

EUROPEAN PARLIAMENT

Working Documents

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MOTION FOR A RESOLUTION

tabled by Mr JONKER, Mr VAN AERSEN, Mr ANTONIOZZI, Mr DESCHAMPS,
Mr HERMAN, Mr GOPPEL, Mr LÜCKER, Mr VON BISMARCK, Mr PFENNIG,
Mr FRÜH, Mr CLINTON, Mr ESTGEN, Mr BEUMER, Mr KLEPSCH, Mr VERGEER,
Mr FISCHBACH

on behalf of the Group of the European People's Party
(Christian-Democratic Group)

pursuant to Rule 47 of the Rules of Procedure

on the draft treaty on the first stage in the
implementation of European Union

PE 76.923/rev.

The European Parliament,

- following detailed discussions in the committee responsible
- having regard to the opinion of the Commission,

1. Hereby adopts the following draft treaty;
2. Resolves to forward it to the Council of Ministers and the Parliaments and Governments of the Member States;
3. Calls upon the abovementioned authorities to take the necessary steps to ensure that the draft treaty enters into force in accordance with the constitutional requirements of the Member States before the next direct elections to the European Parliament.

Draft Treaty
for the first stage of the creation of the

EUROPEAN UNION

His Majesty, the King of the Belgians,

...

- Determined to consolidate and to develop the Union established among the peoples of Europe in the European Community by the Treaty establishing the European Coal and Steel Community of 18 April 1951, the Treaty establishing the European Economic Community of 25 March 1957 and the Treaty establishing the European Atomic Energy Community of 25 March 1957 as amended by the Treaties amending the Treaties (hereinafter referred to as the Community Treaties),
- Reaffirming the intention announced at the Conference of Heads of State or Government of 19 and 20 October 1972, to convert the sum total of these relations into a European Union,
- Desiring to preserve and further develop the fundamental elements of European identity as defined in the Copenhagen Declaration of 14 December 1973,

= unity to ensure the survival of a common civilization,

= to safeguard common legal, political and moral values and to preserve the rich variety of national cultures,

= to build a society which measures up to the needs of the individual guided by the principles of representative democracy, the rule of law, social justice - which is the ultimate goal of economic progress - and respect for human rights,

- seeking, as the ultimate goal, to create a European Union with a constitution accepted by the member nations,

which specifies the federal nature of the relationship between the Member States and the Union and between the Member States,

which regulates the relationship of the institutions of the Union to each other and to the institutions of the Member States in accordance with the principles of representative democracy the division of powers and subsidiarity,

which defines the legislative, administrative and financial terms of reference of the institutions of the Union on the one hand and the Union and the Member States on the other hand,

which entrenches the basic rights of the citizens of the Union and provides for a legal review of the relevant legislation,

This Union shall possess an independent European Government accountable in accordance with democratic rules to a body representing the people and constituted according to the will of the people with the traditional rights of such bodies, the interests of the Member States shall be represented in a State Assembly, jurisdiction on constitutional matters shall be exercised by a Court of Justice staffed with an independent judiciary and financial control by an independent Court of Auditors;

- Recognizing that the European Parliament has a crucial political role to play in promoting the development towards union, that the legal acts of the Union and the Community require full democratic legitimation and that therefore the Parliament directed by direct universal suffrage should already be given greater influence and decision-making powers in relation to legislation,

Have decided to implement the European Union described above in a number of stages; have designated as their plenipotentiaries to this end:

His Majesty, the King of the Belgians:

...

Who, having exchanged their full powers, found in good and due form, have agreed as follows:

TITLE

I. CREATION, TASKS, INSTITUTIONS AND POWERS OF THE UNION

Article 1 - Creation and tasks -

By this Treaty, the High Contracting Parties establish among themselves the first stage of a European Union, hereinafter called the Union.

The Union shall have as its task to define the common interests of the Member States and promote these in such a way as to enable Union to be further developed and achieved.

To this end it shall be given the following powers and terms of reference, on the basis of which it shall take measures to achieve approximation, coordination and standardization where necessary in the common interest. Implementation shall take place at the lowest possible level of administration compatible with the nature of the task involved.

Article 2

- Institutions -

1. The tasks of the Union shall be carried out, in the manner provided for in this Treaty, by the institutions common to the three European Communities.

Article 3

- European Council -

The Heads of State or Government of the Member States of the European Communities and of the Union shall meet whenever the situation so requires in a European Council.

