

Carlo Curti Gialdino, The Symbols of the European Union: the choice of the flag


Caption: In his book entitled The Symbols of the European Union, Carlo Curti Gialdino, Professor of International Law at the University of Rome ‘La Sapienza’ and Legal Secretary at the Court of Justice of the European Communities from 1982 to 2000, gives an account of the steps which led to the choice of the European flag.

Source: CURTI GIALDINO, Carlo. I Simboli dell'Unione europea, Bandiera - Inno - Motto - Moneta - Giornata. Roma: Istituto Poligrafico e Zecca dello Stato S.p.A., 2005. 224 p. ISBN 88-240-2503-X. p. 41-71.

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Last updated: 08/08/2016



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3. The European Communities and the choice of the flag (1958-1986)

3.1. The first initiatives by the European executives: the ECSC and Euratom flags

In accordance with the Consultative Assembly's Recommendation (55)88 of 25 October 1955 and the Committee of Ministers Decision of 8 December 1955, the Secretary-General of the Council of Europe wrote on 20 December 1955 to the President of the ECSC High Authority, René Mayer, and to the Secretaries-General of the Organisation for European Economic Cooperation (OEEC) and the Western European Union (WEU), informing them of the choice of the emblem and the hope of the bodies of the Council of Europe that other European organisations would adopt similar emblems. The Secretary-General, Lodovico Benvenuti, sent a similar note on 10 June 1959 to Walter Hallstein, President of the EEC Commission, and Étienne Hirsch, President of the Euratom Commission. ⁽¹⁰¹⁾ Lodovico Benvenuti repeated his request a few months later in a memorandum of 27 November 1959. ⁽¹⁰²⁾

The initiative was not particularly successful for various reasons. The OEEC refused to adopt an emblem resembling that of the Council of Europe, as it considered that it pointed to a resolve to bring about a political union that did not respect national sovereignty. The ECSC, on the other hand, and for opposite reasons, perceiving itself as supranational and working towards a federation, did not want to adopt the symbol of an intergovernmental organisation such as the Council of Europe. ⁽¹⁰³⁾ From 1958, ⁽¹⁰⁴⁾ two ECSC emblems were being used: ⁽¹⁰⁵⁾ the first showed six gold stars on a background which was half black and half blue, symbolically representing coal and steel; ⁽¹⁰⁶⁾ that flag was modified over time, however. The number of stars increased, following enlargement of the Community, from six to nine, then 10 and finally 12. The colour of the stars also changed from gold to silver. The flag ultimately had twelve silver stars on a background which was half black and half blue. It was lowered on 23 July 2002 before the Berlaymont in Brussels, during the ceremony celebrating the end of the ECSC, when the fifty-year term of its Treaty expired. The second emblem drew on the colours of the six national flags, taking away one colour in each flag to end up with four colours which were each to be found in the six flags of the Member States. The flag thus had four vertical stripes (green, red, blue, yellow) with a circle of six white stars at its centre. That flag was nevertheless abandoned in case it was too similar to some of the national flags of countries outside Europe.

The Euratom Commission, for its part, had designed a light-blue flag with six silver stars.

In summer 1959, moreover, the Belgian Government had introduced vehicle licence plates with six silver stars around the letters EUR for employees of the European Communities. Six stars were chosen because it was difficult to include a larger number given the size of the licence plates. ⁽¹⁰⁷⁾

3.2. The European Parliamentary Assembly's views on the matter

The question of the flag was brought to the attention of the European Parliamentary Assembly in 1959. ⁽¹⁰⁸⁾ The Committee on Political Affairs and Institutional Issues met in Paris on 10 July 1959 at the Palais de Chaillot. Walter Hallstein, President of the EEC Commission, proposed that the adoption of an official symbol for the Communities should be examined, giving a flag as an example. He pointed out that the lack of any symbol of identity had been particularly apparent during the official visit to the United States and other countries by the Presidents of the three European executives (Finet, Hirsch and Hallstein himself); a flag was needed not for reasons of prestige but for practical and operational reasons. Speaking in the debate, Ferdinand Friedensburg approved the idea of the flag 'which is a gauge of cohesion and a stimulus whose value should not be underestimated'. ⁽¹⁰⁹⁾ The issue was linked to the right of legation, and Marinus Van der Goes van Naters ⁽¹¹⁰⁾ was appointed rapporteur. The parliamentary committee dealt with the issue at its meetings in Rome on 13 and 14 October and in Brussels on 19 November 1959, chaired by Emilio Battista. In his report, Van der Goes van Naters pointed out that a decision by the three executives in relation

