

## Draft European Act submitted by the Governments of the FRG and Italy (6 November 1981)

**Caption:** On 6 November 1981, the German and Italian Governments submit to their partners in the European Communities a Draft European Act, known as the Genscher–Colombo Plan, which argues for a strengthening of political cooperation between the Ten.

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## Draft European Act submitted by the Governments of the Federal Republic of Germany and the Italian Republic (6 November 1981)(1)

The Heads of State or Government of the ten Member States of the European Communities, meeting within the European Council,

- resolved to continue the work begun with the Treaties of Paris and Rome and to create a united Europe capable of assuming its responsibilities in the world and of rendering the international contribution commensurate with its traditions and its mission,
- considering what has been achieved in the construction of Europe in the spheres of economic integration and political cooperation, and the political objectives of the Community, which enjoy the broad support of all democratic forces in Europe,
- convinced that the unification of Europe in freedom and respect for its diversity will enable it to make progress and develop its culture and thus contribute to the maintenance of equilibrium in the world and to the preservation of peace,
- proceeding from the respect for fundamental rights expressed in the laws of the Community and its Member States and in the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- determined to work together for democracy and fundamental human rights, notably the dignity, freedom and equality of man, and for social justice,
- aware of the international responsibility incumbent upon Europe by virtue of its level of civilization, its economic strength, and its manifold links with the States and nations of other continents,
- convinced that the security of Europe must be guaranteed by joint action on security policy, which would also help to preserve the common security of the members of the Atlantic Alliance,
- having regard to the decisions taken by the Heads of State or Government of the Member States of the European Communities in Paris on 21 October 1972 and the Document on the European Identity published by the Foreign Ministers on 14 December 1973,
- mindful of the statement made by the European Council in The Hague on 29/30 November 1976 concerning the progressive construction of European Union, and in particular the goal, set by the Heads of State or Government, of establishing a comprehensive and coherent common political approach,
- reaffirm their political will to develop the whole complex of the relations between their States and create a European Union. To this end they have formulated the following principles in a European Act as a further contribution to the establishment of European Union.

### Part One: Principles

1. Our peoples expect the process of European unification to continue and to bring increasing solidarity and joint action. To this end the construction of a united Europe must be more clearly oriented towards its political objective; there must be more effective decision-making structures and a comprehensive political and legal framework which is capable of developing. The European Union to be created step by step will be an ever closer union of the European peoples and States based on genuine, effective solidarity and common interest, and on equal rights and obligations for all its members.

2. Desiring to consolidate the political and economic progress already made towards European Union, the Heads of State or Government reaffirm the following aims:

- to strengthen and further develop the European Communities as the foundation of European unification, in accordance with the Treaties of Paris and Rome,
- to enable Member States, through a common foreign policy, to act in concert in world affairs so that Europe will be increasingly able to assume the international role incumbent upon it by virtue of its economic and political importance,
- the coordination of security policy and the adoption of common European positions in this sphere in order to safeguard Europe's independence, protect its vital interests and strengthen its security,
- close cultural cooperation between the Member States, in order to promote an awareness of common cultural origins as a facet of the European identity, while at the same time drawing on the existing variety of individual traditions and intensifying the mutual exchange of experiences, particularly among young people,
- harmonization and standardization in further areas of the legislation of the Member States in order to strengthen the common European legal consciousness and create a legal union,
- the strengthening and expansion of joint activities by the Member States to cope, through coordinated action, with the international problems of public order, major acts of violence, terrorism and transnational crime in general.

3. The European Communities, which continue to be based on the Treaties of Paris and Rome, European political cooperation, the rules and procedures of which are governed by the Reports adopted in Luxembourg (1970), Copenhagen (1973), and London (1981), and the European Parliament shall cooperate in the pursuit of the above aims.

4. Measures to further the development of European political cooperation shall include the following:

- intensified, regular and timely consultations among the Ten with a view to united action on all international questions of common interest,
- the adoption of final positions only after consultation with the other Member States,
- acceptance of statements by the Ten as a binding common basis,
- closer worldwide contacts with other countries of particular interest to the Ten,
- greater respect for resolutions of the European Parliament when the Ten come to decisions.

