as between member countries on problems affecting the Communities. With this object in view, it appears desirable for the Heads of State or Government to recommend, in accordance with appropriate procedures, that the co-operative practices that have gradually become established since the Treaties came into force should be further developed."

Rome and Paris and if it strengthened the Communities ;

— if the Governments reported to the Parliament at least once a year on the progress made in political co-operation ;

— if it helped to put into effect the draft Convention of the European Parliament on direct European elections, and the proposals to merge the Executives of the Communities and to set up the European University ;

calls upon the Governments to define the stages in the progressive achievement of a close political union, specifying their duration, and particularly that of the final stage, in order to establish, at Community level, the bases of a functional and viable European political structure ;

considers that the objectives referred to above form a balanced whole and trusts that it will be decided to achieve them simultaneously ;

invites its President to make known the text of this Resolution at the next intergovernmental conference."

tasks that Europe is called upon to fulfil within the Community of free peoples in order to safe-

(1) See supplementary report by Mr. Dehousse on behalf of the Political Committee on political co-operation between the Member States of the European Communities (doc. 47, 1961).

guard freedom and peace in the world ; anxious to strengthen the political, economic, social, and cultural ties that exist between their peoples, especially in the framework of the European Communities, and to advance towards the union of Europe ;

convinced that only a united Europe, allied to the United States of America and to other free peoples, is in a position to face the dangers that menace the existence of Europe and of the whole free world, and that it is important to pool the energies, capabilities, and resources of all for whom liberty is an inalienable possession ; resolved to develop their political co-operation with a view to the union of Europe and to continue at the same time the work already undertaken in the European Communities ;

desiring the adhesion to the European Communities of other European states ready to assume in all spheres the same responsibilities and the same obligations, have decided :

- 1) To give shape to the will for political union already implicit in the Treaties establishing the European Communities, and for this purpose to organize their co-operation, to provide for its development and to secure for it the regularity which will progressively create the conditions for a common policy and will ultimately make it possible to embody in institutions the work undertaken ;
- 2) To hold, at regular intervals, meetings whose aim will be to compare their views, to concert their policies and to reach common positions in order to further the political union of Europe, thereby strengthening the Atlantic

A second communiqué, the text of which is given below, was devoted to co-operation in the cultural field :

“The Conference of Heads of State or Government, meeting in Bonn on 18 July 1961, has taken note of the report by the Study Committee on co-operation in the fields of higher education and research.

It has made provision for the creation of a Council consisting of ministers of education or of ministers responsible for international cultural relations, and assisted by a committee of experts, and for the negotiation of one or more conventions on the following matters :

- co-operation and exchanges between the universities of Member States of the European Communities ;

Alliance. The necessary practical measures will be taken to prepare these meetings. In addition, the continuation of active co-operation among the Foreign Ministers will contribute to the continuity of the action undertaken in common. The co-operation of the Six must go beyond the political field as such, and will in particular be extended to the sphere of education, of culture, and of research, where it will be ensured by periodical meetings of the Ministers concerned ;

- 3) To instruct their Committee to submit to them proposals on the means by which a statutory form can be given as soon as possible to the union of their peoples.

The Heads of State or Government are convinced that by thus organizing their co-operation, they will further the application of the Treaties of Paris and Rome. They also believe that their co-operation will facilitate any reforms that might appear opportune in the interests of the Communities' greater efficiency.

To this end they have decided :

- 1) To have a study made of the various points of the Resolution of the European Parliament of 29 June 1961 on political co-operation among the Member States of the European Communities ;
- 2) To associate public opinion more closely with the efforts already undertaken, by inviting the European Parliament to extend to new fields, with the co-operation of the Governments, the range of its debates.”

- the European status that can be conferred on university establishments and national research institutes ;
- the creation in Florence, by Italy, of a European University to whose intellectual life and financing the six Governments will contribute ;
- the possible creation of other European institutes devoted to university education or scientific research.

The Study Committee has been instructed to prepare, as soon as possible, the draft of the conventions and documents necessary for putting this plan for cultural co-operation into effect as a whole.”

5. On 19 September 1961, on the basis of a report by Mr. Battista <sup>(1)</sup> prepared on behalf of the Political Committee, the European Parliament moved a Resolution on political co-operation, reading as follows :

*"The European Parliament,*

— having taken note of the communiqué issued by the Heads of State or Government of the European Community following the summit meeting held in Bonn on 18 July ;

notes that the Heads of State or Government have finally recognized the need to give effect to the desire for political unity already implicit in the Treaties establishing the European Communities, and intend to impart an institutional form to this unity which the Parliament has always regarded as being the only means of safeguarding the future of Europe ;

welcomes the fact that its Resolution of 28 June 1961 has already been studied but hopes that other unjustifiable obstacles will not hold up the practical application of the solutions recommended ;

declares its readiness to place its experience at the disposal of the Governments of Member States in the search for the best means of achieving real and complete political unity ;

instructs its Political Committee to start immediately on a searching study of these problems ;

decides to accede without delay to the request made to it to extend the field of its deliberations to all political problems of common interest ;

calls upon its President to invite the Governments of Member States to take part in these activities of the Parliament in accordance with the terms of the official communiqué issued at the conclusion of the Bonn Conference, and at the same time to convey to them the text of this Resolution."

#### IV — NEGOTIATIONS ON A DRAFT TREATY FOR THE ESTABLISHMENT OF A POLITICAL UNION

1. The Committee instructed by the Bonn Conference to study the statute of the political Union, appointed the French representative, Mr. Fouchet, as its chairman. At the meeting of 2 November 1961, Mr. Fouchet submitted to the Committee a first draft treaty, the text of which was as follows :

*"The High Contracting Parties,*

convinced that the organization of Europe in a spirit of freedom that respects its diversity will enable their civilization to develop still further, protect their common spiritual heritage from any threats to which it may be exposed and in this way contribute to the maintenance of peaceful relations in the world ;

resolved jointly to safeguard the fundamental dignity, freedom and equality of men, regardless of their status, race or creed, and to work for the advent of a better world in which these values would permanently prevail ;

affirming their attachment to the principles of democracy, to human rights and to justice in every sphere of social life ;

desirous of welcoming to their ranks the other countries of Europe that are prepared to accept the same responsibilities and the same obligations ;

resolved to pursue the task of reconciling their essential interests, already the objective, in their respective fields, of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, in order to lay the foundation for a destiny to be henceforth irrevocably shared ;

resolved, to this end, to give statutory form to the union of their peoples, in accordance with

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<sup>(1)</sup> See report prepared by Mr. Battista on behalf of the Political Committee on political co-operation between Member States (doc. 62, 1961).

the declaration adopted in Bonn on 18 July 1961 by the Heads of State or Government ;

have appointed as their Plenipotentiaries :

His Majesty the King of the Belgians,  
Mr. ....,

The President of the French Republic,  
Mr. ....,

The President of the Federal Republic of Germany,  
Mr. ....,

The President of the Italian Republic,  
Mr. ....,

Her Royal Highness the Grand Duchess of Luxembourg,  
Mr. ....,

Her Majesty the Queen of the Netherlands,  
Mr. ....,

who, having exchanged their Full Powers, found in good and due form, have agreed as follows :

## Title I — Union of the European peoples

### Article 1

By the present Treaty, a union of States, hereafter called "the Union", is established.

The Union is based on respect for the individuality of the peoples and of the Member States and for equality of rights and obligations. It is indissoluble.

### Article 2

It shall be the aim of the Union :

- to bring about the adoption of a common foreign policy in matters that are of common interest to Member States ;
- to ensure, through close co-operation between Member States in the scientific and cultural field, the continued development of their common heritage and the protection of the values on which their civilization rests ;
- to contribute thus in the Member States to the defence of human rights, the fundamental freedoms and democracy ;
- to strengthen, in co-operation with the other free nations, the security of Member States against any aggression by adopting a common defence policy.

## Article 3

The Union shall have legal personality.

The Union shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their domestic law. It may, in particular, acquire or dispose of movable or immovable property and may go to law.

## Title II — Institutions of the Union

### Article 4

The Institutions of the Union shall be as follows :

- the Council ;
- the European Parliament ;
- the European Political Commission.

### Article 5

The Council shall meet every four months at Head of State or Government level, and at least once in the intervening period at Foreign Minister level. It may, moreover, at any time hold extraordinary sessions at either level at the request of one or more Member States.

At each of these meetings at Head of State or Government level, the Council shall appoint a President who shall take up his duties two months before the subsequent meeting and continue to exercise them for two months after the meeting.

Meetings of the Council held at Foreign Minister level shall be presided over by the Foreign Minister of the State whose representative presides over meetings at Head of State or Government level.

The President in office shall preside over extraordinary meetings that may be held during his term of office.

The Council shall choose the place for its meetings.

### Article 6

The Council shall deliberate on all questions whose inclusion on its agenda is requested by one or more Member States. It shall adopt deci-

sions necessary for achieving the aims of the Union unanimously. The absence or abstention of one or of two members shall not prevent a decision from being taken.

The decisions of the Council shall be binding on Member States that have participated in their adoption. Member States on which a decision is not binding, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision will be binding on them.

#### Article 7

The European Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957, shall deliberate on matters concerning the aims of the Union.

It may address oral or written questions to the Council.

It may submit recommendations to the Council.

#### Article 8

The Council, on receipt of a recommendation addressed to it by the European Parliament, shall give its reply to the Parliament within a period of four months.

The Council, on receipt of a recommendation addressed to it by the European Parliament, shall inform the Parliament of the action it has taken thereon within a period of six months.

The Council shall each year submit to the European Parliament a report on its activities.

#### Article 9

The European Political Commission shall consist of senior officials of the Foreign Affairs departments of each Member State. Its seat shall be in Paris. It shall be presided over by the representative of the Member State that presides over the Council, and for the same period.

The European Political Commission shall set up such working bodies as it considers necessary.

The European Political Commission shall have at its disposal the staff and departments it requires to carry out its duties.

#### Article 10

The European Political Commission shall assist the Council. It shall prepare its deliberations and carry out its decisions. It shall perform the duties that the Council decides to entrust to it.

..... (1)

### Title III — Obligations of Member States

#### Article 11

There shall be solidarity, mutual confidence and reciprocal assistance as between Member States. They undertake to abstain from any step or decision that might hinder or delay the achievement of the aims of the Union. They shall loyally co-operate in any consultations proposed to them and respond to requests for information addressed to them by the Council or, in compliance with the instructions of the Council, by the European Political Commission.

### Title IV — Finances of the Union

#### Article 12

The budget of the Union shall be drawn up by the Council each year and shall include all revenues and expenditures.

#### Article 13

The revenues of the Union shall be derived from contributions by the Member States calculated according to the following scale :

Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9
	100.0

(1) The provisions relating to cultural co-operation should, if necessary, be inserted here.

#### Article 14

The budget shall be implemented by the European Political Commission which may delegate to its chairman all or part of the powers necessary for the purpose.

### Title V — General provisions

#### Article 15

The present Treaty may be reviewed. Draft amendments shall be submitted to the Council by Member States. The Council shall pronounce on such drafts and decide whether or not they should be passed on for an opinion to the European Parliament.

Draft amendments adopted unanimously by the Council shall be submitted for ratification by the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

#### Article 16

Three years after this Treaty comes into force, it shall be subjected to a general review with a view to considering suitable measures for strengthening the Union in the light of the progress already made.

The main objects of such a review shall be the introduction of a unified foreign policy and the gradual establishment of an organization centralizing, within the Union, the European Communities referred to in the Preamble to the present Treaty.

2. This first French draft was discussed at a meeting held in Paris on 10 November 1961. The main difficulties appear to have been the inclusion of defence problems and the possible participation of the United Kingdom which in the meantime had applied for membership of the EEC. The question of the Secretary-General, the duration of the President's term of office and the rôle of the Parliament also appear to have been made the subject of amendments. In order to break the deadlock, a meeting of Foreign Ministers was held in Paris on 15 December 1961. As the United Kingdom had in the meantime announced that for the moment it did not desire to take part in the work, this particular difficulty was overcome and the Committee was instructed by the Ministers to study the amendments to the French text.

3. On 21 December 1961, on the basis of a report drawn up by Mr. Pleven on behalf of the Political Committee, the European Parliament adopted the

The amendments arising from this review shall be adopted in accordance with the procedure outlined in Article 15 above.

#### Article 17

The Union shall be open for membership to Member States of the Council of Europe that accept the aims set out in Article 2 above and that have previously acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new Member State shall be decided unanimously by the Council after an additional Act has been drawn up to this Treaty. This Act shall contain the necessary adjustments to the Treaty. It shall come into force once the State concerned has submitted its instrument of ratification.

#### Article 18

This Treaty, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of ..... which shall transmit a certified copy to each of the Governments of the other signatory States.

This Treaty shall be ratified. The instruments of ratification shall be deposited with ..... which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Treaty under their common seal."

following recommendation on the draft Treaty for the establishment of a union of the peoples of Europe <sup>(1)</sup> :

*“The European Parliament,*

- on the basis of the Resolution on the procedure for collaboration between the Parliament and the Governments of the Member States of the European Communities, adopted on 23 November 1961 following the declaration of 18 July 1961 <sup>(2)</sup> ;
- invites the Governments to adopt the following recommendations :

*I — General*

1. The Parliament has often expressed its opinion that the present world situation renders an organized and permanent agreement between countries of the European Communities essential, particularly in the foreign policy, defence and cultural fields.

In the name of the peoples of Europe whom it represents by virtue of the Treaties, the Parliament expresses the hope that the Governments will move ahead as far as possible along the road to European political union.

2. The Parliament is convinced that regular, organized meetings of the Heads of State or Government in the spirit of the Bonn Declaration of 18 July 1961 can contribute towards tightening the bonds between the six countries and paving the way for the political union desired by their peoples. It therefore agrees that new measures should be taken to this end.

3. The Parliament wishes to avoid anything that might constitute or even merely appear to be a step back from the Treaties establishing the ECSC, EEC and Euratom. It recommends that no clause in the new Treaty should be capable of being interpreted as calling in question the subsequent existence, powers or impetus of the institutions of the European Communities. An explicit provision should be inserted in the new Treaty specifying that it does not modify the Treaties of Paris and Rome.

The provisions concerning the agenda for sessions of the Council and its right of decision should be drafted in such a way as to involve no derogation from the competence and powers of the institutions of the existing European Communities.

4. The Parliament stresses that the common defence and foreign policies pursued by the Union should be directed to strengthening the Atlantic Alliance.

*II — Special provisions*

*1. Title of the Union*

The Parliament notes that the term “Union of States” used in the draft Treaty does not correspond either with the ideas or with the wording of the declaration published on 18 July after the Bonn meeting. The communiqué envisaged a union of the European peoples. The contents of the new Treaty should tally with that document.

*2. Institutions of the Union*

The Parliament is aware of the institutional complications that already exist in European organization. It wants to avoid aggravating them and hopes that the number of new institutions will be limited to what is necessary for the Union to function satisfactorily.

The Parliament does not consider that the college of national officials who would be the permanent representatives of the Governments should be set up as an institution of the Union distinct from the Council, whose instrument it should be.

The Parliament is however convinced that the appointment of a Secretary-General who is in-

<sup>(1)</sup> See report drawn up by Mr. Plevin, on behalf of the Political Committee, on the draft Treaty for the establishment of a union of the peoples of Europe (doc. 113/1961).

<sup>(2)</sup> See report on the procedure for collaboration between the Parliament and the Governments of the six Member States of the European Communities, drawn up by Mr. Battista on behalf of the Political Committee following the Bonn Declaration of 18 July 1961 (doc. 101, 1961), and Resolution reading as follows:

*« The European Parliament,*

— referring to the invitation addressed to it by the six Heads of State or Government meeting in Bonn on 10 July 1961, reading as follows in the final paragraph of the Bonn Declaration: «The Heads of State or Government have decided to associate public opinion more closely with the efforts already undertaken by inviting the European Parliament to extend to new fields, with the co-operation of the Governments, the range of its debates » ;

— recalling its Resolution of 19 September 1961 on political co-operation between the Member States of the European Communities ;

invites its President, jointly with the Chairman of the Political Committee, to get in touch with the Governments concerned with a view to determining the procedure under which the European Parliament could refer to them any recommendations on the preliminary draft Treaty for the establishment of a union of European States at present being studied by the Committee presided over by Mr. Fouchet. The recommendations to be made by the Parliament should be submitted to it during its December session by its Political Committee. »

dependent of the Governments and free to choose his collaborators will be a positive factor in the structure of the Union, provided that his duties are clearly defined.

The Secretary-General should, in particular, be responsible for ensuring that the decisions of the Council are carried out. It should also be his constant duty to keep the Parliament informed, during the intervals between the Council's annual reports to the Parliament, of the progress made in carrying out such decisions.

The Secretary-General should also be accorded a power of initiative.

He shall be obliged to resign if the Parliament adopts a motion of censure against him.

### 3. *Office of the President*

The Parliament draws the attention of the Governments to the desirability of ensuring that the President's term of office is not too short. In its opinion, it should extend over a minimum period of six months.

### 4. *Decisions*

The Parliament is concerned about the excessive rigidity involved in the absolute rule by which every decision has to be taken unanimously. This is why it suggests that certain sectors, stages and conditions in which decisions should be taken by a qualified or simple majority should be defined.