to the choice of an emblem for the European Communities ‘would not come up against any problems from the point of view of the national laws of the six Member States or from the point of view of international law. Any group of persons, any private or other company has the right to choose an emblem for themselves. To the extent that it is a “mark”, it is possible to register it to protect it from abuse and imitation. The problem is slightly different if it is a flag and not an emblem. A flag belongs to a State or another subject of international law. Flying the flag has legal consequences deriving from international custom or maritime or air conventions. That fact implies rights and duties. Since the European Community belongs in fact and in law to the category of subjects of international law and given that it could have an interest in the recognition of its flag (ships, vehicles, aircraft, etc.), it is recommended that the Assembly – and the three Executives – decide that the emblem which it adopts functions as a genuine flag’.⁽¹¹¹⁾

Following the Assembly’s debate,⁽¹¹²⁾ the Secretary-General of the Council of Europe, the Italian Lodovico Benvenuti, sent the President of the Assembly, Robert Schuman, a ‘note on the flag of the European Communities’ on 27 November 1959.⁽¹¹³⁾ This note, after briefly recalling the decision of the Committee of Ministers of 8 December 1955 to choose the circle of twelve gold stars on an azure background as an emblem and noting its symbolic nature,⁽¹¹⁴⁾ went on to consider the option of a number of stars other than twelve (a flag with six gold stars had been proposed in the Van der Goes van Naters resolution), listing at least five drawbacks.

First, the symbolic value of the number twelve, representing the unity of all the European peoples, would no longer be included.

Second, a link would inevitably be made in the public mind between the number of stars and the number of members of the various institutions, thereby falsifying the interpretation of the emblem and harming the dignity of the institutions.

Third, if there were further accessions, the number of stars would have to be changed so that there was no doubt in the public mind about the number of Member States.

Fourth, if the public were to attend a European event that was flying a flag in honour of Europe, it would be necessary to decide every time, and depending on the institutions to be feted, which flag should be chosen and how many stars it should have.

Lastly, differences between European emblems would lead to the loss of an emotive element of major importance in stepping up awareness of Europe. A range of European emblems would therefore run counter to the dissemination of the idea of Europe.

In conclusion, the Secretary-General of the Council of Europe suggested the solution, already advocated by the Consultative Assembly during work to prepare for the adoption of the European flag, of including particular signs or symbols to indicate the various institutions in the centre of the circle of twelve stars. This solution would not only mean that the circle of stars could be used in a completely free way, but would also make it possible clearly to distinguish between the various organisations, protecting the use of their respective emblems.

On 19 November 1960 the issue was debated in plenary. Van der Goes van Naters, as rapporteur, criticised the argument put forward in the note from the Council of Europe and taken up by some parliamentarians in committee. He pointed out, first of all, that the flag with twelve stars, far from being the symbol of Europe, was the flag of the Council of Europe. Therefore ‘adding letters, signs or symbols to the flag of the Council of Europe would give the impression that the institution flying that augmented flag is part of the Council of Europe which, as it bears the general symbol, would be a parent institution. That would be an erroneous impression and to be avoided’.⁽¹¹⁵⁾ Van der Goes van Naters also took the view that the Council of Europe’s Secretary-General’s fear that differences in the emblems ‘would lead to the loss of an emotive element of major importance in stepping up awareness of Europe’ was not a real problem. The difference ‘would lie only in the number of stars, as their shape, gold colour and blue background are identical and that affinity will not escape anyone. It convincingly expresses the European solidarity that is the driving force of our

Community and its peoples'. ⁽¹¹⁶⁾ As regards the impact of subsequent accessions on the relationship between the number of stars and the number of Member States, Van der Goes van Naters argued for a policy of stability and therefore for keeping the six gold stars on a blue background.

