

## Alternative Treaty drawn up by France's five partners (20 January 1962)

**Caption:** On 20 January 1962, having rejected the second version of the Fouchet Plan (Fouchet Plan II) submitted by France on 18 January 1962, France's five partners subsequently publish an alternative to the Treaty on European Political Union.

**Source:** Selection of texts concerning institutional matters of the Community from 1950 to 1982. Luxembourg: European Parliament - Committee on Institutional Affairs, 1982. 561 p.

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**URL:** [http://www.cvce.eu/obj/alternative\\_treaty\\_drawn\\_up\\_by\\_france\\_s\\_five\\_partners\\_20\\_january\\_1962-en-c5839dd1-dc1f-44c9-9048-184718705c22.html](http://www.cvce.eu/obj/alternative_treaty_drawn_up_by_france_s_five_partners_20_january_1962-en-c5839dd1-dc1f-44c9-9048-184718705c22.html)

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## <ar>Article 1</ar>

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.

## <ar>Article 2</ar>

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:

<liste><puce> </puce> the adoption of a common foreign policy;

<puce> </puce> the adoption of a common defence policy [within the framework of the Atlantic Alliance] [as a contribution towards strengthening the Atlantic Alliance];

<puce> </puce> close co-operation in the educational, scientific and cultural fields;

<puce> </puce> the harmonization and unification of the laws [and of the legal institutions] of Member States;

<puce> </puce> the settlement, in a spirit of mutual understanding and constructive co-operation, of any differences that may arise in relations between Member States.</liste>

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.

<ar>Article 3</ar>

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.

<ar>Article 4</ar>

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

<par1> the Council;  
the Committees of Ministers;  
the European Parliament;  
[the Court of Justice].</par>

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

<ar>Article 5</ar>

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.

n 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.

<ar>Article 6</ar>

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 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].

<ar>Article 6 a</ar>

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.

#### <ar>Article 7</ar>

1. The following committees shall be set up:

<liste><puce> </puce> a Committee of Foreign Ministers [responsible, in particular, for preparing the meetings of the Council];

<puce> </puce> a Committee of Ministers for Defence and for the Armed Forces;

<puce> </puce> 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.</liste>

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.

#### <ar>Article 8</ar>

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.

#### <ar>Article 9</ar>

1. The Council shall appoint for a period of &&& a Secretary-General who shall be independent of the Governments of the Member States

es 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 independence of the Secretary-General and his staff and to refrain from influencing them in the performance of their duties.

<ar>Article 10</ar>

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:

<liste><puce> </puce> address oral or written questions to the Council;

<puce> </puce> submit recommendations to the Council;

<puce> </puce> give its opinion on questions submitted to it by the Council.</liste>

[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:

<liste><puce>(a)</puce> Treaties concluded by the European Union with third States or international organizations;

<puce>(b)</puce> Decisions of the Council that necessitate intervention by parliamentary organs in the Member States.]</liste>

<ar>Article 10 a</ar>

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.

<ar>Article 10 b

Court of Justice</ar>

Reserved pending study of the articles prepared by Ambassador Op  
hüls.

<ar>Article 11</ar>

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

<ar>Article 12</ar>

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

2. Estimates shall be drawn up of all revenues and expenditures rel  
ating 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 as  
sistance of the Political Commission, shall be adopted by the Coun  
cil after obtaining the Parliament s opinion.

<ar>Article 13</ar>

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



<par1><tab>Belgium 7.9  
France 28  
Federal Republic of Germany 28  
Italy 28  
Luxembourg 0.2  
Netherlands 7.9</tab></par>

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.

<ar>Article 14</ar>

The budget shall be implemented by the Secretary-General.

<ar>Article 14 a</ar>

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].

<ar>Article 15</ar>

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 con

sulted 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.

<ar>Article 16</ar>

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 role 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 general review. This shall aim at determining for 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 of 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.

<ar>Article 18</ar>

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 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.

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.