The Parliament proposes that the Council be empowered to give a ruling on questions of procedure by an absolute majority of the Member States. Every decision as to whether a question is of a procedural nature or not would be taken under the same conditions.

The Parliament also draws the attention of the Governments to the desirability of a provision empowering the President in office, in the event of the unanimity rule preventing a decision being taken on a problem raised in the Council, to refer the matter to the Parliament and invite it to submit to him an opinion, within a period specified by him, for transmission to the Council.

### 5. *Powers of the Parliament*

The Parliament is sensible of the widening of its powers provided under the draft Treaty for the establishment of a union. In the same spirit

that guided the framers of the draft, the Parliament draws the attention of the Governments to the advantages to be gained by extending the scope of its activities, particularly in the budgetary field. This would apply in fact not only to the administrative expenses of the Union but also to any expenditure that might be voted by the Union to finance special projects within the context of the common defence policy provided for in the Treaty.

The Parliament finally considers that its approval should be sought in respect of any international treaty that the Union may decide to conclude.

### 6. *Appointment of members of the Parliament*

The Parliament points out that, under the terms of the Treaty of Rome which make express provision for its election by direct universal suffrage, it has drawn up a draft convention which it has submitted to the Council of Ministers of the Communities. It requests that action should be taken on this draft and that a period should be fixed within which to hold the first elections. A reasonable period would be that covering the initial phase of the Union's activities, namely three years.

### 7. *The Union of the European peoples and the European Communities*

The Parliament feels that the Union of the European peoples, as mentioned in the Bonn Declaration, should give effect to the desire for political union already implicit in the Treaties of Rome and Paris. For this reason, the Parliament is anxious to determine the relationships that should exist between the European Communities and the new organization. It is aware of the significance in this context of the extension of its own jurisdiction to new fields.

The Parliament hopes that the Presidents of the Executives of the Communities would be invited to attend any meetings of the Council at which subjects of concern to the European Communities are to be discussed.

The Parliament proposes to the Governments that the jurisdiction of the Court of Justice of the European Communities should be extended to the new organization in so far as the interpretation of the Treaty or of its implementing provisions is concerned.

The Parliament finally suggests to the Governments that a clause should be inserted in the new Treaty to the effect that any State that has joined the Communities shall *ipso facto* be

eligible for membership of the Union. No State that has not acceded to the Treaties of Paris and Rome should be permitted to join the Union.

#### 8. *Review clause*

The Parliament attaches great importance to the undertaking in the draft Treaty to the effect that the Treaty shall, within a period of three years, be made the subject of an overall review in the light of the experience gained and progress made. The Parliament is aware of the fact that this would impart a progressive character to the Union of European peoples, and recalls the wish previously expressed by it that the Governments should define the subsequent development stages.

The Parliament has already asked the Governments to study measures for streamlining the European Communities, such as the merger of the Executives which it ought to be possible to achieve before any review. It draws the attention

4. The Fouchet Committee met on 18 January 1962 and the French representative submitted a second draft of the Treaty. This apparently was turned down as a basis for discussions by the other five delegations. Indeed, it appeared not only to disregard the suggestions made by the other five partners but also to constitute a considerable step back in relation to the first draft.

The following is the text of the second French draft :

#### *"The High Contracting Parties,*

convinced that the organization of Europe in a spirit of freedom and of respect for its diversity will enable its civilization to develop, add to the prestige of its spiritual heritage, increase its capacity to defend itself against external threats, facilitate the contribution it makes to the development of other peoples and contribute to world peace ;

resolved jointly to safeguard the dignity, freedom and equality of men, regardless of their status, race or creed ;

affirming their attachment to the principles of democracy, to human rights, and to social justice ;

ready to welcome to their ranks other countries of Europe that are prepared to accept the same responsibilities and the same obligations ;

resolved to pursue the task of reconciling their essential interests already initiated, in their respective fields, by the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community ;

of the Governments to the dangerous consequences any uncertainty as to the future of the Communities might have on the impetus of economic integration.

The attention of the Governments is drawn to the desirability of providing for regular collaboration between the Governments and the Parliament in the first years of the Union's activities in order to ensure that efficient preparations are made for the review. Suitable arrangements should be made to associate public opinion, through the Parliament, with the work already done.

Without prejudice to any suggestions it may subsequently make, the Parliament proposes that the Governments should consider the possibility of not choosing the President of the Council in future from among members of the Council. The Parliament believes that the European peoples, or their elected representatives after the introduction of direct universal suffrage, should take part in the appointment of the President."

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration of 18 July 1961 by the Heads of State or Government ;

have appointed as their Plenipotentiaries :

His Majesty the King of the Belgians,  
Mr. ....,

The President of the French Republic,  
Mr. ....,

The President of the Federal Republic of Germany,  
Mr. ....,

The President of the Italian Republic,  
Mr. ....,

Her Royal Highness the Grand Duchess of Luxembourg,  
Mr. ....,

Her Majesty the Queen of the Netherlands,  
Mr. ....,

who, having exchanged their Full Powers, found in good and due form, have agreed as follows :

## Title I — Union of the European peoples

### Article 1

By the present Treaty, a union of States, hereafter called "the Union", is established.

The Union is based on respect for the individuality of the peoples and of the Member States and for equality of rights and obligations.

### Article 2

It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest: foreign policy, economics, cultural affairs and defence.

### Article 3

The Union shall have legal personality.

The Union shall enjoy in each of the Member States the legal capacity accorded to legal persons under their domestic law. It may, in particular, acquire movable or immovable property and may go to law.

## Title II — Institutions of the Union

### Article 4

The Institutions of the Union shall be as follows:

- the Council;
- the Committees of Ministers;
- the Political Commission;
- the European Parliament.

### Article 5

The Council shall consist of the Heads of State or Government of Member States. It shall meet in principle every four months and not less than three times a year.

### Article 6

The Council shall deliberate on questions whose inclusion on its agenda is requested by one or more Member States. The agenda shall be drawn

up by the President. The Council shall adopt decisions necessary for achieving the aims of the Union unanimously. The absence or abstention of one or two members shall not prevent a decision from being taken.

The decisions of the Council shall be implemented by Member States that have participated in their adoption. Member States that are not bound by a decision, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision shall be binding on them.

### Article 7

A Committee of Foreign Ministers and a Committee of Ministers of Education shall be set up. These Committees shall meet not less than four times a year and shall report to the Council.

### Article 8

The Council may decide to set up other Committees of Ministers.

### Article 9

The Political Commission shall consist of representatives appointed by each Member State. It shall prepare the deliberations of the Council and ensure that its decisions are carried out. It shall perform such other duties as the Council decides to entrust to it. It shall have at its disposal the necessary staff and departments.

### Article 10

The European Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities, signed in Rome on 25 March 1957, shall deliberate on questions concerning foreign policy, defence and education on which the Council asks its opinion.

The Council shall each year render to the European Parliament a statement on the activities of the Union. The Council shall be represented at the debates held in the Parliament on this statement.

The Parliament may address to the Council either oral or written questions or recommendations to which a reply shall be given within a period of two months.

### Title III — Obligations of Member States

#### Article 11

There shall be solidarity and reciprocal assistance as between Member States. They undertake to refrain from taking any step or decision that might hinder or delay the achievement of the aims of the Union.

### Title IV — Finances of the Union

#### Article 12

The budget of the Union shall be drawn up each year. The financial year shall run from 1 January to 31 December inclusive.

The draft budget, drawn up by the Political Commission, shall be adopted by the Council which, where appropriate, may make any amendments it considers necessary.

#### Article 13

The administrative expenditure of the Union shall be met from contributions by the Member States calculated according the following scale :

Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9

#### Article 14

The budget shall be implemented by the Political Commission.

### Title V — General provisions

#### Article 15

The present Treaty may be reviewed. Draft amendments shall be submitted to the Council by the Governments of Member States.

Draft amendments adopted unanimously by the Council shall be submitted for ratification by the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

#### Article 16

Three years after this Treaty comes into force, it shall be subjected to a review in order to consider suitable measures either for strengthening the Union in general in the light of progress already made or, in particular, for simplifying, rationalizing and co-ordinating the ways in which Member States co-operate.

#### Article 17

The Union shall be open for membership to States that have acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new State shall be decided unanimously by the Council after an additional Act to this Treaty has been drawn up.

#### Article 18

This Treaty, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of..... which shall transmit a certified copy to each of the Governments of the other signatory States.

This Treaty shall be ratified. The instruments of ratification shall be deposited with..... which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Treaty under their common seal.

5. Following the meeting of the Fouchet Committee on 18 January 1962, the other five delegations in turn prepared a draft of the Treaty, the text of which is reproduced below <sup>(1)</sup>:

#### Article 1

By the present Treaty, a union of States and of European peoples, hereafter called "the European Union", is established.

The European Union is based on the principle of the equality of the rights and obligations of its members.

#### Article 2

1. It shall be the task of the European Union to promote the unity of Europe by reconciling, co-ordinating and unifying the policies of Member States.

2. For the purpose of accomplishing this task, the [main] objectives of the Union shall be :

- the adoption of a common foreign policy ;
- the adoption of a common defence policy [within the framework of the Atlantic Alliance]

[as a contribution towards strengthening the Atlantic Alliance] ;

- close co-operation in the educational, scientific and cultural fields ;
- the harmonization and unification of the laws [and of the legal institutions] of Member States ;
- the settlement, in a spirit of mutual understanding and constructive co-operation, of any differences that may arise in relations between Member States.

3. [Objectives other than those laid down in the preceding paragraph may be defined in accordance with the provisions of Article 16].

4. This Treaty shall not derogate from the competence of the European Communities.

#### Article 3

The European Union shall have legal personality.

The Union shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their domestic law.

#### Article 4

1. The Institutions of the Union shall be as follows :

- the Council ;
- the Committees of Ministers ;
- the European Parliament ;
- [the Court of Justice].

2. The Council and the Committees of Ministers shall be assisted [by a Political Commission and] by a Secretary-General.

#### Article 5

1. The Council shall consist of the representatives of the Member States. Member States shall be represented on the Council, in accordance with the constitutional requirements and the usage prevailing in each country, by the Heads of State or Government and, where appropriate, by the Foreign Ministers.

2. The Council shall meet in ordinary session three times a year and in principle every four months. Extraordinary sessions of the Council may be convened at any time by its President on his own initiative or at the request of one or more Member States of the European Union.

3. The office of the President shall be exercised in rotation by each member of the Council for a term of [six months] [one year].

4. The Council shall lay down its own rules of procedure.

#### Article 6

1. The Council shall deliberate on all questions whose inclusion on the agenda is requested by one or more Member States or by the Secretary-General under the terms of Article 2. The agenda shall be drawn up by the President.

2. Decisions necessary for achieving the aims of the European Union shall be passed by the

(1) The square brackets in this draft enclose phrases regarding which the various delegations failed to agree.

Council unanimously. The Council may, by a unanimous decision, waive the principle of unanimity in specific cases. The abstention of one or of two members shall not prevent decisions requiring unanimity from being taken.

3. [If a decision that requires unanimity cannot be adopted because it is opposed by one Member State, the Council shall adjourn the deliberation to a later date to be specified by it. If unanimity is not reached at the second deliberation of the Council because of the opposition of only one Member State, the other Member States shall have the right to refer the matter to the European Parliament with a view to securing the support of the State in question].

#### Article 6a

1. The Council may conclude treaties and agreements between the European Union and one or more States or an international organization. It shall lay down the methods to be followed in its rules of procedure.

2. Such treaties or agreements shall be submitted to the Parliament for an opinion. They shall not come into force until they have been approved in all Member States by the bodies that, under the respective constitutional requirements, must approve treaties concluded by these States.

#### Article 7

1. The following committees shall be set up :  
— a Committee of Foreign Ministers [responsible, in particular, for preparing the meetings of the Council] ;

— a Committee of Ministers for Defence and for the Armed Forces ;

— a Committee of Ministers of Education or of Ministers responsible for international cultural relations. The competence of this Committee shall be governed [in particular] by the Convention embodying the Statute of the European Cultural Council and the annexed Conventions which as a whole are to be regarded as an integral part of this Treaty.

2. The Council may set up other Committees of Ministers.

3. The Committees enumerated above shall meet not less than four times a year and report to the Council.

#### Article 8

The [Political Commission] shall consist of senior officials appointed by each Member State. [It shall prepare the deliberations of the Council and ensure that its decisions are carried out]. It shall perform the duties which the Council decides to entrust to it.

#### Article 9

1. The Council shall appoint for a period of..... a Secretary-General who shall be independent of the Governments of the Member States of the European Union. His term of office shall be renewable.

2. He shall be assisted in the performance of his duties by a staff appointed by him in accordance with a procedure to be laid down, on his proposal, by the Council.

3. The functions of the Secretary-General and of members of the Secretariat shall be deemed to be incompatible with the exercise of any other office.

4. In the performance of their duties, the Secretary-General and the members of the Secretariat shall neither solicit nor accept instructions from any government. They shall abstain from any act that is incompatible with the nature of their functions.

5. Member States undertake to respect the independence of the Secretary-General and of his staff and to refrain from influencing them in the performance of their duties.

#### Article 10

1. The parliamentary institution of the European Union shall be the Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957.

2. In fields that relate to the aims of the European Union, the Parliament shall :

— address oral or written questions to the Council ;

— submit recommendations to the Council ;

— give its opinion on questions submitted to it by the Council.

[2. In fields that relate to the aims of the European Union, the Parliament shall exercise

the advisory and supervisory powers vested in it under this Treaty.

3. The Parliament and its members may address oral or written questions to the Council.

4. The Parliament shall, if it thinks fit or if the Council so requests, submit recommendations or opinions to the Council.

5. If the implementation of a decision of the Council necessitates or implies an amendment to the legal provisions of one or more Member States, the Council shall submit proposals for such a decision to the Parliament for an opinion and shall take that opinion into account when it finally adopts the decision].

[5. The Council shall submit to the Parliament for its approval :

- a) Treaties concluded by the European Union with third States or international organizations ;
- b) Decisions of the Council that necessitate intervention by parliamentary organs in the Member States.]

#### Article 10 a

1. The Council, on receipt of a question or of a recommendation from the European Parliament [or from one of its members], shall make known at its next meeting what action it has taken in respect thereof.

2. The Council shall [each year] [at least once a year] submit to the European Parliament a report on its activities.

3. The Council shall also be represented at debates of the Parliament on the objectives of the European Union.

#### Article 10 b

##### Court of Justice

Reserved pending study of the articles prepared by Ambassador Ophüls.

#### Article 11

There shall be solidarity and reciprocal assistance as between Member States. They undertake to co-operate to the full in pursuing the objectives of the European Union and in facilitating the accomplishment of its task.

#### Article 12

1. The budget of the European Union shall be drawn up each year. The financial year shall run from 1 January to 31 December inclusive.

2. Estimates shall be drawn up of all revenues and expenditures relating to the objectives of the European Union and shall be shown in the draft budget.

3. The draft budget, drawn up by the Secretary-General with the assistance of the Political Commission, shall be adopted by the Council after obtaining the Parliament's opinion.

#### Article 13

1. The administrative expenditure of the European Union shall be met from contributions by the Member States calculated according to the following scale :

Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9

2. At the time of the general review of the Treaty referred to in Article 16, a study shall be made, in consultation with the Parliament, of the conditions under which the contributions of Member States could be replaced or supplemented by the European Union's own resources.

#### Article 14

The budget shall be implemented by the Secretary-General.

#### Article 14 a

The European Union shall enjoy on the territory of Member States such privileges and immunities as are necessary for it to accomplish its task under the conditions stipulated in a separate protocol [which forms part of this Treaty. This shall also define the contractual and non-contractual liability of the European Union and the principles that shall govern its relations with its staff.]

## Article 15

1. The provisions of this Treaty may be reviewed, without prejudice to the general review referred to in Article 16.

2. Draft amendments shall be submitted to the Council either by Member States or by the Parliament. If the Council, after having consulted the Parliament where a draft is proposed by one of the Member States, unanimously adopts such a draft amendment, this shall be submitted to Member States for ratification. It shall come into force when all the Member States have ratified it in accordance with their respective constitutional requirements.

## Article 16

1. At the time fixed for the transition from the second to the third stage laid down in the Treaty of Rome establishing the European Economic Community, this Treaty shall be subjected to a general review. This shall aim at determining suitable measures for strengthening the European Union in the light of the progress already made and, in particular, associating the European Parliament more closely with the work of defining and implementing the common policies.

2. With this end in view, a draft constitution of the European Union shall be drawn up by the Council before the expiry of the time-limit specified above, and submitted to the European Parliament for its opinion.

3. For this purpose, procedures and time-limits shall be laid down for the election of the European Parliament by direct universal suffrage in accordance with Article 138 of the Treaty establishing the European Economic Community.

4. At the time of the general review referred to above, procedures shall be laid down for the gradual introduction of the majority principle in decisions of the Council.

5. The general review shall be carried out together with the necessary reforms in order to simplify and rationalize the machinery provided for in the Treaties of Paris and Rome. It shall at the same time establish the conditions under which, at the end of the transition period of the Common Market, the European Union and the European Communities will be incorporated in an organic institutional framework, without

prejudice to the machinery provided for in the Treaties of Paris and Rome.