## **Part Two: Institutions**

The following measures shall serve to amalgamate the existing structures of the European Communities (EC), European Political Co-operation (EPC) and the European Parliament and to strengthen the political orientation of the work of European unification:

1. The decision-making structures of the European Communities and European political cooperation shall be brought together under the responsibility of the European Council. The European Council shall be the source of political guidance of the European Community and of European political cooperation. It shall be composed of the Heads of State or Government and of the Foreign Ministers of the Member States.
2. The European Council shall deliberate upon all matters concerning the European Community and European political cooperation. Preparations for its meetings shall be the special responsibility of the Foreign Ministers. The European Council may take decisions and lay down guidelines.

Matters concerning the European Communities shall continue to be governed by the provisions and

procedures of the treaties of Paris and Rome, and agreements supplementary thereto.

3. The Heads of State or Government reaffirm the central importance of the European Parliament in the development of European Union, an importance which must be reflected in its direct involvement in the decision-making process and by its review function. They therefore envisage the following improvements for the Community within the scope of the Treaties of Paris and Rome:

- (1) The European Parliament shall debate all matters relating to the European Community and European political cooperation.
- (2) The European Council shall report to Parliament every six months. It shall also submit an annual report to the Parliament on progress towards the European Union. In the debate on these reports the European Council shall be represented by its President (or by one of its members).
- (3) The European Parliament may submit oral or written questions concerning all aspects of European Union to the Council and the Commission. It may make recommendations to the European Council, the Council and the Commission. Resolutions of the European Parliament shall be notified to the Council (foreign affairs) for discussion by it. If Parliament asks for the Council's comments, the Council shall comply with the request. The President of the Council shall keep Parliament informed through its Political Affairs Committee of the subjects of international policy dealt with in European political cooperation.
- (4) Before the President of the Commission is appointed, the President of the Council shall consult the President of the European Parliament. After the appointment of the Members of the Commission by the governments of the Member States, an investiture debate shall be held in which Parliament shall discuss the Commission's programme.
- (5) Parliament shall be associated with Community acts of general application which have appreciable financial implications on the basis of the joint declaration by the European Parliament, the Council and the Commission of 4 March 1975 on the conciliation procedure. The conciliation procedure shall be applied by analogy, in a way suited to practical requirements, in legislation by the Council pursuant to the Treaties of Paris and Rome if in its Opinion Parliament asks for this to be done because of the particular significance of the legislation in question.
- (6) Before the accession or association of further States and before the conclusion of international treaties by the European Communities, Parliament shall be consulted: its appropriate committees shall be briefed regularly on such matters. In formulating the expanded consultation procedure, due regard shall be given to the requirements of confidentiality and urgency.
- (7) In the further development of fundamental human rights, special legitimacy attaches to the deliberations and decisions of the European Parliament.
- (8) Continuous reciprocal contacts and consultations between the European Parliament and the national parliaments should be developed further in accordance with procedures determined by the latter, with a view to enhancing public awareness of European unification and making the debates on aspects of European Union more fruitful.

4.

- (1) The Council (foreign affairs) shall be responsible for European political cooperation.

This shall not affect the powers of the Council of the European Communities pursuant to the Treaties of Paris and Rome.

Coordination in matters of security should promote common action with a view to safeguarding the independence of Europe, protecting its vital interests and strengthening its security. For these discussions the

Council may convene in a different composition if there is a need to deal with matters of common interest in more detail.