Many Members spoke in the debate. Natale Santero agreed with the parliamentary committee's proposal and considered that 'the two flags must be differentiated for reasons of "clarity" given that most people, even those who are better informed, readily confuse the Council of Europe with the Community of Six, and the Consultative Assembly with the WEU Assembly and the European Parliamentary Assembly'. Santero took the view that if new Member States were to accede, the number of stars would have to be increased. Fernand Dehousse, in contrast, criticised the idea of a flag for the Communities. He felt little enthusiasm for the emblem chosen by the Council of Europe, which had never in his view been a flag 'under whose colours one fights'. Dehousse said that the Council of Europe flag was like the 'logo of a trademark for starch in my country or, at best, the banner of a transatlantic company'. He recalled that Pierre-Henri Teitgen had said in conversation one day: 'You don't understand: it is a processional standard!' After disagreeing with both the blue colour and twelve as the number of stars, Dehousse went on to say that the issue was more important than it might seem. He called therefore for further study and a competition for a flag specific to the European Communities. The Communities 'embody such marked progress of the notion of integration that a separate flag is justified. Later, as in the case of the British dominions, it could be possible to put an emblem common to the whole of Europe in a corner of the flag'. ⁽¹¹⁷⁾ Wilhelmus Schuijt also insisted that the flag should be different from the Council of Europe flag. He was puzzled, however, by the proposal of a circle of six stars given that, if the Council of Europe considered twelve to be the symbol of perfection and completeness, six stars on a blue background might be seen as 'the expression of semi-perfection and, to some extent, a fraction of completeness'. The proposed flag, moreover, had no symbolic or heraldic relationship with national colours. In Schuijt's opinion, the European emblem ought to have some relationship with the colours of the national flags. For that reason, he proposed a flag 'with four vertical stripes: gold, blue, red and green, with a circle of six silver stars'. ⁽¹¹⁸⁾ This, however, was met with laughter in the chamber. Giuseppe Caron, Vice-President of the EEC Commission, speaking on behalf of his colleague Jean Rey, stated that the Commission had not looked in detail at the issue of the flag; and a very open-ended answer was also given by Emmanuel Sassen, a member of the Euratom Commission. Albert Wehrer, a member of the ECSC High Authority, took a more definite stance and, after recalling the designs of the two flags chosen in 1950s by the Coal and Steel Community, ⁽¹¹⁹⁾ said that he was in favour of a single popular emblem able to symbolise the European ideal. ⁽¹²⁰⁾ The rapporteur, Van der Goes van Naters, speaking in the debate, took up Dehousse's idea of a competition run by the three executives, in conjunction with the Assembly, to find a separate and bespoke design for the flag and proposed that the resolution be amended accordingly. Santero, however, said that he would abstain for two reasons: first because the choice of the flag with six stars on a blue background symbolised, physically as well, the first nucleus of Europe that the Communities was keen to portray as part of a wider community, represented by the flag with twelve stars on a blue background, and, second, because a competition had already been run for the flag of the Council of Europe. ⁽¹²¹⁾ Following approval of the amendment tabled by the rapporteur, the resolution was adopted: ⁽¹²²⁾ the Assembly 'considering that it is politically necessary for the three European Communities to have an emblem functioning as a flag, recommends that the Council, the High Authority and the Commissions decide on the flag of the European Communities by means of a European competition, following consultation of the European Parliamentary Assembly'. ⁽¹²³⁾

The decision to organise a competition for the European flag was widely reported in the press ⁽¹²⁴⁾ and in radio broadcasts, ⁽¹²⁵⁾ with the result that many citizens sent their designs to the European Parliament. ⁽¹²⁶⁾ The Joint Press and Information Service of the European Communities organised an informal meeting on 9 January 1961, inviting experts from the Member States chosen for their specialist knowledge in this area. ⁽¹²⁷⁾ The group suggested asking twenty artists from the six Member States each to propose three designs and in parallel to ask the public at large, young people in Europe and the press to suggest criteria for assessing them. The proposal was submitted ⁽¹²⁸⁾ to Emilio Battista, Chairman of the Committee on Political Affairs and Institutional Issues, who, after consulting Van der Goes van Naters, considered that it was in keeping with the resolution adopted. ⁽¹²⁹⁾ The competition was never run, however, and it does not seem that the Council of Ministers ever examined how the parliamentary resolution should be followed up.