6. In the course of the review, the institutional rôle of the Court of Justice shall also be defined.

[1. At the time fixed for the transition from the second to the third stage laid down in the Treaty establishing the European Economic Community, the present Treaty shall be subjected to a general review. This shall aim at determining suitable measures for strengthening the European Union in the light of the progress already made.

The draft constitution of the European Union shall be drawn up by the Council before the expiry of the time-limit referred to above.

2. This review shall aim at developing the independence of the institutions of the Union and the powers exercised by them. In particular, it shall have the following objectives :

- a) The election by direct universal suffrage of the European Parliament and its closer association with the work of defining the common policy and drawing up a European body of law ;
- b) The introduction of the majority principle in decisions of the Council ;
- c) The creation of an independent Executive ;
- d) The extension of the competence of the Court of Justice of the European Communities to cover any disputes that may arise in the functioning of the Union and in the mutual relations between its Member States.

3. At the end of the transition period fixed by the Treaty establishing the European Economic Community, the European Union and the European Communities shall be integrated in an organic institutional framework, without prejudice to the machinery provided for in the Treaties of Paris and Rome].

## Article 17

1. All European States that belong to the European Communities referred to in the Preamble to this Treaty shall become members of the European Union.

2. On the accession of a new Member State, the Council, after consulting the European Parliament, shall draw up an additional Act to this Treaty embodying the necessary adjustments. Accession shall take effect once the State concerned has deposited the instrument ratifying this Act.

## Article 18

1. This Treaty is drawn up in a single original in Dutch, French, German and Italian, which shall be the official and working languages of the Institutions of the European Union. All four texts, which are equally authentic, shall be deposited in the archives of the Government of..... which shall transmit a certified copy to each of the Governments of the other signatory States.

2. This Treaty be ratified. The instruments of ratification shall be deposited with..... which shall notify the Governments of the other Member States that this has been done.

3. This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

4. In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Treaty under their common seal.

6. At a subsequent meeting held on 25 January 1962, the Committee, on finding that agreement had still not been reached, instructed the « Statute » working party, presided over by Mr. Holvoet (Belgium), to prepare a number of alternative texts and submit to it a report on the subject.

On 15 February 1962, General de Gaulle and Chancellor Adenauer held a meeting in Baden-Baden which was also attended by the Foreign Ministers.

The communiqué issued after the meeting included the following statement :

“The meeting provided an opportunity for a searching discussion on the political unification of Europe. The two statesmen confirmed the decision taken by them in Bonn on 18 July 1961, jointly with the Heads of the Governments of Belgium, Italy, Luxembourg and the Netherlands,

to form the political union of Europe. They agreed on the need, in view of the dangers that threaten the free world, to speed up work on the establishment of the contemplated organization.”

The Fouchet Committee met again on 20 February. The divergence between the two existing texts remains. Disagreement apparently arises mainly as to the danger that the contemplated Council of Heads of State or Government might gradually undermine the existing Communities.

The Committee held another meeting on 15 March. Disagreement persisted and appeared to centre on the inclusion of economic affairs among the tasks of the Union, the reference to the Atlantic Alliance and the review clause. The Committee therefore adopted a draft Treaty which, in certain articles, contained alternative versions.

The text of this draft reads as follows :

**Draft Treaty for the establishment  
of a union of States**

**Draft Treaty for the establishment  
of a union of States and of European peoples**

*PREAMBLE*

*PREAMBLE*

*(Joint text)*

THE HIGH CONTRACTING PARTIES,

convinced that the union of Europe in freedom and respect for its diversity will permit its civilization to develop, add to the prestige of its spiritual heritage, increase its capacity to defend itself against external threats, facilitate the contribution it makes to the progress of other peoples and contribute [in keeping with the principles of the United Nations Charter] to world peace ;

affirming their attachment to the principles of democracy, to respect for law and to social justice ;

resolved jointly to safeguard the dignity, freedom and equality of men, regardless of their status, race or creed ;

resolved to pursue the task of reconciling their essential interests already initiated, in their respective fields, by the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community ;

resolved to pursue the task of reconciling their essential interests, already the objective, in their respective fields, of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, in order to lay the foundation for a destiny to be irrevocably shared ;

*(Joint text)*

[desirous of welcoming] [ready to welcome] to their ranks other countries of Europe that are prepared to accept in every sphere the same responsibilities and the same obligations [and conscious of thus forming the nucleus of a union, membership of which will be open to other peoples of Europe that are as yet unable to take such a decision] ;

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration of 18 July 1961 by the Heads of State or Government ;

HAVE APPOINTED AS THEIR PLENIPOTENTIARIES :

.....

who, having exchanged their Full Powers, found in good and due form, have agreed as follows :

NOTE : The square brackets in this text enclose phrases regarding which the various delegations failed to agree.

(Joint text)

## TITLE I

### Union of the European peoples

#### Article 1

By the present Treaty, a union of States [and of European peoples], hereafter called "the European Union", is established.

The European Union is based on the principle of the equality of the rights and obligations of its members.

#### Article 2

It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest : foreign policy, economics, cultural affairs and defence.

#### Article 2

1. It shall be the task of the European Union to promote the unity of Europe by reconciling, co-ordinating and unifying the policy of Member States.

2. For the purpose of accomplishing this task, the objectives of the Union shall be :

- the adoption of a common foreign policy ;
- the adoption of a common defence policy [within the framework of the Atlantic Alliance] [as a contribution towards strengthening the Atlantic Alliance] ;
- close co-operation in the educational, scientific and cultural fields ;
- the harmonization and unification of the laws of Member States ;
- the settlement, in a spirit of mutual understanding and constructive co-operation, of any differences that may arise in relations between Member States.

3. Objectives other than those laid down in the preceding paragraph may be defined by the Council after consultation with the European Parliament.

4. This Treaty shall not derogate from the competence of the European Communities.

(Joint text)

#### Article 3

There shall be solidarity and reciprocal assistance as between Member States. They undertake to co-operate to the full in pursuing the objectives of the European Union and in facilitating the accomplishment of its task.

*(Joint text)*

*Article 4*

The European Union shall have legal personality.

The Union shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their domestic law.

*TITLE II*

**Institutions of the Union**

*Article 5*

The Institutions of the Union shall be as follows :

- the Council ;
- the Committees of Ministers ;
- the Political Commission ;
- the European Parliament.

*Article 6*

The Council shall consist of the Heads of State or Government of Member States. It shall meet in principle every four months and not less than three times a year.

*TITLE II*

**Institutions of the Union**

*Article 5*

1. The Institutions of the European Union shall be as follows :

- the Council and the Committees of Ministers ;
- the European Parliament ;
- the Court of Justice.

2. The Council and the Committees of Ministers shall be assisted by a Political Commission and a Secretary-General.

*Article 6*

1. The Council shall consist of the representatives of the Member States. Member States shall be represented on the Council, in accordance with the constitutional requirements and the usage prevailing in each country, by the Heads of State or Government and, where appropriate, by the Foreign Ministers.

2. The Council shall meet in ordinary session three times a year and in principle every four months. Extraordinary sessions of the Council may be convened at any time by its President on his own initiative or at the request of one or more Member States of the European Union.

3. The office of the President shall be exercised in rotation by each member of the Council for a term of [six months] [one year].

4. The Council shall lay down its own rules of procedure.

*Article 7*

The Council shall deliberate on questions whose inclusion on its agenda is requested by one or more Member States. The agenda shall be drawn up by the President. The Council shall adopt decisions necessary for achieving the aims of the Union unanimously. The Council's decisions shall be binding on Member States. The abstention of one or of two members shall not prevent a decision from being taken.

The decisions of the Council shall be implemented by Member States that have participated in their adoption. Member States that are not bound by a decision, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision shall be binding on them.

*Article 7*

1. The Council shall deliberate on all questions whose inclusion on the agenda is requested by one or more Member States or by the Secretary-General under the terms of Article 2. The agenda shall be drawn up by the President.

The meetings of the Council shall be prepared by the Committee of Foreign Ministers. Decisions necessary for achieving the aims of the European Union shall be passed by the Council unanimously.

2. The decisions of the Council shall be carried out in accordance with the constitutional requirements in force in each Member State. The Council may, by a unanimous decision, waive the principle of unanimity in specific cases. The abstention of one or of two members shall not prevent decisions requiring unanimity from being taken.

3. If a decision that requires unanimity cannot be adopted because it is opposed by one Member State, the Council shall adjourn the deliberation to a later date to be specified by it. Before this second deliberation takes place, the Council may decide to obtain the opinion of the European Parliament.

*Article 8*

1. The Council may conclude agreements on behalf of the European Union with Member States, third countries or international organizations. It shall lay down the methods to be followed in its rules of procedure.

2. The agreements shall be submitted to the Parliament for an opinion. They shall not come into force until they have been approved in all Member States by the bodies that, under the respective constitutional requirements, must, where appropriate, approve such agreements concluded by these States.

3. Agreements concluded in accordance with the preceding provisions shall be binding on the institutions of the European Union and on Member States.

*Article 8*

*Article 9*

*(Joint text)*

1. The following committees shall be set up :
  - a Committee of Foreign Ministers ;
  - a Committee of Ministers for Defence and for the Armed Forces ;
  - a Committee of Ministers of Education or of Ministers responsible for international cultural relations.

The competence of this Committee shall be governed, without prejudice to the provisions of this Treaty, by the Convention embodying the Statute of the European Cultural Council and the annexed Conventions which as a whole are to be regarded as an integral part of this Treaty.

The Council may decide to set up other Committees of Ministers.

2. The Council may set up other Committees of Ministers.

3. The Committees enumerated above shall meet not less than four times a year and report to the Council.

*Article 9*

*Article 10*

The Political Commission shall consist of representatives appointed by each Member State. It shall prepare the deliberations of the Council and ensure that its decisions are carried out. It shall perform such other duties as the Council decides to entrust to it. It shall have at its disposal the necessary staff and departments.

The Political Commission shall consist of senior officials appointed by each State. This Commission shall prepare the deliberations of the Council and of the Committees of Ministers and perform the duties which the Council decides to entrust to it.

*Article 11*

1. The Council shall appoint for a period of..... a Secretary-General who shall be independent of the Governments of the Member States of the European Union. His term of office shall be renewable.

2. He shall be assisted in the performance of his duties by a staff appointed by him in accordance with a procedure to be laid down, on his proposal, by the Council.

3. The functions of the Secretary-General and of members of the Secretariat shall be deemed to be incompatible with the exercise of any other office.

4. In the performance of their duties, the Secretary-General and the members of the

Secretariat shall neither solicit nor accept instructions from any government. They shall abstain from any act that is incompatible with the nature of their functions.

5. The Member States undertake to respect the independence of the Secretary-General and of his staff and to refrain from influencing them in the accomplishment of their task.

*Article 10*

*Article 12*

*(Joint text)*

1. The parliamentary institution of the European Union shall be the Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957.
2. In fields that relate to the aims of the European Union, the Parliament [or its members] may address questions to the Council.
3. In the same fields, the Parliament may submit recommendations to the Council.
4. The Council, on receipt of a question or of a recommendation from the European Parliament, shall make known at its next meeting what action it has taken in respect thereof.

*Article 11*

*Article 13*

*(Joint text)*

The Council shall each year submit to the European Parliament [a report] [a communication] on its activities.

The Council shall be represented at the debates held on [its report] [its communication].

The Council and the European Parliament shall jointly lay down the procedure for their collaboration.

*Article 14*

1. The Court of Justice of the European Communities shall be competent to decide on any dispute between Member States connected with the interpretation or application of this Treaty.

Member States undertake not to subject such disputes to any other form of settlement.

2. The Court of Justice of the European Communities shall be competent :

- a) to decide on any dispute between Member States where the said dispute is submitted to the Court under a special agreement between them ;
- b) to give a decision pursuant to any arbitration clause contained in a contract, whether governed by public law or private law, concluded by or on behalf of the European Union.

*TITLE IV*

**Finances of the European Union**

*Article 12*

*(Joint text)*

1. The budget of the European Union shall be drawn up annually. The financial year shall run from 1 January to 31 December inclusive.

2. The Council shall lay down the financial regulations of the European Union.

3. The draft budget, drawn up by the Political Commission, shall be adopted by the Council which may, where appropriate, make such amendments as it considers necessary.

*Article 13*

*(Joint text)*

1. The administrative expenditure of the European Union shall be met from contributions by the Member States calculated according to the following scale :

[Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany . . . . .	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9]

2. In the event of the accession of a further State, this scale shall be adjusted by decision of the Council.

3. A study shall be made, within the framework of the general review referred to in Article 20, of the conditions under which the contributions of Member States could be replaced or supplemented by the European Union's own resources.

*TITLE IV*

**Finances of the European Union**

*Article 15*

3. The draft budget, drawn up by the Secretary-General with the assistance of the Political Commission, shall be adopted by the Council, after obtaining the Parliament's opinion.

*Article 16*

*Article 14*

The budget shall be implemented by the Political Commission.

*Article 15*

This Treaty may be reviewed. Draft amendments shall be submitted to the Council by the Governments of the Member States.

Draft amendments adopted unanimously by the Council shall be submitted for ratification to the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

*Article 16*

Three years after this Treaty comes into force, it shall be subjected to a review in order to consider suitable measures either for strengthening the Union in general in the light of progress already made or, in particular, for simplifying, rationalizing and co-ordinating the ways in which Member States co-operate.

*Article 17*

The budget shall be implemented by the Secretary-General.

*TITLE V*

**General provisions**

*Article 18*

The European Union shall enjoy on the territory of Member States such privileges and immunities as are necessary for it to accomplish its task under the conditions stipulated in a separate protocol which forms part of this Treaty. This shall also define the contractual and non-contractual liability of the European Union and the principles which shall govern its relations with its staff.

*Article 19*

1. This Treaty may be reviewed, without prejudice to the general review referred to in Article 20.

2. Draft amendments shall be submitted to the Council either by the Member States or by the Parliament. If the Council, after having consulted the Parliament where a draft is proposed by one of the Member States, unanimously adopts such a draft amendment, this shall be submitted to Member States for ratification.

Such draft amendment shall come into force when all the Member States have ratified it in accordance with their respective constitutional requirements.

*Article 20*

1. At the time fixed for the transition from the second to the third stage laid down in the Treaty establishing the European Economic Community, the present Treaty shall be subjected to a general review. This shall aim at determining suitable measures for strengthening the European Union and the powers of its institutions in the light of the progress already made.

With this end in view, a draft constitution of the European Union shall be drawn up by the Council before expiry of the time-limit specified

above, and submitted to the European Parliament for its opinion.

2. The general review shall in particular have the following objectives :

a) To associate the European Parliament more closely with the work of defining the common policy and carrying out the provisions of Article 138 of the Treaty establishing the European Economic Community relating to the election of the Parliament by direct universal suffrage ;

b) To gradually introduce the majority principle in decisions of the Council of the Union.

3. At the time of the general review, the conditions shall be fixed under which, at the end of the transition period of the Common Market, the European Union and the European Communities will be incorporated in an organic institutional framework, without prejudice to the machinery provided for in the Treaties of Paris and Rome. To facilitate this process, reforms shall be undertaken, in accordance with the procedures laid down in the Treaties of Paris and Rome and before the general review is carried out, with a view to simplifying and rationalizing the machinery provided for in those Treaties.

4. The competence of the Court of Justice shall be extended in the light of reforms introduced by the general review.

*Article 17*

*Article 21*

*(Joint text)*

The Union shall be open for membership to States that have acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new State shall be decided unanimously by the Council after an additional Act to this Treaty has been drawn up.

Accession shall come into effect once the State concerned has submitted the instrument ratifying this Act.

*Article 18*

*Article 22*

*(Joint text)*

The rules governing the languages of the European Union shall, without prejudice to the rules of procedure of the European Parliament and of the Court, be determined by unanimous decision of the Council.

*Article 19*

*Article 23*

*(Joint text)*

This Treaty shall be ratified. The instruments of ratification shall be deposited with ..... which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

*Article 20*

*Article 24*

*(Joint text)*

1. This Treaty is drawn up in a single original in Dutch, French, German and Italian, which shall be the official working languages of the Institutions of the European Union. All four texts, which are equally authentic, shall be deposited in the archives of the Government of ..... which shall transmit a certified copy to each of the Governments of the other signatory States.

At the same meeting of 15 March, the Committee also adopted an introductory and explanatory report, the text of which is reproduced below :

“ The text of the draft Treaty submitted to the Council of Ministers by the Political Study Committee represents a team effort. At this stage, it is the sole responsibility of the heads of delegations and is not binding on the Governments. A number of delegations have notified their agreement to this text and refrained from proposing certain amendments in view of the probable expansion of the Union that would follow the accession to the Common Market of new members, especially the United Kingdom. In fact, the decision taken by the Foreign Ministers on 15 December 1961 establishes a compulsory correlation between accession to the European Communities and membership of the European Union.

The Dutch delegation has made it clear that, so far as it is concerned, the signing of this draft is closely linked with the accession of the United Kingdom.