- (2) In addition, a Council of Ministers responsible for cultural cooperation and a Council of Ministers of Justice shall be established.
  - (3) The European Council may decide on the establishment of further councils to coordinate the policy of the Member States in areas not covered by the Treaties of Paris and Rome.
  - (4) The Council (foreign affairs) may appoint committees to deal with specific questions; they shall report to the Council. Both the Council and the committees may avail themselves of the services of experts.
  - (5) The role of the Presidency in European political cooperation will be strengthened by both expanding its powers as regards initiatives and coordination and enhancing its operative capabilities.
5. The Council of Ministers responsible for cultural cooperation shall hold regular exchanges of views on close cooperation in order to harmonize their positions on cultural matters as far as possible. For these deliberations the Member States may be represented by the appropriate ministers in accordance with their respective constitutional provisions.
  6. The Council of Ministers of Justice shall hold regular exchanges of views on aspects of cooperation in matters of law enforcement in order to promote the European Union in this sphere too.
  7. The European Council and the councils shall, where matters pertaining to the European Communities are concerned, be assisted by the Secretariat of the Council and, in the fields of foreign policy, security policy and cultural cooperation, by an expandable Secretariat of European political cooperation.
  8.
    - (1) In view of the need to improve the decision-making processes and hence the European Communities' capacity for action, decisive importance attaches to the voting procedures provided in the Treaties of Paris and Rome. The Member States will utilize every opportunity to facilitate decision-making.
    - (2) To this end greater use should be made of the possibility of abstaining from voting so as not to obstruct decisions. A Member State which considers it necessary to prevent a decision by invoking its 'vital interests' in exceptional circumstances will be required to state in writing its specific reasons for doing so.
    - (3) The Council will take note of the reasons stated and defer its decision until its next meeting. If on that occasion the Member State concerned once more invokes its 'vital interests' by the same procedure, a decision will again not be taken.
    - (4) Within the scope of European political cooperation, the Member States shall likewise utilize every opportunity to facilitate decision-making, in order to arrive more quickly at a common position.
  9. The Heads of State or Government stress the particular importance attaching to the Commission as guardian of the Treaties of Paris and Rome and as a driving force in the process of European integration. In addition to its tasks and powers under the Treaties of Paris and Rome, the Commission shall advise and support the European Council, whose meetings it shall attend, by making proposals and comments. It shall be associated closely with European political cooperation.
  10. The Court of Justice of the European Communities has an important role to play in the process leading to the European Union. In ensuring the observance and further development of Community law, it acts in accordance with the Treaties of Paris and Rome. It should be granted appropriate powers of interpretation and possibly of arbitration under international treaties concluded between Member States.

### **Part Three: Perspectives**

1. All other European States which share the values and aims embodied in this Act and accede to the European Communities may accede to the 'European Act' so as to participate in the achievement of European Union.

On acceding to the European Communities they undertake to accede to this 'European Act'.

2. The Heads of State or Government shall subject this 'European Act' to a general review five years after its signing with a view to incorporating the progress achieved in European unification in a Treaty on European Union. To this end a draft shall be submitted to the European Council by the Foreign Ministers before the end of the said period and presented to the European Parliament for comment.

3. In witness whereof, the undersigned Representatives of the Member States, conscious of the great political importance which they attach to this joint declaration, and resolved to act in accordance with their will as expressed above, have appended their signatures to this European Act.

#### **Draft statement on questions of economic integration**

1. The achievement of the European Union requires further progress as regards the economic integration of Europe. Therefore the Heads of State or Government reaffirm in the European Act the primary goal of strengthening and developing the European Communities in accordance with the Treaties of Paris and Rome.

2. The solution of the problems currently being dealt with in the European Communities is essential if the solidarity of the Community is to be strengthened.

3. This implies, in the interest of all Member States and the standard of living of their citizens, a functioning internal market, an adjustment of the common agricultural policy and an improvement in the budgetary structure. The common market must not only be maintained: it must be brought to completion.

4. The European Monetary System, which has led to the creation of a major zone of monetary stability, is a positive element. Beyond the monetary stability guaranteed by the EMS, the Member States should strive to achieve an increasing convergence of their economies. Looking ahead to economic and monetary union, which, as part of European Union, is to consolidate the economic and financial solidarity of the Community, they should aim at a closer coordination of their economic policies, not least with a view to the further development of the EMS.

The Member States should examine how, within the means available, Community policies suitable for achieving the goal of integration might be developed.

5. The accession of Spain and Portugal to the European Community should become reality in the interest of consolidating democracy in Europe, expanding the European economic area and strengthening Europe's position in the world.

6. A European Community completed and strengthened in this way will be in a position to utilize the potential of the European economic area, increase its competitiveness, improve investment opportunities and thus reduce the level of unemployment.

(1) This is a version of the English text laid before the European Council as revised by the Commission's Language Service.