When the European Council is convened pursuant to this Treaty and the Community Treaties it shall meet as the supreme Council of the Union and the Communities under Article 2 and shall exercise the powers and jurisdiction conferred upon the Council of the European Communities by Article 1 of the Treaty of Brussels of 8 April 1965, in the manner provided for in that article and in this Treaty.

This Treaty shall not apply to other meetings of the Heads of State or Government of the Member States.

Article 4

- Powers of the Union -

In order to carry out those tasks which fall outside the terms of reference of the European Coal and Steel Community, the European Economic Community and the European Atomic Community, the Union shall have the following terms of reference:

- to develop a Community foreign policy including a Community security policy;

The Union shall promote close cooperation between the Member States in the fields of education, science, technology and research extending beyond the purview of the Community Treaties; to this end it shall issue recommendations.

Article 5

- Power to conclude Treaties -

Under the powers conferred upon the Union and on the basis of the Community Treaties, the Council, unanimously and with the assent of the Parliament shall conclude treaties with non-member states and international organizations on behalf of the Union.

These treaties shall be binding on the Union and the Member States.

Article 6 - Extending the powers of the Union -

1. If the execution of the tasks of the Union requires action by the Community and the relevant powers and authority are not provided for in this Treaty or in the Community Treaties, legal instruments extending the Union's powers and authority may be enacted by the Council at the initiative of a Member State, the Parliament or the Commission, acting by a qualified majority after consultation with the Commission in cases where the initiative did not originate therefrom.

2. These legal instruments shall specify the tasks entrusted to the Union and the powers for their execution by the Union. A justification shall be given for the need for action by the Union.

Such action is justified if

- = a matter cannot be effectively resolved by the legislation of individual Member States or
- = the regulation of an issue by one Member State may be detrimental to the interests of other Member States or the Union or
- = it is a question of preserving legal or economic unity, in particular preserving the uniformity of living conditions beyond the territory of a Member State.

3. These legal instruments shall require the consent of Parliament, which shall adopt them acting by a majority of its Members and with two-thirds of the votes cast inasmuch as the initiative did not originate from Parliament with such a majority.

4. These legal instruments shall require the assent of the national legislative bodies. Such assent shall be deemed to have been given once national parliaments representing a qualified majority in the Council have given their assent to the legal instruments.

Article 7 - Powers following an extension of the terms of reference -

Once jurisdiction and powers have been transferred pursuant to Article 6, the legislation for their implementation shall be enacted in the form of regulations or directives by the Council acting by a qualified majority and with the assent of Parliament.

Article 8

- Powers of the Union -

To enable it to carry out its tasks, the Union shall be accorded the powers set out in Articles 189 to 192 of the Treaty establishing the European Economic Community which it shall exercise under the terms of Title II of this Treaty.

Article 9 - Legal capacity of the Union -

The Union shall have full legal powers. In the Member States it shall enjoy the most extensive legal capacity accorded to legal persons under municipal law. In particular, the Union may acquire or dispose of movable and immovable property and may be a party to legal proceedings. To this end it shall be represented by the Commission of the European Communities.

Article 10

- Allegiance to the Union -

The Member States and the Union shall afford each other solidarity and mutual assistance on a reciprocal basis. They shall undertake to cooperate fully in attaining the objectives of the Union and in facilitating the performance of its tasks.

Article 11

- Human rights -

In the execution of their powers, the institutions of the Union shall respect human rights as defined in the constitutions of the Member States and the European Convention on the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and acknowledged in the Community Treaties.

Article 12 - Jurisdiction of the Court of Justice -

The jurisdiction of the Court of Justice, as provided for in the Community Treaties and in Article 11 of this Treaty, shall cover the acts of the institutions of the Union, other than recommendations or opinions, and the conduct of the Member States with regard to the provisions of this Treaty or the provisions adopted pursuant thereto.

The expenditure of the Union shall form part of the General Budget of the European Communities and shall be established and implemented in accordance with the recognized budgetary procedure.

TITLE II: POWERS OF THE EUROPEAN PARLIAMENT

Article 14

The Assembly provided for by the Community Treaties shall be called the 'EUROPEAN PARLIAMENT'.

Article 15

- Studies by the Commission -

Within the purview of this Treaty and the Community Treaties, the European Parliament may request the Commission to undertake any studies which it deems necessary for the attainment of the common objectives and to submit to Parliament proposals to this effect.

Article 16 - Legislative powers of Parliament subject to the assent of the Council -

The European Parliament, acting by a majority of its Members on a proposal from the Commission, and with the assent of the Council acting by a qualified majority, shall enact legislation to ensure protection of the environment and consumers at European level and to harmonize those aspects of civil, commercial, taxation, fiscal and labour law which fall within the terms of reference of the Union or where this is justified under the Community Treaties.