Although the Committee's work was carried out in an atmosphere of mutual understanding and with an earnest desire to reconcile the various points of view, it was not possible to straighten out all the differences of opinion on questions of principle. These differences are reflected in the alternative texts.

The Committee made a special point of drawing up texts that defined the problems so as to enable their political aspect to be dealt with by the Ministers. The Committee is quite aware of the legal and stylistic imperfections of the draft, which it intends to improve after the ministerial conference.

The Committee felt it necessary, for a better understanding of the text and its variants, to explain the considerations that prompted the wording of certain articles and to outline the comments of a number of delegations on problems that it was thought preferable not to include in the actual text of the draft Treaty.

It appeared advisable to deal with the articles of the Treaty in the sequence in which they occur:

#### **Name of the Union (Article 1)**

The French delegation does not consider it desirable at the present stage to describe the Union as a union of European peoples. It feels that, regardless of the terminology used in the Bonn declaration of 18 July 1961, the contemplated Union cannot yet be regarded as associating the European peoples.

In order not to depreciate the term or the idea it expresses, the French delegation thinks it would be best to refrain from using it until later, as and when the Union makes sufficient progress.

The other delegations feel that such progress should be provided for in the Treaty. They therefore feel they can already make use of the term “ Union of peoples ” inasmuch as the article providing for a general review guarantees the progressive association of the peoples with the activities of the Union, particularly through the direct election of the European Parliament.

#### **Objectives of the Union and respect of the competence of the existing Communities**

(Article 2)

The French delegation feels that in view of the fact that the Council, as supreme organ of the Union, is composed of persons who bear the highest degree of responsibility in their respective countries, it must be able to deal with all problems affecting their countries' interests in any sphere. The French delegation maintains that the value of such a comparison of viewpoints is indisputable.

Article 2 of the “ five other delegations ” is the result of a compromise between two slightly different ways of envisaging the competence of the Union.

In the view of four delegations (those of Belgium, Germany, Italy and Luxembourg), the Union's competence should complement that of the existing Communities and should be of a residuary nature so as to enable the Union to supplement the Communities in all aspects of the policy of Member States. It is in this spirit that paragraph 1 uses the word “ policy ” without limiting it by the qualification “ of common interest ”. These four delegations would have preferred the objectives of the Union to have been enumerated by reference to examples.

The Dutch delegation, on the other hand, feels that the enumeration of objectives should be restrictive in order to establish beyond doubt that Member States retain any powers that have not been specifically conferred on the Union.

A compromise between these two tendencies was reached by retaining the words “ the policy ” in paragraph 1 and a restrictive enumeration of the present objectives of the Union in paragraph

2, and by introducing a relatively simple procedure in paragraph 3 so as to allow the scope of the Union's objectives to be extended.

The "five other delegations" consider that it should be expressly stipulated that the competence and objectives of the Union must not encroach on those of the existing European Communities. They propose that paragraph 4 should be interpreted as excluding from the sphere of activity of the Union not only the existing powers of the Communities but also the initiative allowed them under Article 235 of the Treaty establishing the EEC, Article 203 of the Treaty establishing the EAEC and Article 95 of the Treaty establishing the ECSC. It should be noted that paragraph 4 does not rule out the possibility of the constitution of the European Union envisaged in Article 20 (2) incorporating the Union and the Communities in an organic institutional framework.

#### Respect of the competence of NATO (Article 2)

The "five other delegations" consider that it should be expressly stipulated that the Union must not interfere with the competence of NATO but, on the contrary, as in any case laid down in the Bonn Declaration of 18 July, must strengthen that alliance. The Dutch delegation wishes to make it quite clear that the common defence policy laid down in Article 2 as an objective of the Union must remain "within the framework of the Atlantic Alliance" so as to provide an objective criterion for Union policy in the field of defence.

#### European citizenship

The German delegation would have liked this concept to have been introduced into the Treaty. It regards it, indeed, as a corollary to the unification of laws, which is one of the aims of the European Union (Article 2). It also feels it desirable to express, through outward symbols, the common membership of the States and peoples of the Union.

Despite the interest displayed by the other delegations in this suggestion, it appeared preferable that it should not figure expressly in the Treaty and that the question should be reviewed by the Council at a later stage.

#### Legal personality of the Union

The text of the first paragraph of Article 4 is similar to that of Article 210 of the Treaty establishing the EEC and must be interpreted in the same way.

Two arguments have been put forward: one in favour, and one opposed to the appointment of a Secretary-General. The delegations in favour of the appointment of a Secretary-General thought it preferable, however, not to regard his office at this stage as an institution of the Union. This does not, however, mean that it could not, in the light of experience, assume Community status and become an institution of the Union in its second stage.

The French delegation decided against the appointment of a Secretary-General. It stressed the desirability, at the start of an experiment the success of which depended on the will of the Governments, to provide for as flexible a structure as possible that would not permit the basic responsibilities to be either concealed or altered. It felt that the functions of the Secretariat should be entrusted to the Political Commission which would have available the necessary staff for this purpose.

The Luxembourg and Dutch delegations prefer at the moment not to commit themselves to either of these solutions.

The other three delegations, however, attach importance to the appointment of a Secretary-General, who would be independent of the Governments and whose office would constitute a Community feature that could develop at later stages of the Union. A carefully-chosen Secretary-General could provide a powerful impetus to the unification of Europe.

#### Composition of the Council (Article 6)

It is extremely difficult to arrive at a satisfactory definition of the composition of the Council that takes account not only of the desire of most of the delegations that the Council should meet at the highest level but also of the constitutional requirements and the customs in force in each State. A definition must be found that simultaneously covers the case of meetings attended only by Heads of State, or by Heads of State and their Prime Ministers, meetings attended only by Prime Ministers or by Foreign Ministers, and meetings attended by Prime Ministers and their Foreign Ministers. A further difficulty lies in the fact that the term "Head of the Executive" has different connotations in certain Member States.

The simplest formula, according the Belgian delegation, would be that of the Treaty of Rome; some delegations, however, fear that its application might detract from the high-level status it is desired to confer on the Council.

### **Presidency of the Council (Article 6)**

Several delegations feel that the sequence of rotation and the term of office of the President should correspond with those of the EEC.

The Italian and German delegations, however, believe that a longer term of office would promote continuity in the work of the Council.

### **Participation by the Institutions of the existing Communities in the deliberations of the Council**

The German delegation desired that express provision should be made for inviting the Commissions and the High Authority of the existing Communities to take part in Council meetings in so far as matters falling within their competence were involved.

A provision of this nature appeared dangerous as it was liable to be read as a contradiction of the highly important principle that the competence of the Union and of the existing Communities should be kept separate. In theory, respect for this principle precludes the possibility of the same problems being discussed in the Union and in the Communities, at all events during the first stage of the Union.

Should a question arise that does not fall clearly within the province of either the Union or the Communities, it would have to be settled through consultation between the Council and the Communities.

For its part, the French delegation considers that, if it is neither desirable nor possible to limit the competence of the Heads of State or Government, it is likewise unnecessary to lay down the procedure the Council should follow from case to case.

### **The unanimity rule (Article 7)**

The delegations tried to find a way of avoiding the difficulties created by strict observance of the unanimity rule. Apart from the solutions outlined in Article 7, certain delegations envisaged the following possible exceptions to this rule :

- 1) An exception applying particularly to questions connected with joint intervention by Member States of the Union within certain international organizations. A qualified majority, with the same apportionment of votes as that laid down in the Treaties of Rome, would be fixed for this purpose.
- 2) As soon as the Union came into force, the Council would rule by an absolute majority of

Member States on procedural questions and on whether a matter was one of procedure or substance.

- 3) The Council would rule by a simple majority on matters relating to the Rules of Procedure or to financial and administrative regulations.

The French delegation regards the unanimity rule as essential. Nevertheless, the text proposed by it includes a clause whereby the Council could, with the unanimous agreement of the Member States, take decisions that were binding on only four or five of these States.

### **Joint instructions to foreign missions of the Six and joint conferences of ambassadors**

It was decided to make provision in the Council's Rules of Procedure for the Council to decide what instructions should be given to the foreign missions of Member States in the event of common action by members of the Union being useful or advisable.

All the delegations further considered that the Council should be able to decide to call conferences of ambassadors on any matters of political importance that affected the interests of all members of the Union and appeared to call for a common approach.

### **Powers of the Committees of Ministers**

The powers of the Committee of Ministers of Education are defined in the Convention setting up the Committee for European Cultural Co-operation and the annexed conventions. The Committees of Ministers form, with the Council, an institution of the Union ; they have no powers of decision independent of the Council.

### **Committee of Ministers of Education (Article 9)**

It was agreed that the terminology of the cultural conventions should be lined up with that of this Treaty.

### **Agreements entered into by the Union (Article 8)**

The provision stating that agreements entered into by the Union " shall be binding on Member States " means that such agreements must have the same effect in the Member States as Treaties concluded directly by these States.

**Composition of the Political Committee**  
(Article 10)

It was agreed by the delegations that this Committee should consist of senior officials of the respective Foreign Ministries.

As regards the name of this institution, the Dutch delegation fears that the term "Commission" may be confused with the name of the Community bodies in the existing Communities, whereas the institution envisaged for the Union is intergovernmental.

**Report by the Council to the Assembly**

It was agreed that in addition to the annual report already provided for, the Council could, if it thought fit and if it was unanimously agreed, address other communications to the Assembly.

**Unification of laws**

It was agreed that at a later stage, and in the light of the progress achieved by the Union, provision could be made for the Council to specify the spheres in which it felt that harmonization or unification of laws was desirable.

For this purpose, the Council, after consulting with the European Parliament, would issue directives under the terms of Article 7.

**Duties of the Secretary-General (Article 11)**

The delegations in favour of the appointment of a Secretary-General consider that his duties should be laid down by the Council.

**Court of Justice (Article 14)**

Certain delegations considered that paragraph 2 (a) of this Article should permit Member States to attribute to the Court of Justice general competence to settle any disputes that may arise.

**Preparation of the budget (Article 15)**

The five delegations consider that the Rules of Procedure should make provision for a Budget and Finance Committee consisting of representatives of the Governments to assist [the Secretary-General and] the Political Committee in the preparation of the budget.

The French delegation considers that the budget should be prepared by the Political Commission. Each delegation could, if it so desired, be accompanied by the necessary experts without the need for an express provision to this effect.

**Scale of contributions from Member States**  
(Article 16)

It was agreed that the scale of contributions to cover administrative expenses would be as laid down in Article 200 (1) of the Treaty establishing the European Economic Community and would be amended on the accession of new members.

If the Union's expenses should include expenses other than those of an administrative nature, it will be for the Council to lay down the scale for the corresponding contributions.

**General review (Article 20)**

The introduction of the constitution resulting from the general review (paragraph 1, second sub-paragraph) is naturally subject to ratification by Member States pursuant to the provisions of Article 19 (2).

The second sentence of paragraph 3 aims at preparing the ground, by rationalizing the existing Communities, for the regrouping of the European institutions as a whole. This provision must not prejudice the methods by which such rationalization is carried out, which will be worked out in accordance with the procedures laid down in the Treaties of Paris and Rome.

**Duration of the Treaty**

The Belgian, Dutch and Luxembourg delegations stressed that they reserved the right, on behalf of their respective countries, to denounce the Treaty if the general review was not carried out within the periods, and under the terms, specified in Article 20.

Since the duration of the Treaty is not specified, it is entered into for an unlimited period. An unlimited commitment could only be justified, according to these delegations, if the general review laid down compulsory stages for the Union's progress with sufficient precision to render the Treaty irreversible.

As the six Member States have not been able to reach agreement on a formula that offers adequate guarantees that the general review will represent a genuine step forward and not merely perpetuate a system of political consultations, it should be possible to terminate the Treaty on the expiry of the period specified in Article 20.

The delegations in question expressed the hope that such an eventuality would itself compel Member States to adopt a constitution for the Union that would set them de facto and irrevocably on the path of political unification.

### Admission of new members

At the meeting of the six Ministers on 15 December 1961, it was agreed by all Member States that, on the one hand, the Union was open only to Member States of the Communities established by the Treaties of Rome and Paris and, on the other hand, that such Member States were under an obligation to belong to the Union. It appeared in fact essential to establish a strict correlation between membership of the European Communities and of the political Union.

The six Member States of the Communities should therefore take the necessary steps to bind themselves to oblige any new member of the Communities to enter the Union.

To reproduce in the texts the decisions of 15 December, it appears that this undertaking

should be made the subject of a declaration by the six Member States of the Communities to the effect that accession to the political statute shall be one of the conditions of admission to the three Communities laid down in Article 98 ECSC, Article 237 EEC, and Article 205 Euratom.

From a comparison between this declaration and Article 17, it would follow that :

- 1) a third State cannot become a member of the Union unless it agrees to join the three Communities ;
- 2) a third State cannot join the Communities unless it also joins the Union ;
- 3) members of the Union cannot deny accession to the political Union to a member of the three Communities. ”

7. On 20 March 1962, the Foreign Ministers met in Luxembourg. Disagreement appears to have persisted as regards both the overall concept and the review clause. On the other hand, it appears to have been agreed to dispense with the appointment of a Secretary-General.

A fresh mandate was given to the Committee that was to meet again on 5 April. As Mr. Fouchet had in the meantime been assigned other duties by his Government, Mr. Cattani, Head of the Italian delegation, was appointed chairman of the Committee.

## V — THE UNITED KINGDOM'S REQUEST TO TAKE PART IN THE NEGOTIATIONS ON POLITICAL UNION

Speaking in London on 10 April 1962 at a meeting of the WEU Council of Ministers, Mr. Heath, Lord Privy Seal, officially requested that the United Kingdom be invited to take part in the negotiations <sup>(1)</sup>.

The problem of the United Kingdom's participation, which had for a long time been a source of concern to some delegations, was then officially acknowledged and added to the list of points upon which disagreement subsisted.

Here is the text of the speech delivered by Mr. Heath :

“I would like to thank Mr. Couve de Murville for the statement he has just made. I fully appreciate the reasons why he is unable to provide us with more details today about your discussions. This means, I think, that the appropriate occasion has not yet arrived for a full discussion between us about future political relationships between our countries.

Government for their part are approaching these problems.

As you know we have been careful not to comment on the discussions which you have been holding among yourselves on a European political union. You have very kindly kept us informed of the progress of these discussions

Nevertheless, I would like to take this very valuable opportunity of our being together in this forum, in which we have so often in the past discussed matters of common European interest, to tell my colleagues how Her Majesty's

(1) The statements made in the Council of Ministers were toned down at a press conference held the same day, when Mr. Heath announced that the United Kingdom would wait until « the Six had agreed on a precise text ». However, on 18 July 1962, Mr. Heath stated at a press conference in Luxembourg : « When the six ministers have arrived at a general agreement and before they reach a final agreement, we should like to discuss this question with them. »

and we are very grateful for that ; we are also grateful for the assurance which Mr. Couve de Murville has just given us, to the effect that there will be no difficulty in the next stage of the discussions about keeping us informed.

We are of course closely concerned with these matters ; you yourselves have decided that those who want to join the Economic Communities as full members must also join the political union. I am sure that this was the right decision. If this European union is going to achieve the great things which we confidently expect of it, then, in our view, it must be political as well as economic. As members we should want to strengthen its political development.

But time is moving on. The Brussels talks are about to enter the stage of active and substantive negotiation ; we are hoping, as you know, that within the next three or four months we shall be able to see the shape or the outline of a successful conclusion.

As these political matters are so closely linked with the economic, I thought the time had come when it would be helpful and even necessary for you to know where we stand. Or perhaps I should say where we *will* stand if we are able successfully to negotiate our entry into the European Economic Community.

I should like to begin by repeating what I said in Paris on 10th October. I said then that "we fully share the aims and objectives, political and otherwise, of those who drew up the Bonn Declaration and we shall be anxious, once we are members of the Community, to work with you in a positive spirit to reinforce the unity which you have already achieved." Since then, we have watched not only with interest but with sympathy the efforts which you have been making to translate the Bonn Declaration into concrete terms.

We have all along recognized that the Treaties of Rome and Paris had a political as well as an economic objective. It therefore came as no surprise to us when the six governments, having successfully established the foundations of their economic co-operation, began to consider how they could develop and define the conditions for closer political unity. Nor, if I may say so, did it come as any surprise to us to learn that this has proved rather a difficult task.

We ourselves have been thinking about this problem ever since we decided to seek negotiations for entry into the European Economic Community, and we, for our part, have not found it easy to see just how fast or how far it would be reasonable to try to go at the various stages.

Of course we have not been looking at the problem from exactly the same point as you yourselves. We have been thinking in terms of an enlarged Community including not only the United Kingdom, but also other European States who will be joining the European Economic Community.

In other words, and this is the point I would like to make to you here, unlike you, we have had to take account of the problems of countries which would be called upon to accept the political and the economic implications of this experiment at one and the same time.

I might describe this as taking two hurdles together — whereas you have been able to separate them by several years. This is an important difference. It accounts for what you may sometimes feel to be a certain caution and hesitation in our approach to the question of future commitments in the political field. I shall come back to that later.

But broadly speaking the problems we have been examining are the same as those which you have been discussing together in your Commission during recent months.

Let me now describe our general approach to these particular questions.

