

Draft of the Sub-Committee of the Committee for the Study of European Unity (15 December 1948)

Caption: On 15 December 1948, the Sub-Committee of the Committee for the Study of European Unity submits a draft constituent text for a European Union.

Source: Historical Archives of the European Union, Villa il Poggiolo, Florence. Deposits, DEP. Fernand Dehousse, FD. Council of Europe, FD.D.B. Committee for the Study of European Unity, FD.D.B.-01. Working documents, FD-206. Sub-Committee Draft for Submission to plenary Committee, Doc. Europe n° 7. Paris: Committee for the study of European unity, 15.12.1948. 1 + 5 (Annex 1) +1 (Annex 2) p.

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Preamble

At its meeting on the 30th of November, the Plenary Committee decided to entrust to a Sub-Committee the task of examining the different proposals which had been submitted to it. This Sub-Committee began its work on the following day, the 1st of December, and held twelve meetings under the chairmanship of M. Loesch, delegate of Luxembourg.

It took as its basis of discussion the British memorandum and the draft Franco-Belgian proposal. It also examined the declaration passed by the Netherlands member. It took note moreover of the memorandum addressed by the Italian Government to the various governments members of the E.R.P.

At their request the Sub-Committee received the following delegations:

(a) On the 8th December a delegation from the European Parliamentary Union, composed of MM. Georges BOHY, COUDENHOVB-KALERGI, René COTY, Ronald MACKAY and GILSON.

(b) On the 9th December a Delegation of the European Movement, consisting of MM. Duncan SANDYS, Robert BICHET, Henri BRUGMANS, de la VALLEE POUSSIN, Raoul DAUTRY, LEENHARDT and RETINGER.

The Delegation of the European Parliamentary Union submitted briefly its previous resolutions. The Delegation of the European Movement transmitted a new memorandum which was subsequently examined by the Sub Committee.

While reserving to each of the Governments concerned the final decisions on the principles of the problems studied, the Sub-Committee has sought to find common ground between the different plans before it. The Sub-Committee transmits herewith, as Annex I, the results of its labours, and in Annex II a statement of questions which the Sub-Committee decided to reserve. The memoranda, originally put forward by the British and French Governments respectively are, for convenience of reference, appended as Annexes III and IV.

The Sub-Committee wishes particularly to add that its work was carried on in an atmosphere of entire frankness and of mutual comprehension. This work has confirmed among its members those feelings of friendship and cordiality which augur so well for the future of European unity.

Annex I

Draft for Submission to Plenary Committee

I

There shall be created a Council of Europe and a European Consultative Assembly.

Council of Europe

II

Each member-country of the European Union shall be represented in the Council by a Minister, assisted, if necessary, by a delegation chosen by each Government.

III

The Council of Europe shall have power to discuss questions of common concern to the member-countries and to take all decisions.

The meetings of the Council shall be held in private. The Council shall undertake preparatory work for the meetings of the Assembly in conjunction with the commissions nominated by that body.

The meetings of the Council shall begin at a date some days before each meeting of the Assembly and at such other times as the Council may determine.

IV

Unless the Council otherwise decides, and subject to paragraphs IX (b) and (c), decisions of the Council shall be taken by common consent.

European Consultative Assembly

V

The Consultative Assembly shall act in a deliberative and advisory capacity in relation to the Governments of the States members of the European Union.

1st Version

Unless the Governments decide otherwise it shall have no legislative or constituent powers. Defence matters, in any case, shall not be within its competence.

2nd Version

Legislative or constituent power may be conferred upon the Assembly only by a joint decision of the Governments concerned. Defence matters, in any case, shall not be within its competence.

It is understood that although the Assembly cannot in any way act as a Constituent Assembly, it retains the right to discuss the conditions under which European unity may eventually be achieved.

VI

1°- The Assembly shall discuss any question whatsoever upon which its opinion is sought by the Council of Europe.

2°- In addition it shall be entitled, of its own initiative, and subject to the provisions of paragraph IX below:

- a) To study problems and proposals relating to matters of common concern to the member nations, and more particularly to discuss the economic, social and juridical problems of interest to them.
- b) To examine practical measures designed to promote closer unity among them (and in particular, to study the creation of international organs for the direction in common of important services or activities).

c) To consider methods for developing among the European peoples a better understanding of the principles which form the basis of their common civilisation and for promoting cultural relations.

d) To consider means for associating in the solution of European problems overseas states and territories in special relationship with member countries.

3°- Decisions taken by other international European bodies of which the Governments concerned are members, shall not be the subject of any resolution by the Assembly.

VII

a) The members of the Assembly shall be chosen by the various European legislative chambers. The method of choice may, of course, vary in the case of each country.

b) The period of service of members of the Assembly shall end with the termination of the powers of the legislative chamber which nominated them.

c) Vacancies in the Assembly may be filled either by the nomination of alternates or by any other method appropriate to the practice of the respective countries.

VIII

a) The Assembly shall determine its own rules of procedure.

b) The Assembly shall hold one or more ordinary sessions a year; the date and duration of which shall be determined (by the Assembly) with a due regard for the parliamentary situation in the countries concerned. In no case shall the ordinary sessions exceed one month in all.

Extraordinary sessions may be held with the consent or at the instance of the Council.

c) Commissions for the detailed examination or preparation of important questions to be discussed at the ensuing session shall be constituted by the Assembly, if necessary, at the end of each ordinary session and will normally report to the Assembly at its next ordinary session. Decisions on whether a question is of sufficient importance to be referred by the Assembly to a commission shall be taken by a two-thirds majority.

d) The debates will be conducted in public and will be published by the Assembly save in cases where it determines otherwise.

Relations between Council and Assembly

IX

a) The Council of Europe shall transmit in writing to the President of the Assembly questions upon which it seeks the opinion of the Assembly or any other communication. Resolutions of the Assembly shall be transmitted to the Council in the same way.

b) The Council shall decide by a majority of two thirds to submit any question for discussion to the Assembly.

c) The Assembly shall decide by a majority of two thirds of its members the questions which it proposes to

place upon the agenda of its own initiative, in accordance with paragraph VI 2° above. The President of the Assembly shall communicate the list of such questions to the Council. The Council shall have the power (within two days following the receipt of the communication by the secretariat) to refuse consent by a majority of two-thirds to any questions being placed on the final agenda.

d) No member of the Council shall take part in the meetings of the Assembly. Nevertheless, so far as it shall consider it useful, the Council may send a representative to any sitting of a commission of the Assembly.

e) The Council shall bear in mind the desirability of providing the Assembly with as complete a documentation as possible of its activities.

Secretariat and finance

X

a) A Secretariat shall be established at the seat of the Union.

b) Each country shall bear the costs of its own representation. Common expenses shall be defrayed by the Governments in proportions to be determined.

Annex 2

Questions which the Sub-Committee consider to be outside its terms of reference or which the Plenary Committee might wish to refer to the Governments

(1) Nature of diplomatic instrument required for institution of the European Union.

(2) Proportion of seats reserved for non-Parliamentary representatives: one-quarter or one-third of each delegation?

(3) Attitude to be adopted in regard to the inclusion in the Assembly of elements antagonistic to the idea of European unity.

(4) Place where the European Union will have its seat.

(5) Number of seats allocated to each Member-State (suggestion by M. Dehousse: U.K. 25, France 25, Belgium 8, Netherlands 8, Luxembourg 3.)

(6) Accession of new Members.