This legislation may be enacted in the form of regulations or directives.

The Commission shall enact the appropriate implementing provisions.

Article 17

- Legislative powers subject to the
conciliation procedure -

1. If a regulation or directive is to be enacted on the basis of Articles 43, 75 or 235 of the EEC Treaty in a field not yet covered by Community legislation, the appropriate measures shall be taken in accordance with the procedures laid down in the following paragraphs. The same procedure shall apply to any amendments thereto.
2. The European Parliament shall, acting on a proposal from the Commission by a majority of its Members, adopt a draft regulation or a draft directive and forward it to the Council.
3. If the Council, acting by a qualified majority, assents to the draft measures forwarded to it by Parliament, it shall adopt the legislation forthwith.
4. The Council may, acting by a qualified majority, request amendments to the draft measures formulated by Parliament. In this event, the text drawn up by Parliament and the amendments requested by the Council shall be submitted to a conciliation committee consisting of members of the Council and a delegation from Parliament containing the same number of representatives. The Commission shall participate in the work of the conciliation committee.
5. The conciliation committee shall endeavour to reconcile the respective positions of the Council and Parliament. Where the committee, acting by a qualified majority of the members of the Council and by a majority of the members of the delegation from the European Parliament, succeeds in drawing up a single text, the resulting draft measures shall be referred back to Parliament and the Council.

The Council, acting by a qualified majority, shall adopt the draft measures if they have received the assent of Parliament, acting by a majority of its members.

Article 18

- Legislative powers of Parliament in the
event of the Council or Commission failing
to act

1. If the Council or the Commission should fail to act in a matter where the Community Treaties or this Treaty require rules to be adopted, the European Parliament may, acting by a majority of its Members, impose a time limit on these institutions upon the expiry of which the power to enact legislation shall be transferred to Parliament.
2. The decision of Parliament in which a time limit is set shall clearly specify the matter in which the Council or the Commission is in default. Such a decision may not be made more than three months before the expiry of the period laid down in a Treaty or in the provisions adopted pursuant to this Treaty and shall leave the institution in default a period of at least six months in which to act following the date of its notification.
3. If upon the expiry of the time limit imposed on it pursuant to paragraph 2 the Council or the Commission has failed to act or has only partially remedied the situation in which it was in default, Parliament shall be empowered to regulate the matter in whole or in part, having due regard for the rules already issued by the Council or the Commission.
4. In the matters for which it has acquired jurisdiction, Parliament shall act by a majority of its members. This shall be without prejudice to the Commission's rights under the second paragraph of Article 149 of the Treaty establishing the European Economic Community and Article 119 of the Treaty establishing the European Atomic Energy Community.

Article 19 - Legal review of decisions of institutions
by Court of Justice -

The Court of Justice shall, in the manner provided for in Article 173 of the EEC Treaty, also review the legality of acts of the European Parliament other than recommendations or opinions.

The European Parliament shall have the same rights as the Council and the Commission to bring actions pursuant to Articles 173 and 175 of the EEC Treaty.

Article 184 of the EEC Treaty shall apply to acts of Parliament other than individual acts.

TITLE III: IMPLEMENTING, REVIEW AND GENERAL PROVISIONS

Article 20 - Implementing provisions -

The Council shall, acting by a qualified majority on a proposal from the Commission with the assent of Parliament, adopt the measures necessary in order to implement this Treaty.

1. Five years after this Treaty has entered into force, this Treaty and the Community Treaties shall be subject to a general revision designed to strengthen and promote European integration.

2. The general revision shall be adopted by the Council, acting by a qualified majority on the basis of a proposal submitted by the Commission not later than four years after the entry into force of this Treaty and after obtaining Parliament's approval. The draft treaty shall be submitted for approval to a conference of representatives of the Member States and shall enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements. Article 236 of the Treaty establishing the European Economic Community shall apply as appropriate.

Article 22

- Accession -

Any European state applying for membership of the European Community shall simultaneously apply for accession to this Treaty. Article 237 EEC Treaty shall apply as appropriate.

Article 23

- Entry into force -

This Treaty shall enter into force on the first day of the month following the deposit, with the Secretary-General of the Council of the European Communities, of the instrument of ratification by the last signatory State.

Article 24

- Languages -

This Treaty, drawn up in a single original in the ...
languages ...

IN WITNESS WHEREOF, the undersigned plenipotentiaries ...

Done at

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