In the first place I would say this :

In considering what might be the political structure for the enlarged European Community, we have always assumed that the existing European Communities would be the foundation on which Europe would be built.

These Communities, and especially of course the European Economic Community, are in themselves an achievement, for which your six countries will always deserve the greatest admiration. I have had enough contact with those who direct the future of the Communities to appreciate what they have accomplished not only in resolving the difficult problems they face but in engendering the habit of working together and thinking as a community. This is undoubtedly something new in 20th century international life ; it is one of the real inventions in our inventive age.

I can assure you that the entry of Britain will not be used by us to discourage this work or to obstruct in any way the development of the European idea. On the contrary, we shall join wholeheartedly in helping to build the new Europe.

At the same time it is evident that the existing Communities, though their objective is political

as well as economic and technical, are not by themselves fully able to meet all the needs of Europe in the future, particularly on the political side.

For example, if we are to reconcile the vital interests of the Member States it is clear that there must be some machinery whereby those who carry the highest responsibilities in their respective States can play a part. This is not provided for in the existing Communities.

There is also clearly a need for more concentrated Ministerial machinery, especially of Ministers responsible for political questions. Periodic meetings of Heads of Government and of Foreign Ministers would promote and set their seal on the day to day consultation which already exists.

Secondly, if we accept the general formula that our purpose will be to harmonize, to co-ordinate and to unify the policies of Member States, which seems to me a perfectly legitimate one, the question then arises what particular fields or subjects should be covered.

I do not want to be dogmatic about this this afternoon. The British Government has no fixed views on the subject. But I would like to give you some general indication of our thoughts on this point.

It is our desire to see the development of a strong political and economic community, composed of the countries who are full members, whose voice will be heard increasingly in world councils and whose influence will make itself felt more and more. Such a community will marshal the collective resources, energies and skills of the Member States. It will be in a position of leadership — an aggregate of power within the free world, standing shoulder to shoulder with the United States. Such a community is going to have opinions on many subjects — perhaps on most subjects.

We cannot tell how fast it will progress in this direction. But I should like to take one of the controversial subjects.

We quite accept that the European political union, if it is to be effective, will have a common concern for defence problems and that a European point of view on defence will emerge. What is essential, however, is that any European point of view or policy on defence should be directly related to the Atlantic Alliance. We must make it clear beyond all doubt that the object of our common policy is to defend and strengthen the liberties for which the Atlantic Alliance is the indispensable shield.

But of course, as the European Community develops, the balance within the Atlantic Alliance is going to change. In the course of time there will be two great groupings in the West : North America and Europe. The growth of this European point of view in the defence field will not, we believe, be long in making itself felt. Already we have seen the signs. We have the Western European Union itself, and we have the beginnings of co-operation in joint defence projects.

There is no doubt in my mind that, with the closer integration of our industries which will follow British accession to the European Economic Community, we shall see great advances in European co-operation over defence production, research and development.

These are some of the things to which we must look forward and for which we must work.

Meanwhile, I should like to say two more things about the future Europe as we see it, and about its relations with the rest of the world.

In the first place, we are working for a Europe with close and valuable connexions right across the globe — connexions acquired through the historical actions and achievements of individual European countries and their peoples. These connexions and friendships will be a vital possession for the whole community. We must take great care not to neglect them or throw them away.

I am speaking just as much of the overseas influences and responsibilities of your countries as of the Commonwealth connexions of mine.

We shall, of course, retain our constitutional ties and the arrangements for consultation with the Commonwealth, which we have worked out. In my judgment these will be a source of strength to Europe. They will in no way prevent us from participating fully in the growth of a new Europe, and this in its turn will give fresh vitality to our Commonwealth connexions.

The Commonwealth is a grouping of countries with widely differing views about the great questions which divide the world. In our opinion it will be particularly important that Europe should continue to show a sympathetic comprehension for these different attitudes towards world affairs.

My second point is this : it is our view that the European Community will form as it were, a nucleus at the centre of the wider European family.

We shall want to do nothing which might slow down the impetus towards the political unity of this central nucleus. At the same time we must ensure that other Western European countries which for various reasons cannot, or do not, join the central core remain nevertheless within the political and economic orbit of Western Europe and are not driven to seek support and comfort elsewhere.

I should like to mention in particular the position of the neutral members of EFTA — Austria, Sweden and Switzerland. All three are politically stable and staunchly anti-Communist. Historically they have played an important rôle in the life of the Continent. We believe it would be a serious political mistake to isolate them from the new Europe. I am convinced that their association with the Community could be arranged in such a way as not to weaken the political and economic cohesion of the central nucleus of full members or impede their progress.

Now may I say something about another controversial question — how far should we try to lay down in advance the path of progress towards closer forms of European unity in the later stages ?

My Government's view on this is that when we are drawing up texts we should make sure that they point the way to the future but that they do so without circumscribing our course of action. They should contain the principle of growth ; they should allow the plant light and air, but without defining too meticulously how fast it should grow.

We do not think that at this stage it is wise to try to lay down the exact rhythm of future political developments. We are all politicians and we have to take account of present limitations as well as of future possibilities.

As you know, the British are much addicted to pragmatism, a word I hear more and more in Brussels circles. We think that the substance of political integration will grow most effectively out of the habit of working more and more closely together.

This does not mean that we are going to make difficulties about accepting written texts. We recognize that written texts are necessary, but we have a preference for those which leave open, as far as possible, the time-table for future development.

The element of caution in our present outlook might impose on us an attitude of reserve if we were asked to commit ourselves now to specific forms of political machinery, or to particular courses of action at a fixed moment in the future — whereas when we reach that moment we may well find that the course of action seems quite natural and perfectly obvious.

One example of this may well be the question of parliamentary control, to which we in this country attach a great deal of importance. As members of the Community we will, I am sure, want to see the European Parliament playing an important part. But it is not easy for us to commit ourselves, at this stage and before we have participated in the work of the Assembly, as to what that part should be or as to how it should be accomplished.

You have not invited me to comment on the texts which you have been discussing among yourselves and I have been careful not to do so. But as we shall be anxious to be able to join the political union at the same time as we join the European Economic Community we shall naturally expect to have the opportunity of consulting with you and commenting on the draft Treaty before it is finally agreed and, of course, we already have your assurances to that effect.

But in view of the progress which we hope to make in the negotiations in Brussels in the next few months, I wonder whether it might now be helpful if we, as impending members of the European Economic Community, were to join with you now in your discussions about the future political framework of Europe.

Might this not be a great stimulus to our whole work together ?

The two processes of discussion between us, both the economic and the political, might then go forward together, and we might find that they interacted favourably upon one another.

This is a thought that I would like to leave with you and on which no doubt you will want to consult together.

Perhaps I may be allowed to sum up our position in a few words.

We are looking forward to joining you as soon as possible in constructing a Europe united politically as well as economically.

We are thinking in terms of an enlarged Community whose members have accepted the same obligations and on whose shoulders will fall the main burden of the construction, while not forgetting other European countries who are unable to join us.

We see the existing Communities continuing and expanding their work but knit together with the new political structure in a coherent and effective whole.

This new Europe will be a great power, standing not alone but as an equal partner in the Atlantic Alliance, retaining its traditional ties overseas and fully conscious of its growing obligations towards the rest of the free world.

## VI — END OF THE NEGOTIATIONS

1. Within the framework of their quarterly meetings, which were interrupted in the course of the negotiations on the political union, the Foreign Ministers met in Paris on 17 April. Despite the efforts of Mr. Cattani and the Italian Government to achieve a reconciliation, particularly by rephrasing the text dealing with matters under dispute (reference to the Atlantic Alliance and the preservation of the existing Communities), disagreement persisted on the review clause and the participation of the United Kingdom.

The amended texts proposed by the Italian Government are given below :

*"[To be inserted in the Preamble]* — Conscious that security must be preserved by common action in the field of defence, helping to strengthen the Atlantic Alliance.

*Article 2* — It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest : *foreign policy, defence and cultural affairs.*

To further the work accomplished in the

The Ministers parted company without giving a fresh mandate to the Cattani Committee.

2. Although no communiqué was issued after the meeting, those who had taken part made statements to the press of which the following are the main passages :

Mr. Schröder, German Foreign Minister (18 April 1962) :

"The existing European Communities must be strengthened by a close political union between Member States. All the partners have from the start been in agreement. The fact that, in spite of this, the conference still failed to reach agreement, was due to two factors. On the one hand, opinions differ as to the exact scope of the European political Union. Some Member States wish to go further than others. But these are not insuperable difficulties. One should remember the saying : "striving to better, oft we mar what's well."

The other clash of views concerns the participation of the United Kingdom. Some of the six Governments feel that the signing of the Treaty on the political Union should be postponed until it is certain that the United Kingdom will join the European Economic Community. Others, and among them my Government and that of the French Republic, would like to go ahead with the political Union in the confident expectation that the United Kingdom will join both the European Economic Community and the political Union. I very much hope that it will be possible

economic field in pursuance of the Treaties of Paris and Rome, Member States of the Union may from time to time arrange for an exchange of views.

*Article 3* — The provisions of this Treaty do not modify the provisions of the Treaties of Paris and Rome, particularly in respect of the rights and obligations of Member States, the powers of the Institutions and the working rules of the Communities".

to bridge over these two remaining differences of opinion. The negotiations with the United Kingdom must continue."

Mr. Luns, Dutch Foreign Minister (19 April 1962) :

"The Netherlands is in favour of a united Europe that is as extensive as possible and therefore bigger than the six countries of the European Economic Community. This Europe should be based on supranational and integrationist principles identical with those of the ESCV Treaty. The French plan, on the other hand, is founded on the old concept of a treaty between States, the alliance of an "Europe des Patries". We think that this plan should be rejected but are ready to make concessions if the United Kingdom is brought in on the subject.

Although it is sometimes difficult to keep on saying No to countries like France, Germany and Italy, there are moments when this is necessary. Yesterday was such a moment."

Mr. Spaak, Belgian Foreign Minister (19 April 1962) :

"One of the fundamental issues, that of the review clause written into the Treaty, was merely touched on in Paris. Nevertheless, it became quite clear that the text proposed by France on the subject would have been supported only by the Federal Republic of Germany, the other four delegations remaining opposed to it. It is therefore wrong to say that Belgium and the Netherlands prevented the signing of the Treaty. The Six had not yet reached agreement on its contents... I remain of the opinion that a supranational Europe must be established, but I also think that if, under the present circumstances, we have to rest content with the rather vague and, in my view, ineffective European political organization that is being proposed to us, then such an arrangement will be more acceptable with the United Kingdom than without it. In other words, it would perhaps be possible to make concessions to the French point of view if the price were in fact to be to facilitate the accession of the United Kingdom to the polit-

ical and economic organization of Europe... The creation of Europe is inconceivable save on the basis of equality between States. It would be dangerous and really unacceptable if some of the large countries were to imagine that once they have reached agreement amongst themselves, problems are automatically solved... I agree with the French Government when it states that the negotiations have simply been suspended and that we must continue to hope that an agreement will be reached."

Mr. Schaus, Luxembourg Foreign Minister  
(27 April 1962) :

"The approach to this matter (the participation of the United Kingdom) — mainly a question of tactics — was the only point of difference that arose in the negotiations between our delegations and those of Belgium and the Netherlands."

The attitude of the French Government was explained by General de Gaulle at his press conference on 15 May 1962.

The following are his replies to two questions regarding the political Union :

Q. — "What were the reasons that led France to submit a plan — known as the Fouchet Plan — for the political organization of the Six ?"

A. — "In a world where everything brings us back to the threat of a world conflict, the idea of a united western Europe, with sufficient strength, resources and solidarity to stand on its own, quite naturally springs to mind, all the more so now that the dissensions that rent Europe over the centuries — and particularly the conflict between France and Germany — have come to an end. Now at last we see emerging, on the one hand what we may term — from the geographic, strategic, economic, cultural and other points of view — the "complementary" character of the peoples of this part of the old continent, western Europe, and on the other, the overall capacity they represent in terms of productive, creative and trading potential as compared with the rest of the world. To this should be added the possibilities that they, as a whole, could open up for the 2,000 million inhabitants of the developing countries. These are the factors that have led the six States of the continent to try to establish special links with each other.

As long ago as during the world war — if I may be allowed to mention the fact — I announced that such a development was one of France's major objectives. Something positive

has already been achieved in this direction in what we call the EEC. This was created, in principle, by the Treaty of Rome and put into effect, first, thanks to our economic recovery of 1958 and 1959 — for had we not made this recovery, there would have been no lasting Community — second, because in January last year we secured agreement to the incorporation of agriculture in the Common Market, and at the same time, to its transition to the second stage, that is, its actual implementation. There thus exists an economic organization whose existence will ensure the gradual disappearance of customs barriers between the Six. This cannot fail to inspire their efforts, while at the same time their individual production is gradually adjusted and regulated to enable the Common Market either to absorb it itself or to find an outlet for it in the world outside. This is already something — indeed, a great deal. But it is not everything.

In the eyes of France, this economic reconstruction is not enough. Western Europe must develop into a political entity — whether from the point of view of its relations with other peoples, its own defence, its contribution towards the development of regions that stand in need of help, or of its duty to preserve a balance and relieve international tensions. Moreover, if it failed to do so, the Economic Community itself could not in the long run become firmly established or even survive. In other words, Europe

needs institutions that will transform it politically into a single entity as it already is in the economic sphere.

France therefore took the initiative of proposing that such an organization should be established and, as you are aware, the six Heads of State of Government met in Paris last April to discuss this plan. They did so again in Bonn in July. A political committee — the Fouchet Committee — was set up in Paris and instructed to prepare a draft Treaty of Union. In the meantime, a large number of bilateral and multilateral meetings had been held on the subject. Finally, it was agreed that a summit meeting of the Six should be held in Rome to reach, if possible, the final decisions. We know why our goal has so far not been achieved.

What exactly is France proposing to her five partners? Once again, I repeat: in order to organize ourselves politically, we must begin at the beginning. Let us plan our co-operation systematically. Let our Heads of State or Government get together from time to time to examine the problems that face us, taking decisions on them that will be European decisions! Let us set up a Political Commission, a Defence Commission and a Cultural Commission, just as we already have an Economic Commission in Brussels studying common problems and preparing the decisions of the six Governments. The Political Commission and the others will, of course, proceed along lines appropriate to their respective spheres. In addition, the ministers concerned will meet whenever necessary jointly to apply the decisions taken by the Council. Finally, we have a European Parliament that sits in Strasbourg and is made up of delegations from our six national parliaments. Let us put the Parliament in a position where it can discuss political questions as it now discusses economic questions. After we have acquired some experience, we shall see in three years' time how to set out about strengthening the bonds that exist between us. At the very least, we shall have begun to acquire the habit of living and acting together. This is what France has proposed. This is what she believes to be the most practical course to adopt."

Q. — "What do you think of the objections made to this plan both abroad, particularly by Mr. Spaak, and in France, especially during the recent debate in the National Assembly?"

A. — "It is true that the proposals made by France met with two objections, which incidentally were entirely contradictory although put forward by the same critics.

These critics tell us on the one hand: "You wish to create an *Europe des patries*. We, for our part, want to create a supranational Europe"... as if a formula sufficed to merge together such deep-rooted entities as the peoples and the States. On the other hand, they say: "England has applied for membership of the Common Market; so long as she remains outside it, there can be no political achievement on our part. And yet everyone knows that England, as a great State and as a nation true to herself, would never agree to merge its identity in some Utopian system.

Incidentally, I should like to take this opportunity of pointing out to you gentlemen of the press — and this may astonish you — that I myself have never, in any of my statements, spoken of the *Europe des patries*, although this is constantly being asserted. It is not, I assure you, that I wish to disown my country. On the contrary, I am more attached to it than ever and I do not believe that Europe can ever be a living reality if it does not include France with its Frenchmen, Germany with its Germans, Italy with its Italians, and so on. Dante, Goethe, Chateaubriand belong to the whole of Europe precisely to the extent that they were pre-eminently Italian, French or German. They would have done Europe small service had they been stateless persons who thought and wrote in some integrated form of Esperanto or Volapük...

It is true that one's native country represents a human, an emotional factor, whereas it is on factors embodying action, authority and responsibility that Europe will have to be built. And what are these factors? What, after all, but the States? For they alone have, in this respect, the authority, the right and the ability to get things done. I have said it before and I say it again: there is not now, and never can be, a Europe other than that of the States — that is, outside the realms of myths, fables and pretence. What is happening in the Economic Community proves this every day, for it is the States and the States alone that created it, that have provided it with funds and placed officials at its disposal. And it is to the States that the Economic Union owes its reality and effectiveness, particularly as it is impossible to take any important economic measure that does not entail a political act.

We are engaging in politics when we jointly modify tariffs, convert coalmines or try to standardize wage-levels and social charges in the six States; or again, when each State allows workers from the other five to establish themselves on its territory and where regulations are issued to this effect, or when the Parliaments are asked to pass the necessary laws, credits or

sanctions. We are engaging in politics when we bring agriculture into the Common Market — and it was the six States and they alone that last January accomplished this through their political organs. We are engaging in politics when we negotiate association with Greece, with the African States or with the Malagasy Republic. We are engaging in politics when we negotiate with Great Britain on her application for admission to the Common Market. We are doing the same when we study applications from other States for admission or association or when we consider requests by the United States regarding their economic relations with the Community.

It is in fact impossible to ensure the economic development of Europe in the absence of political union. At this point, I should like to stress the arbitrary nature of the notion, expressed in recent debates in Paris, that economic affairs should be excluded from discussions at meetings of Heads of State or Government, despite the fact that for each of them, in their own countries, these are the subject of overriding, day-to-day concern.

I should like to deal particularly with the objection raised by the integrationists. This is levelled at us in the following words: "Let us merge the six States together into a supranational entity; this will make everything simple and practical." But such an entity is impossible to achieve in the absence of a federator, in Europe today, who has the necessary power, reputation and ability. Thus one has to fall back on a sort of hybrid institution in which the six States would agree to submit to the decisions of a certain majority. At the same time, although there are already six national parliaments, as well as the European Parliament and, in addition, the Consultative Assembly of the Council of Europe — the latter, it is true, preceded the Six but, so I am told, is dying on the shore on which it was abandoned — it would be necessary to elect, over and above this, yet a further

parliament, described as European, which would lay down the law to the six States.

These are ideas that may appeal to certain minds but I entirely fail to see how they could be put into practice, even with six signatures at the foot of a document. Can we imagine France, Germany, Italy, the Netherlands, Belgium, Luxembourg being prepared, on a matter of importance to them in the national or international sphere, to do something that appeared wrong to them, merely because others had ordered them to do so? Would the peoples of France, of Germany, of Italy, of the Netherlands, of Belgium or of Luxembourg ever dream of submitting to laws passed by foreign parliamentarians if such laws ran counter to their deepest convictions? Clearly not. It is impossible nowadays for a foreign majority to impose its will on reluctant nations. It is true, perhaps, that in this "integrated" Europe, as it is called, there might be no policy at all. This would simplify a great many things. Indeed, once there was no France, no Europe, once there was no policy — so that none in fact could be imposed on each of the six States — attempts to formulate a policy would cease. But then, perhaps, these peoples would follow in the wake of some outsider — someone who, for his part, had a policy. There would perhaps be a federator but he would not be European. And Europe would not be an integrated Europe but something vaster by far and, I repeat, with a federator. Perhaps to some extent it is this that at times inspires the utterances of certain advocates of European integration of Europe. If so, then it would be better to say so.

You see, in speculating on great issues, it is tempting to dream of Aladdin's magic lamp which he only had to rub to soar above reality. But there is no magic formula for constructing something as difficult as a united Europe. Let us therefore base the structure on reality. There will be time enough when we have completed the work to beguile ourselves with tales from *The Arabian Nights*."

It will be recalled that, the day after this press conference, five MRP Ministers of the French Government handed in their resignations.

3. The Italian Government continued its efforts to bring about a reconciliation. On 18 and 19 May 1962, Mr. Fanfani received Mr. Lefèvre and Mr. Spaak in Rome.

Mr. Cattani, as Chairman of the Committee but also as representative of the Italian Government, visited the five capitals concerned on several occasions during May and June 1962. As a result of this goodwill mission, the Italian Government submitted proposals for amendments to the previous texts.

The Italian proposals included, in particular, the following new articles:

#### Article 4

The gradual shaping of a common European policy shall be pursued by the progressive development of the Institutions of the Union and by suitably amending their working rules and methods.

#### Article 5

The Institutions of the Union shall be as follows :

- the Council ;
- the Committees of Ministers ;
- the Political Commission ;
- the Defence Commission ;
- the Cultural Commission ;
- the European Parliament.

#### Article 10

The Political Commission shall consist of representatives appointed by each Member State.

To ensure the functioning and development of the Union, the Political Commission shall :

- assist the Council and the Committee of Foreign Ministers in their work and ensure that decisions are carried out ;
- submit proposals regarding the common policy to the Council and to the Committee of Foreign Ministers ;
- perform any other duties that the Council decides to entrust to it ;
- six months before the expiry of the term laid down in Article 19 of this Treaty, submit to the Council proposals on which the European Parliament shall be consulted. The purpose of such proposals shall be to facilitate the review referred to in the above-mentioned Article, taking into account the experience gained by the three Commissions. The proposals shall aim in particular at strengthening the structure and promoting the subsequent development of the Commissions, and may allow for the possibility that, as the will of the Council of the Union takes shape, rules other than the unanimity rule may gradually be adopted for certain matters falling within the jurisdiction of the Council ;
- have at its disposal the necessary staff and departments.

#### Article 10 a

The Defence Commission shall consist of representatives appointed by each Member State.

The Defence Commission shall :

- assist the Committee of Ministers for Defence or for the Armed Forces in its work and ensure that its decisions are carried out ;
- submit proposals to the Committee of Ministers for Defence or for the Armed Forces on the common policy in the field of defence ;
- have at its disposal the necessary staff and departments.

#### Article 10 b

The Cultural Commission shall consist of representatives appointed by each Member State.

The Cultural Commission shall :

- assist the Committee of Ministers of Education or of Ministers responsible for international cultural relations in its work and ensure that its decisions are carried out ;
- submit proposals to the Committee of Ministers of Education or of Ministers responsible for international cultural relations on the common policy in the cultural field ;
- have at its disposal the necessary staff and departments.

#### Article 11

The parliamentary institution of the European Union shall be the Assembly provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957.

The European Parliament may discuss common political problems concerning the European Union.

In fields that relate to the aims of the European Union, the Parliament or its members may address questions to the Council.

In the same fields, the Assembly may submit recommendations to the Council. It shall give its opinion on questions submitted to it by the Council.

On receipt of a question or of a recommendation from the European Parliament, the Council shall make known at its next meeting what action it has taken in respect thereof.

At the time of the review referred to in Article 19 of this Treaty, and within the context of such review, a study shall be carried out of measures designed progressively to associate the

European Parliament more closely with the work of defining and implementing the common policies.

The European Parliament shall be consulted on all proposals concerning the review of this Treaty.

#### Article 19

Three years after this Treaty comes into force,

it shall be subjected to a review in order to consider suitable measures either, in general, for strengthening the Union in the light of the progress already made, or for simplifying, rationalizing and co-ordinating the ways in which the Member States may co-operate.

The primary aim shall be to strengthen the institutions of this Treaty and to develop their democratic character with a view to facilitating the achievement of the Union's objectives.

Finally, Mr. Cattani suggested that the idea of defining the contents of the review in advance should be abandoned and that the Political Committee should be instructed to submit a draft review to the Council.

With regard to the United Kingdom, the original plan had been to reach agreement between the Six on a draft Treaty at Foreign Minister level. A meeting would then have been held with the British, once again at Foreign Minister level. Had agreement been reached, the Six would have proceeded with the signing and implementation of the Treaty, which would have remained open to British accession on the basis of a compulsory correlation between membership of the Economic Communities and of the Political Union, a principle accepted by the Six as the basis of their policy in this sphere.

Ambassador Cattani's proposals were not however accepted. On 13 July 1962, in the presence of a group of Italian parliamentarians, President Fanfani mentioned the personal messages he had received from General de Gaulle and Chancellor Adenauer appealing to Italy to resume the initiative in leading Europe towards political union. Indeed, Chancellor Adenauer, in particular, continued to press for a new summit meeting. On this subject the ANSA Agency issued an unofficial note in May 1963 which read :

"... in Italian diplomatic circles, it is pointed out that the Italian President of the Council replied to General de Gaulle and to Chancellor Adenauer to the effect that he welcomed the prospect of the proposed summit meeting but felt that such a meeting should be carefully prepared. As a first stage, he proposed that there be an exchange of views between the Foreign Ministers of the six States. This was immediately accepted by General de Gaulle as a sound and prudent proposal : it aimed, in fact, at settling the differences still existing between the Six... and preventing the summit meeting from clearly confirming the breakdown already experienced in April at the meeting of Foreign Ministers in Paris."

A number of fresh attempts to bring about a reconciliation were made through diplomatic channels, but owing to the impossibility of reaching agreement and the fact that the Franco-German bilateral negotiations — regarding which the other Governments were only sketchily informed — were taking place at the same time, the chancelleries realized that there would be no point in holding a summit meeting.

## VII — THE FRANCO-GERMAN TREATY

General de Gaulle visited Germany from 4 to 9 September 1962. The communiqué issued on 7 September included the following observations :

"The French and German statesmen have noted with satisfaction the steady growth of relationships of every kind between France and Germany over the last few years. They have expressed their resolve to continue with and step up a development that accords not only with the

interests of the two countries but also with those of every peace-loving country. Practical provision will be made by the two Governments for strengthening the links that exist already in a great many spheres."

Negotiations opened on the basis of a French memorandum of 19 September 1962 and a German reply of 12 November 1962. Messrs. Couve de Murville and Schröder met in Paris on 16 and 17 December.

At his press conference on 14 January 1963, General de Gaulle stated that Great Britain could not become a member of the Common Market and spoke at length on Franco-German relations. The Brussels negotiations on the United Kingdom's accession to the Common Market were suspended *sine die* on 29 January 1963.

On 22 January 1963, the Franco-German Treaty was signed in Paris. Here is the text of the Treaty :

## I — Organization

1. The Heads of State and Government shall issue the necessary directives and regularly follow up the implementation of the programme laid down below.

For this purpose, they shall meet whenever necessary and in principle not less than twice a year.

2. The Foreign Ministers shall ensure that the programme is carried out as a whole. They shall meet at least once every three months. Without prejudice to contacts normally established through embassies, the senior officials of the two Foreign Ministries who are responsible for political, economic and cultural affairs shall meet each month, alternately in Paris and Bonn, to assess current problems and prepare for the meeting of Ministers. Moreover, the diplomatic missions and the consulates of the two countries, together with their permanent representatives on international organizations, shall establish any necessary contacts on problems of common interest.

3. Regular meetings shall be held between the competent authorities of the two countries in the fields of defence, education and youth activities. They shall in no way encroach upon the functions of bodies already in existence — Franco-German cultural commissions and permanent Staff groups — whose activities shall, on the contrary, be extended.

The Foreign Ministers shall be represented at these meetings to ensure co-operation is co-ordinated as a whole.

a) The Ministers for Defence or for the Armed Forces shall meet at least once every three months. Moreover, the French Minister of Education shall hold meetings at the same intervals with a person to be appointed on the German side, in order to follow up the programme of co-operation at the cultural level.

b) The Chiefs of Staff of the two countries shall meet at least once every two months. Should they be prevented from doing so, their place shall be taken by their responsible representatives.

c) The French High Commissioner for youth and sporting activities shall meet the Federal Minister for family and youth questions, or his representative, at least once every two months.

4. In each of the two countries, an inter-ministerial commission shall be instructed to follow up problems of co-operation. It shall be presided over by a senior official of the Foreign Ministries and shall comprise representatives of all the administrations concerned. Its task shall be to co-ordinate the activities of the ministries concerned and from time to time to submit to its government a report on the progress made in Franco-German co-operation. It shall also be responsible for putting forward any suitable suggestions on the implementation of the programme and its extension to new fields.

## II — Programme

### a) Foreign affairs

1. The two Governments shall consult each other before any decision is taken on any impor-

tant question of foreign policy and, in particular, on questions of common interest, so as to ensure, as far as possible, the adoption of a similar position. The scope of such consultations shall include :

- problems connected with the European Communities and European political co-operation ;
- East-West relations at both the political and economic level ;
- matters dealt with in the North Atlantic Treaty Organization and in the various international organizations in which the two Governments are interested, more particularly the Council of Europe, the Western European Union, the Organization for Economic Co-operation and Development, the United Nations and its specialized agencies.

2. The collaboration already existing in the field of information shall be continued and extended between the departments concerned in Paris and Bonn and between missions in third countries.

With regard to aid to developing countries, the two Governments shall systematically compare their programmes with a view to maintaining close co-ordination. They shall investigate the possibility of undertaking projects jointly. As several ministerial departments, on both the French and German side, are competent to deal with these matters, it shall be for the two Foreign Ministers jointly to determine the practical bases for such collaboration.

4. The two Governments shall jointly study ways and means of intensifying their co-operation in other important sectors of economic policy such as agricultural and forestry policy, energy policy, communications and transport problems, industrial development within the framework of the Common Market and export credits policy.

#### b) Defence

The objectives to be pursued in this field shall be as follows :

1. In the strategic and tactical sector, the competent authorities of the two countries shall strive to reconcile their ideas with a view to arriving at common concepts. Franco-German institutes for operational research shall be set up.

2. Exchanges of personnel of the armed forces shall be stepped up. This shall apply

particularly to instructors and students of staff colleges. Exchanges may involve temporary detachment of entire units. In order to facilitate such exchanges, an effort shall be made on both sides to provide trainees with practical language instruction.

3. With regard to armaments, the two Governments shall endeavour to organize their work in common from the time that suitable armament projects are drawn up and programmes prepared for financing them.

For this purpose, joint commissions shall investigate the research currently carried out on these projects in the two countries and carry out a comparative study of them. They shall submit proposals to the ministers, who shall examine these at their quarterly meetings and issue the necessary directives for their implementation.

The Governments shall arrange for a study to be carried out of the conditions under which Franco German collaboration could be established in the civil defence field.

#### c) Youth and education

As regards youth and education activities, the proposals contained in the French and German memoranda of 19 September and 8 November 1962 shall be studied on the lines indicated above.

1. In the field of education, emphasis shall be placed on :

##### a) Language teaching

The two Governments recognize the vital importance that knowledge in each country of the other's language has for Franco-German co-operation. They shall strive, with this aim in view, to take practical steps to increase the number of German pupils studying French and the number of French pupils studying German.

The Federal Government shall, jointly with the Governments of the Länder who are responsible in this sphere, study the possibilities of introducing a system that will enable this aim to be achieved.

In all establishments for higher education, it would be advisable to introduce practical instruction in the French language in Germany, and in the German language in France, the courses to be open to all students.

b) Equivalence of degrees and diplomas, etc.

The competent authorities in both countries shall be requested to speed up the adoption of provisions regarding the equivalence of duration of studies, examinations and university degrees and diplomas.

c) Co-operation in scientific research

Research organizations and scientific institutions shall establish contact with each other, initially by means of the fullest possible interchange of information. Co-ordinated research programmes shall be drawn up in disciplines where this proves to be feasible.

2. Every facility shall be extended to young people in the two countries to strengthen the bonds existing between them and to increase co-operation. Collective exchanges in particular shall be increased.

An organization with, at its head, an independent governing board, shall be set up by the two countries for the purpose of widening these possibilities and promoting exchanges. This organization shall have at its disposal a joint Franco-German fund to be used for exchanges between the two countries of schoolchildren, students, young artisans and workers.

### III — Final provisions

1. The necessary directives shall be issued in each country for the immediate implementation of all the foregoing.

2. The two Governments shall keep the Governments of Member States of the European Communities informed on the progress of Franco-German co-operation.

3. With the exception of clauses relating to defence, this Treaty shall also apply to Land Berlin unless a declaration to the contrary is delivered by the Government of the Federal Republic of Germany to the Government of the French Republic within three months of this Treaty coming into force.

4. The two Governments may make any adjustments that may prove to be necessary for the implementation of the present Treaty.

5. This Treaty shall come into force as soon as each of the Governments has advised the

other that the conditions necessary for its implementation in its country have been fulfilled."

Under the German ratification law of 16 May 1963 the following Preamble was added to the Treaty :

« Convinced that the Treaty signed on 22 January 1963 between the Federal Republic of Germany and the French Republic will deepen and give concrete form to the reconciliation and friendship between the German and French peoples ;

— recognizing that this Treaty does not affect the rights and obligations arising from the multilateral agreements concluded by the Federal Republic of Germany ;

— resolved, through the application of this Treaty, to serve the major objectives which govern the policy of the Federal Republic of Germany and which it has for years been advocating in common with the other States allied to it, namely ;

— the maintenance and consolidation of the understanding between the free peoples, close co-operation between Europe and the United States ;

— the application of the right of self-determination to the German people and the restoration of German unity ;

— joint defence within the framework of the North Atlantic Treaty Organization and the integration of the armed forces of the States belonging to this Alliance ;

— the unification of Europe along the path traced out by the creation of the European Communities, including in the process the United Kingdom and other States that are willing to join, and the consolidation of these Communities ;

— the abolition of customs barriers through negotiations between the European Economic Community, the United Kingdom, the United States and other States within the framework of the « General Agreement on Tariffs and Trade ».

recognizing that Franco-German co-operation directed towards these objectives will benefit all peoples and further the cause of world peace, thereby simultaneously serving the interests of the German and French peoples ;

— the Bundestag has adopted the following law... »

*ANNEX*

**Comparative Table**

*(November 1961)**(January 1962)***PREAMBLE****The High Contracting Parties,**

convinced that the organization of Europe in a spirit of freedom that respects its diversity will enable their civilization to develop still further, protect their common spiritual heritage from any threats to which it may be exposed and in this way contribute to the maintenance of peaceful relations in the world ; (I)\*

affirming their attachment to the principles of democracy to the rights of man and to justice in every sphere of social life ; (III)

resolved jointly to safeguard the fundamental dignity, freedom and equality of men, regardless of their status, race or creed, and to work for the advent of a better world in which these values would permanently prevail ; (II)

resolved to pursue the task of reconciling their essential interests, already the objective, in their respective fields, of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, in order to lay the foundation for a destiny to be henceforth irrevocably shared ; (V)

desirous of welcoming to their ranks the other countries of Europe that are prepared to accept the same responsibilities and the same obligations ; (IV)

(\*) The Roman figures indicate the sequence of paragraphs in the original text.

**PREAMBLE****The High Contracting Parties,**

convinced that the organization of Europe in a spirit of freedom and of respect for its diversity will enable its civilization to develop, add to the prestige of its spiritual heritage, increase its capacity to defend itself against external threats, facilitate the contribution it makes to the development of other peoples and contribute to world peace ; (I)

affirming their attachment to the principles of democracy, to human rights, and to social justice ; (III)

resolved jointly to safeguard the dignity, freedom and equality of men, regardless of their status, race or creed ; (II)

resolved to pursue the task of reconciling their essential interests already initiated, in their respective fields, by the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community ; (V)

ready to welcome to their ranks other countries of Europe that are prepared to accept the same responsibilities and the same obligations ; (IV)

The Parliament stresses that the common defence and foreign policies pursued by the Union should be directed towards strengthening the Atlantic Alliance.

*(Version of February 1962)***PREAMBLE****PREAMBLE***(Joint text)*

THE HIGH CONTRACTING PARTIES,

convinced that the union of Europe in freedom and respect for its diversity will permit its civilization to develop, add to the prestige of its spiritual heritage, increase its capacity to defend itself against external threats, facilitate the contribution it makes to the progress of other peoples and contribute [in keeping with the principles of the United Nations Charter] to world peace ;

affirming their attachment to the principles of democracy, to respect for law and to social justice ;

resolved jointly to safeguard the dignity, freedom and equality of men, regardless of their status, race or creed ;

resolved to pursue the task of reconciling their essential interests already initiated, in their respective fields, by the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community ;

resolved to pursue the task of reconciling their essential interests, already the objective, in their respective fields, of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, in order to lay the foundation for a destiny to be irrevocably shared ;

*(Joint text)*

[desirous of welcoming] [ready to welcome] to their ranks other countries of Europe that are prepared to accept in every sphere the same responsibilities and the same obligations [and conscious of thus forming the nucleus of a union, membership of which will be open to other peoples of Europe that are as yet unable to take such a decision];

conscious that security must be preserved by common action in the field of defence, helping to strengthen the Atlantic Alliance (2) ;

(1) The texts in this column are those of the second French proposal.

(2) Italian proposal at the meeting of Foreign Ministers of 17 April 1962.

*(November 1961)**(January 1962)*

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration adopted in Bonn on 18 July 1961 by the Heads of State or Government ;

HAVE APPOINTED AS THEIR PLENIPOTENTIARIES :

.....

who, having exchanged their Full Powers, found in good and due form, have agreed as follows :

### *TITLE I*

#### **Union of the European peoples**

##### *Article 1*

By the present Treaty, a union of States, hereafter called "the Union", is established.

The Union is based on respect for the individuality of the peoples and of the Member States and for equality of rights and obligations. It is indissoluble.

##### *Article 2*

It shall be the aim of the Union :

- to bring about the adoption of a common foreign policy in matters that are of common interest to Member States ;
- to ensure, through close co-operation between Member States in the scientific and cultural field, the continued development of their common heritage and the protection of the values on which their civilization rests ;

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration of 18 July 1961 by the Heads of State or Government ;

HAVE APPOINTED AS THEIR PLENIPOTENTIARIES :

.....

who, having exchanged their Full Powers, found in good and due form, have agreed as follows :

### *TITLE I*

#### **Union of the European peoples**

##### *Article 1*

By the present Treaty, a union of States, hereafter called "the Union" is established.

The Union is based on respect for the individuality of the peoples and of the Member States and for equality of rights and obligations.

##### *Article 2*

It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest : foreign policy, economics, cultural affairs and defence.

The Parliament notes that the term "Union of States" used in the draft Treaty does not correspond either with the ideas or with the wording of the declaration published on 18 July after the Bonn meeting.

The communiqué envisaged a union of the European peoples. The contents of the new Treaty should tally with that document.

The Parliament has often expressed its opinion that the present world situation renders an organized and permanent agreement between member countries of the European Communities essential, particularly in the foreign policy, defence and cultural fields.

(Version of February 1962)

(Joint text)

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration of 18 July 1961 by the Heads of State or Government ;

(Joint text)

HAVE APPOINTED AS THEIR PLENIPOTENTIARIES :

.....

who, having exchanged their Full Powers, found in good and due form, have agreed as follows :

(Joint text)

**TITLE I**

**Union of the European peoples**

*Article 1*

By the present Treaty, a union of States [and of European peoples], hereafter called "the European Union", is established.

The European Union is based on the principle of the equality of the rights and obligations of its members.

*Article 2*

It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest : foreign policy, economics, cultural affairs and defence.

*Article 2*

1. It shall be the task of the European Union to promote the unity of Europe by reconciling, co-ordinating and unifying the policy of Member States.

*Article 2*

It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest: foreign policy, defence and cultural affairs.

To further the work accomplished in the economic field in pursuance of the Treaties of Paris and Rome, Member States of the Union may from time to time arrange for an exchange of views (2).

(1) The texts in this column are those of the second French proposal.

(2) Italian proposal at the meeting of Foreign Ministers of 17 April 1962.

*(November 1961)**(December 1961)**(January 1962)*

- to contribute thus in the Member States to the defence of human rights, the fundamental freedoms and democracy ;
- to strengthen, in co-operation with the other free nations, the security of Member States against any aggression by adopting a common defence policy.

The Parliament wishes to avoid anything which might constitute or even merely appear to be a step back from the Treaties establishing the ECSC, EEC and Euratom. It recommends that no clause in the new Treaty should be capable of being interpreted as calling in question the subsequent existence, powers or impetus of the Institutions of the European Communities. An explicit provision should be inserted in the new Treaty specifying that it does not modify the Treaties of Paris and Rome.

*(Version of February 1962)*

2. For the purpose of accomplishing this task, the objectives of the Union shall be :

- the adoption of a common foreign policy ;
- the adoption of a common defence policy [within the framework of the Atlantic Alliance] [as a contribution towards strengthening the Atlantic Alliance];
- close co-operation in the educational, scientific and cultural fields ;
- the harmonization and unification of the laws of Member States ;
- the settlement, in a spirit of mutual understanding and constructive co-operation, of any differences that may arise in relations between Member States.

3. Objectives other than those laid down in the preceding paragraph may be defined by the Council after consultation with the European Parliament.

4. This Treaty shall not derogate from the competence of the European Communities.

*Article 3*

The provisions of this Treaty do not modify the provisions of the Treaties of Paris and Rome, particularly in respect of the rights and obligations of Member States, the powers of the Institutions and the working rules of the Communities (2).

(1) The texts in this column are those of the second French proposal.

(2) Italian proposal at the meeting of Foreign Ministers of 17 April 1962.

*(November 1961)**(January 1962)***TITLE III****Obligations of Member States***Article 11*

There shall be solidarity, mutual confidence and reciprocal assistance as between Member States. They undertake to abstain from any step or decision that might hinder or delay the achievement of the aims of the Union. They shall loyally co-operate in any consultations proposed to them and respond to requests for information addressed to them by the Council or, in compliance with the instructions of the Council, by the European Political Commission.

*Article 3*

The Union shall have legal personality.

The Union shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their domestic law. It may, in particular, acquire or dispose of movable or immovable property and may go to law.

**TITLE II****Institutions of the Union***Article 4*

The Institutions of the Union shall be as follows :

- the Council ;
- the European Parliament ;
- the European Political Commission.

**TITLE III****Obligations of Member States***Article 11*

There shall be solidarity and reciprocal assistance as between Member States. They undertake to refrain from taking any step or decision that might hinder or delay the achievement of the aims of the Union.

*Article 3*

The Union shall have legal personality.

The Union shall enjoy in each of the Member States the legal capacity accorded to legal persons under their domestic law. It may, in particular, acquire movable or immovable property and may go to law.

**TITLE II****Institutions of the Union***Article 4*

The Institutions of the Union shall be as follows :

- the Council ;
- the Committees of Ministers ;
- the Political Commission ;
- the European Parliament.

The Parliament is aware of the institutional complications that already exist in European organization. It wants to avoid aggravating them and hopes that the number of new institutions will be limited to what is necessary for the Union to function satisfactorily.

*(Version of February 1962)**Article 4*

The gradual shaping of a common European policy shall be pursued by the progressive development of the Institutions of the Union and by suitably amending their working rules and methods (2).

*(Joint text)**Article 3*

There shall be solidarity and reciprocal assistance as between Member States. They undertake to co-operate to the full in pursuing the objectives of the European Union and in facilitating the accomplishment of its task.

*(Joint text)**Article 4*

The European Union shall have legal personality.

The Union shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their national law.

**TITLE II****Institutions of the Union***Article 5*

The Institutions of the Union shall be as follows :

- the Council ;
- the Committees of Ministers ;
- the Political Commission ;
- the European Parliament.

*Article 5*

1. The Institutions of the European Union shall be as follows :

- the Council and the Committees of Ministers ;
- the European Parliament ;
- the Court of Justice.

2. The Council and the Committees of Ministers shall be assisted by a Political Commission and a Secretary-General.

*Article 5*

The Institutions of the Union shall be as follows :

- the Council ;
- the Committees of Ministers ;
- the Political Commission ;
- the Defence Commission ;
- the Cultural Commission ;
- the European Parliament (2).

(1) The texts in this column are those of the second French proposal.

(2) Latest proposals by Ambassador Cattani (May-June 1962).

*(November 1961)**(January 1962)**Article 5*

The Council shall meet every four months at Head of State or Government level, and at least once in the intervening period at Foreign Minister level. It may, moreover, at any time hold extraordinary sessions at either level at the request of one or more Member States.

At each of these meetings at Head of State or Government level, the Council shall appoint a President who shall take up his duties two months before the subsequent meeting and continue to exercise them for two months after the meeting.

Meetings of the Council held at Foreign Minister level shall be presided over by the Foreign Minister of the State whose representative presides over meetings at Head of State or Government level.

The President in office shall preside over extraordinary meetings that may be held during his term of office.

The Council shall choose the place for its meetings.

*Article 6*

The Council shall deliberate on all questions whose inclusion on its agenda is requested by one or more Member States. It shall adopt decisions necessary for achieving the aims of the Union unanimously. The absence or abstention of one or of two members shall not prevent a decision from being taken.

The Parliament is convinced that regular, organized meetings of the Heads of State or Government in the spirit of the Bonn Declaration of 18 July 1961 will contribute towards tightening the bonds between the six countries and pave the way for the political union desired by their peoples. It therefore agrees that new measures should be taken to this end.

The Parliament draws the attention of the Governments to the desirability of ensuring that the President's term of office is not too short. In its opinion, it should extend over a minimum period of six months.

The Parliament hopes that the Presidents of the Executives of the Communities will be invited to attend any meetings of the Council at which subjects of concern to the European Communities are to be discussed.

The Parliament is concerned about the excessive rigidity involved in the absolute rule whereby every decision has to be taken unanimously. This is why it suggests that certain sectors, stages and conditions in which decisions should be taken by a qualified or simple majority should be defined.

The Parliament proposes that the Council be empowered to give a ruling on questions of procedure by an absolute majority of the Member States. Every decision as to whether a question is of a procedural nature or not would be taken under the same conditions.

*Article 5*

The Council shall consist of the Heads of State or Government of Member States. It shall meet in principle every four months and not less than three times a year.

*Article 6*

The Council shall deliberate on questions whose inclusion on its agenda is requested by one or more Member States. The agenda shall be drawn up by the President. The Council shall adopt decisions necessary for achieving the aims of the Union unanimously. The absence or abstention of one or of two members shall not prevent a decision from being taken.

*(Version of February 1962)**Article 6*

The Council shall consist of the Heads of State or Government of Member States. It shall meet in principle every four months and not less than three times a year.

*Article 6*

1. The Council shall consist of the representatives of the Member States. Member States shall be represented on the Council, in accordance with the constitutional requirements and the usage prevailing in each country, by the Heads of State or Government and, where appropriate, by the Foreign Ministers.

2. The Council shall meet in ordinary session three times a year and in principle every four months. Extraordinary sessions of the Council may be convened at any time by its President on his own initiative or at the request of one or more Member States of the European Union.

3. The Office of the President shall be exercised in rotation by each member of the Council for a term of [six months] [one year].

4. The Council shall lay down its own rules of procedure.

*Article 7*

The Council shall deliberate on questions whose inclusion on its agenda is requested by one or more Member States. The agenda shall be drawn up by the President. The Council shall adopt decisions necessary for achieving the aims of the Union unanimously. The Council's decisions shall be binding on Member States. The abstention of one or of two members shall not prevent a decision from being taken.

*Article 7*

1. The Council shall deliberate on all questions whose inclusion on the agenda is requested by one or more Member States or by the Secretary-General under the terms of Article 2. The agenda shall be drawn up by the President.

The meetings of the Council shall be prepared by the Committee of Foreign Ministers. Decisions necessary for achieving the aims of the European Union shall be passed by the Council unanimously.

(1) The texts in this column are those of the second French proposal.

*(November 1961)**(January 1962)*

The decisions of the Council shall be binding on Member States that have participated in their adoption. Member States on which a decision is not binding, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision will be binding on them.

The Parliament also draws the attention of the Governments to the desirability of a provision empowering the President in office, in the event of the unanimity rule preventing a decision being taken on a problem raised in the Council, to refer the matter to the Parliament and invite it to submit to him an opinion, within a period specified by him, for transmission to the Council.

The Parliament finally considers that its approval should be sought in respect of any international treaty that the Union may decide to conclude.

The decisions of the Council shall be implemented by Member States that have participated in their adoption. Member States that are not bound by a decision, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision shall be binding on them.

*Article 7*

A Committee of Foreign Ministers and a Committee of Ministers of Education shall be set up. These Committees shall meet not less than four times a year and shall report to the Council.

*(Version of February 1962)*

The decisions of the Council shall be implemented by Member States that have participated in their adoption. Member States that are not bound by a decision, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision shall be binding on them.

2. The decisions of the Council shall be carried out in accordance with the constitutional requirements in force in each Member State. The Council may, by a unanimous decision, waive the principle of unanimity in specific cases. The abstention of one or of two members shall not prevent decisions requiring unanimity from being taken.

3. If a decision that requires unanimity cannot be adopted because it is opposed by one Member State, the Council shall adjourn the deliberation to a later date to be specified by it. Before this second deliberation takes place, the Council may decide to obtain the opinion of the European Parliament.

*Article 8*

1. The Council may conclude agreements on behalf of the European Union with Member States, third countries or international organizations. It shall lay down the methods to be followed in its rules of procedure.

2. The agreements shall be submitted to the Parliament for an opinion. They shall not come into force until they have been approved in all Member States by the bodies that, under the respective constitutional requirements, must, where appropriate, approve such agreements concluded by these States.

3. Agreements concluded in accordance with the preceding provisions shall be binding on the Institutions of the European Union and on Member States.

*Article 8**Article 9**(Joint text)*

1. The following committees shall be set up :
- a Committee of Foreign Ministers ;
  - a Committee of Ministers for Defence and for the Armed Forces ;
  - a Committee of Ministers of Education or of Ministers responsible for international cultural relations.

The competence of this Committee shall be governed, without prejudice to the provisions of this Treaty, by the Convention embodying the Statute of the European Cultural Council and the annexed Conventions which, as a whole, are to be regarded as an integral part of this Treaty.

(1) The texts in this column are those of the second French proposal.

*(November 1961)**(January 1962)**Article 9*

The European Political Commission shall consist of senior officials of the Foreign Affairs departments of each Member State. Its seat shall be in Paris. It shall be presided over by the representative of the Member State that presides over the Council, and for the same period.

The European Political Commission shall set up such working bodies as it considers necessary.

The European Political Commission shall have at its disposal the staff and departments it requires to carry out its duties.

The Parliament does not consider that the college of national officials who would be the permanent representatives of the Governments should be set up as an institution of the Union distinct from the Council, whose instrument it should be.

*Article 8*

The Council may decide to set up other Committees of Ministers.

*Article 9*

The Political Committee shall consist of representatives appointed by each Member State. It shall prepare the deliberations of the Council and ensure that its decisions are carried out. It shall perform such other duties as the Council decides to entrust to it. It shall have at its disposal the necessary staff and departments.

*(Version of February 1962)*

The Council may decide to set up other Committees of Ministers.

*Article 9*

The Political Commission shall consist of representatives appointed by each Member State. It shall prepare the deliberations of the Council and ensure that its decisions are carried out. It shall perform such other duties as the Council decides to entrust to it. It shall have at its disposal the necessary staff and departments.

2. The Council may set up other Committees of Ministers.

3. The Committees enumerated above shall meet not less than four times a year and report to the Council.

*Article 10*

The Political Commission shall consist of senior officials appointed by each State. This Commission shall prepare the deliberations of the Council and of the Committees of Ministers and perform the duties which the Council decides to entrust to it.

*Article 10*

The Political Commission shall consist of representatives appointed by each Member State.

To ensure the functioning and development of the Union, the Political Commission shall :

- assist the Council and the Committee of Foreign Ministers in their work and ensure that decisions are carried out ;
- submit proposals regarding the common policy to the Council and to the Committee of Foreign Ministers ;
- perform any other duties that the Council decides to entrust to it ;
- six months before the expiry of the term laid down in Article 19 of this Treaty, submit to the Council proposals on which the European Parliament shall be consulted. The purpose of such proposals shall be to facilitate the review referred to in the above-mentioned Article, taking into account the experience gained by the Commissions. The proposals shall aim in particular at strengthening the structure and promoting the subsequent development of the Commissions, and may allow for the possibility that, as the will of the Council of the Union takes shape, rules other than the unanimity rule may gradually be adopted for certain matters falling within the jurisdiction of the Council ;
- have at its disposal the necessary staff and departments.

*Article 10(a)*

The Defence Commission shall consist of representatives appointed by each Member State.

(1) The texts in this column are those of the second French proposal.

*(November 1961)**(December 1961)**(January 1962)**Article 10*

The European Political Commission shall assist the Council. It shall prepare its deliberations and carry out its decisions. It shall perform the duties that the Council decides to entrust to it.

.....

*(The provisions relating to cultural co-operation should, if necessary, be inserted here.)*

The Parliament is however convinced that the appointment of a Secretary-General who is independent of the Governments and free to choose his collaborators will be a positive factor in the structure of the Union, provided that his duties are clearly defined.

The Secretary-General should, in particular, be responsible for ensuring that the decisions of the Council are carried out. It should also be his constant duty to keep the Parliament informed, during the intervals between the Council's annual reports to the Parliament, of the progress made in carrying out such decisions.

The Secretary-General should also be accorded a power of initiative.

*(Version of February 1962)*

The Defence Commission shall :

- assist the Committee of Ministers for Defence or for the Armed Forces in its work and ensure that its decisions are carried out ;
- submit proposals to the Committee of Ministers for Defence or for the Armed Forces on the common policy in the field of defence ;
- have at its disposal the necessary staff and departments.

*Article 10(b)*

The Cultural Commission shall consist of representatives appointed by each Member State.

The Cultural Commission shall :

- assist the Committee of Ministers of Education or of Ministers responsible for international cultural relations in its work and ensure that its decisions are carried out ;
- submit proposals to the Committee of Ministers of Education or of Ministers responsible for international cultural relations on the common policy in the cultural field ;
- have at its disposal the necessary staff and departments (2)

*Article 11*

1. The Council shall appoint for a period of ... a Secretary-General who shall be independent of the Governments of the Member States of the European Union. His term of office shall be renewable.
2. He shall be assisted in the performance of his duties by a staff appointed by him in accordance with a procedure to be laid down, on his proposal, by the Council.
3. The functions of the Secretary-General and of members of the Secretariat shall be deemed to be incompatible with the exercise of any other office.

(1) The texts in this column are those of the second French proposal.

(2) Latest proposals by Ambassador Cattani (May-June 1962).

*(November 1961)**(December 1961)**(January 1962)*

He shall be obliged to resign if the Parliament adopts a motion of censure against him.

*Article 7*

The European Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957, shall deliberate on matters concerning the aims of the Union.

It may address oral or written questions to the Council.

It may submit recommendations to the Council.

*Article 10*

The European Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities, signed in Rome on 25 March 1957, shall deliberate on questions concerning foreign policy, defence and education on which the Council asks its opinion.

The Council shall each year render to the European Parliament a statement on the activities of the Union.

The Council shall be represented at the debates held in the Parliament on this statement.

The Parliament may address to the Council either oral or written questions or recommendations to which a reply shall be given within a period of two months.

*(Version of February 1962)*

4. In the performance of their duties, the Secretary-General and the members of the Secretariat shall neither request nor accept instructions from any government. They shall abstain from any act that is incompatible with the nature of their functions.

5. The Member States undertake to respect the independence of the Secretary-General and of his staff and to refrain from influencing them in the accomplishment of their task.

*Article 10**(Joint text)*

1. The parliamentary institution of the European Union shall be the Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957.

2. In fields that relate to the aims of the European Union, the Parliament [or its members] may address questions to the Council.

3. In the same fields, the Parliament may submit recommendations to the Council.

4. The Council, on receipt of a question or of a recommendation from the European Parliament, shall make known at its next meeting what action it has taken in respect thereof.

*Article 12**Article 11*

The parliamentary institution of the European Union shall be the Assembly provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957.

The European Parliament may discuss common political problems concerning the European Union.

In fields that relate to the aims of the European Union, the Parliament or its members may address questions to the Council.

In the same fields, the Assembly may submit recommendations to the Council. It shall give its opinion on questions submitted to it by the Council.

On receipt of a question or of a recommendation from the European Parliament, the Council shall make known at its next meeting what action it has taken in respect thereof.

At the time of the review referred to in Article 19 of this Treaty, and within the context of such review, a study shall be carried out of measures designed progressively to associate the European Parliament more closely with the work of defining and implementing the common policies.

The European Parliament shall be consulted on all proposals concerning the review of this Treaty (2).

(1) The texts in this column are those of the second French proposal.

(2) Latest proposals by Ambassador Cattani (May-June 1962).

*(November 1961)**(January 1962)**Article 8*

The Council, on receipt of a question addressed to it by the European Parliament, shall give its reply to the Parliament within a period of four months.

The Council, on receipt of a recommendation addressed to it by the European Parliament, shall inform the Parliament of the action it has taken thereon within a period of six months.

The Council shall each year submit to the European Parliament a report on its activities.

*TITLE IV***Finances of the Union***Article 12*

The budget of the Union shall be drawn up by the Council each year and shall include all revenues and expenditures.

The Parliament draws the attention of the Governments to the advantages to be gained by extending the scope of its activities, particularly in the budgetary field. This would apply in fact not only to the administrative expenses of the Union but also to any expenditure that might be voted by the Union to finance special projects within the context of the common defence policy provided for in the Treaty.

*TITLE IV***Finances of the Union***Article 12*

The budget of the Union shall be drawn up each year. The financial year shall run from 1 January to 31 December inclusive.

The draft budget, drawn up by the Political Commission, shall be adopted by the Council which, where appropriate, may make any amendments it considers necessary.

*(Version of February 1962)**Article 11**(Joint text)*

The Council shall each year submit to the European Parliament [a report] [a communication] on its activities.

The Council shall be represented at the debates held on [its report] [its communication].

The Council and the European Parliament shall jointly lay down the procedure for their collaboration.

*Article 13**Article 14*

1. The Court of Justice of the European Communities shall be competent to decide on any dispute between Member States connected with the interpretation or application of this Treaty.

Member States undertake not to subject such disputes to any other form of settlement.

2. The Court of Justice of the European Communities shall be competent :

- a) to decide on any dispute between Member States where the said dispute is submitted to the Court under a special agreement between them ;
- b) to give a decision pursuant to any arbitration clause contained in a contract, whether governed by public law or private law, concluded by or on behalf of the European Union.

*(Joint text)***TITLE IV****Finances of the European Union***Article 12*

1. The budget of the European Union shall be drawn up annually. The financial year shall run from 1 January to 31 December inclusive.

2. The Council shall lay down the financial regulations of the European Union.

*Article 15*

3. The draft budget drawn up by the Political Commission, shall be adopted by the Council which may, where appropriate, make such amendments as it considers necessary.
3. The draft budget drawn up by the Secretary-General with the assistance of the Political Commission, shall be adopted by the Council, after obtaining the Parliament's opinion.

(1) The texts in this column are those of the second French proposal.

(November 1961)

(January 1962)

*Article 13*

The revenues of the Union shall be derived from contributions by the Member States calculated according to the following scale :

Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany . . . . .	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9
	100.0

*Article 14*

The budget shall be implemented by the European Political Commission which may delegate to its chairman all or part of the powers necessary for the purpose.

*Article 13*

The administrative expenditure of the Union shall be met from contributions by the Member States calculated according to the following scale :

Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany . . . . .	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9

*Article 14*

The budget shall be implemented by the Political Commission.

(Version of February 1962)

*Article 13*

(Joint text)

1. The administrative expenditure of the European Union shall be met from contributions by the Member States calculated according to the following scale :

[Belgium . . . . .	7.9
France . . . . .	28
Federal Republic of Germany . . . . .	28
Italy . . . . .	28
Luxembourg . . . . .	0.2
Netherlands . . . . .	7.9]

2. In the event of the accession of a further State, this scale shall be adjusted by decision of the Council.

3. A study shall be made, within the framework of the general review referred to in Article 20, of the conditions under which the contributions of Member States could be replaced or supplemented by the European Union's own resources.

*Article 14*

The budget shall be implemented by the Political Commission.

*Article 17*

The budget shall be implemented by the Secretary-General.

**TITLE V**

**General provisions**

*Article 18*

The European Union shall enjoy on the territory of Member States such privileges and immunities as are necessary for it to accomplish its task under the conditions stipulated in a separate protocol which forms part of this Treaty. This shall also define the contractual and non-contractual responsibility of the European Union and the principles which shall govern its relations with its staff.

(1) The texts in this column are those of the second French proposal.

*(November 1961)**(January 1962)***TITLE V****General provisions***Article 15*

The present Treaty may be reviewed. Draft amendments shall be submitted to the Council by Member States. The Council shall pronounce on such drafts and decide whether or not they should be passed on for an opinion to the European Parliament.

Draft amendments adopted unanimously by the Council shall be submitted for ratification by the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

*Article 16*

Three years after this Treaty comes into force, it shall be subjected to a general review with a view to considering suitable measures for strengthening the Union in the light of the progress already made.

The main objects of such a review shall be the introduction of a unified foreign policy and the gradual establishment of an organization centralizing, within the Union, the European Communities referred to in the Preamble to the present Treaty.

The amendments arising from this review shall be adopted in accordance with the procedure outlined in Article 15 above.

The Parliament attaches great importance to the undertaking in the draft Treaty to the effect that the Treaty shall, within a period of three years, be made the subject of an overall review in the light of the experience gained and progress made. The Parliament is aware of the fact that this would impart a progressive character to the Union of European peoples, and recalls the wish previously expressed by it that the Governments should define the subsequent development stages. The Parliament has already asked the Governments to study measures for streamlining the European Communities, such as the merger of the Executives which it ought to be possible to achieve before any review. It draws the attention of the Governments to the dangerous consequences any uncertainty as to the future of the Communities might have on the impetus of economic integration.

The attention of the Governments is drawn to the desirability of providing for regular collaboration between the Governments and the Parliament in the first years of the Union's activities in order to ensure that efficient preparations are made for the review. Suitable

**TITLE V****General provisions***Article 15*

The present Treaty may be reviewed. Draft amendments shall be submitted to the Council by the Governments of Member States.

Draft amendments adopted unanimously by the Council shall be submitted for ratification by the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

*Article 16*

Three years after this Treaty comes into force, it shall be subjected to a review in order to consider suitable measures either for strengthening the Union in general in the light of progress already made or, in particular, for simplifying, rationalizing and co-ordinating the ways in which Member States cooperate.

*(Version of February 1962)**Article 15*

This Treaty may be reviewed. Draft amendments shall be submitted to the Council by the Governments of the Member States.

Draft amendments adopted unanimously by the Council shall be submitted for ratification by the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

*Article 16*

Three years after this Treaty comes into force, it shall be subjected to a review in order to consider suitable measures either for strengthening the Union in general in the light of progress already made or, in particular, for simplifying, rationalizing and co-ordinating the ways in which Member States co-operate.

*Article 19*

1. This Treaty may be reviewed, without prejudice to the general review referred to in Article 20.

2. Draft amendments shall be submitted to the Council either by the Member States or by the Parliament. If the Council, after having consulted the Parliament where a draft is proposed by one of the Member States, unanimously adopts such a draft amendment, this shall be submitted to Member States for ratification.

Such draft amendment shall come into force when all the Member States have ratified it in accordance with their respective constitutional requirements.

*Article 20*

1. At the time fixed for the transition from the second to the third stage laid down in the Treaty establishing the European Economic Community, the present Treaty shall be subjected to a general review. This shall aim at determining suitable measures for strengthening the European Union and the powers of its institutions in the light of the progress already made.

With this end in view, a draft constitution of the European Union shall be drawn up by the Council before expiry of the time-limit specified above, and submitted to the European Parliament for its opinion.

2. The general review shall in particular have the following objectives :

a) To associate the European Parliament more closely with the work of defining the common policy and carrying out the provisions of Article 138 of the Treaty establishing the European Economic Community relating to the election of the Parliament by direct universal suffrage ;

*Article 19*

1. Three years after this Treaty comes into force, it shall be subjected to a review in order to consider suitable measures either, in general, for strengthening the Union in the light of the progress already made, or for simplifying, rationalizing and co-ordinating the ways in which the Member States may co-operate. The primary aim shall be to strengthen the institutions of this Treaty and to develop their democratic character with a view to facilitating the achievement of the Union's objectives<sup>(2)</sup>.

2. The primary aim shall be to strengthen the institutions of this Treaty and to develop their democratic character, particularly in relation to the election and the powers of the European Parliament, and the gradual replacement by other procedures of the unanimity principle in decisions of the Council<sup>(3)</sup>.

(2) Latest proposals by Ambassador Cattani (May-June 1962).

(3) Italian proposals following the meeting of Foreign Ministers of 17 April 1962.

(1) The texts in this column are those of the second French proposal.

*(November 1961)**(January 1962)*

arrangements should be made to associate public opinion, through the Parliament, with the work already done.

Without prejudice to any suggestions it may subsequently make, the Parliament proposes that the Governments should consider the possibility of not choosing the President of the Council in future from among members of the Council. The Parliament believes that the European peoples, or their elected representatives after the introduction of direct universal suffrage, should take part in the appointment of the President.

The Parliament points out that, under the terms of the Treaty of Rome which make express provision for its election by direct universal suffrage, it has drawn up a draft convention which it has submitted to the Council of Ministers of the Communities. It requests that action should be taken on this draft and that a period should be fixed within which to hold the first elections. A reasonable period would be that covering the initial phase of the Union's activities, namely three years.

*Article 17*

The Union shall be open for membership to Member States of the Council of Europe that accept the aims set out in Article 2 above and that have previously acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new Member State shall be decided unanimously by the Council after an additional Act to this Treaty has been drawn up. This Act shall contain the necessary adjustments to the Treaty. It shall come into force once the State concerned has submitted its instrument of ratification.

The Parliament finally suggests to the Governments that a clause should be inserted in the new Treaty to the effect that any State that has joined the Communities shall *ipso facto* be eligible for membership of the Union. No State that has not acceded to the Treaties of Paris and Rome should be permitted to join the Union.

*Article 17*

The Union shall be open for membership to States that have acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new State shall be decided unanimously by the Council after an additional Act to this Treaty has been drawn up.

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b) To gradually introduce the majority principle in decisions of the Council of the Union.

3. At the time of the general review, the conditions shall be fixed under which, at the end of the transition period of the Common Market, the European Union and the European Communities will be incorporated in an organic institutional framework, without prejudice to the machinery provided for in the Treaties of Paris and Rome. To facilitate this process, reforms shall be undertaken, in accordance with the procedures laid down in the Treaties of Paris and Rome and before the general review is carried out, with a view to simplifying and rationalizing the machinery provided for in those Treaties.

4. The competence of the Court of Justice shall be extended in the light of reforms introduced by the general review.

3. The competence of the Court of Justice shall be defined in the light of reforms introduced by the general review (2).

*Article 17**(Joint text)*

The Union shall be open for membership to States that have acceded to the European Communities referred to in the Preamble to this Treaty.

*Article 21*

Accession shall come into effect once the State concerned has submitted the instrument ratifying this Act.

The admission of a new State shall be decided unanimously by the Council after an additional Act to this Treaty has been drawn up.

(1) The texts in this column are those of the second French proposal.

(2) Italian proposals following the meeting of Foreign Ministers of 17 April 1962.

*(November 1961)**(January 1962)**Article 18*

This Treaty, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of... which shall transmit a certified copy to each of the Governments of the other signatory States.

This Treaty shall be ratified. The instruments of ratification shall be deposited with... which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Treaty under their common seal.

*Article 18*

This Treaty drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of ... which shall transmit a certified copy to each of the Governments of the other signatory States.

This Treaty shall be ratified. The instruments of ratification shall be deposited with ... which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Treaty under their common seal.

*(Version of February 1962)**Article 18**Article 22**(Joint text)*

The rules governing the languages of the European Union shall, without prejudice to the rules of procedure of the European Parliament and of the Court, be determined by unanimous decision of the Council.

*Article 19**Article 23**(Joint text)*

This Treaty shall be ratified. The instruments of ratification shall be deposited with ... which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

*Article 20**Article 24**(Joint text)*

1. This Treaty is drawn up in a single original in Dutch, French, German and Italian, which shall be the official and working languages of the institutions of the European Union. All four texts, which are equally authentic shall be deposited in the archives of the Government of ... which shall transmit a certified copy to each of the Governments of the other signatory States.

(1) The texts in this column are those of the second French proposal.

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