From that time, the issue was left in abeyance for many years. ⁽¹³⁰⁾

3.3. Forgotten in the 1960s and 1970s

In 1970, at the Universal Exhibition in Osaka in Japan, the EEC was represented by a flag with six gold stars. In 1973, the European Parliament adopted its own emblem, the initial proposals for which, mooted by the Assembly's Protocol Service, dated back to 1962: on a blue background, the letters EP and PE were placed at the centre of a golden laurel wreath linked by three rings, later replaced by the twelve stars. In May 1975, a flag with twelve stars at its centre, plus a thirteenth having double the diameter of the others, was flown at the Palais des Congrès in Brussels alongside the flags of the nine EEC Member States at that time. In early 1978 a hot-air balloon with a crew made up of citizens from the nine Member States took part in the round-the-world contest for hot-air balloons. Called 'Treaty of Rome', the hot-air balloon did not fly the blue flag with twelve gold stars, but a square blue flag with a white central insert showing nine stylised human figures holding hands. ⁽¹³¹⁾

For its part, the Commission launched a competition in late 1972 open to professional graphic designers and draughtsmen and to students of graphic arts in the Member States and the candidate countries. ⁽¹³²⁾ The purpose was not to design a flag but an emblem to be used largely for publicity purposes. ⁽¹³³⁾ The competition rules stated that the design had to be easy to remember, should not follow the vagaries of fashion, should not indicate the number of Member States, should not depict the letters EEC or CEE (although the letter E could be used as a base for the graphic), should suggest a united community and should reflect the dynamism of Europe's democratic unification. There were 6 300 entries from 2 200 competitors; the jury, made up of four graphics art specialists, two representatives of the European Commission and an independent figure, decided not to award a first prize and to divide the funds available into ten equal prizes. Six entries were variations on the theme of the E; one of these, from the Briton of Australian origin, Vilam Rotter, a stylised gold E on a dark blue background representing the internal strength and world importance of the Community, ⁽¹³⁴⁾ was often used by the Commission in subsequent years, ⁽¹³⁵⁾ although the Commission did not consider it appropriate to choose any of the designs as a definitive Community emblem. As for the stylised E, used from 8 November 1978, ⁽¹³⁶⁾ first in official publications (*General report, Bulletin*, etc.) and then for more general information purposes, the Commission considered that as it had no particular connotation as a political symbol, it could not prejudice any future decision on the Community emblem to be used by all the Community institutions. ⁽¹³⁷⁾

There are various reasons for this lack of interest in the issue of the flag. First of all, relations between the Member States, especially France, and the European executives, and between the Council of Ministers and the European Commission, were very strained in the 1960s and early 1970s, especially as regards the Community's international relations. This can be seen from what is known as the 'Luxembourg compromise' on the accreditation of diplomatic representatives from third countries by the Communities ⁽¹³⁸⁾ and the differing stances taken by legal commentators on the Community's international personality ⁽¹³⁹⁾ until the Court of Justice clarified the scope of the external powers of the Communities in its *AETS* judgment. ⁽¹⁴⁰⁾ Moreover, an awareness that the issue of the flag had to be included in matters relating to the Community's external relations, in respect of the right of legation and the right to fly a flag, can be seen right from the initial discussions in 1959 in the Committee on Political Affairs and Institutional Issues of the European Parliamentary Assembly. It is likely, therefore, that the Community institutions and in particular the Commission had decided, consciously or unconsciously, to wait for a more propitious situation. ⁽¹⁴¹⁾ It should also be borne in mind that attention started to be paid in Brussels to a genuine image policy for the Community much later than in the case of the Council of Europe.

Evidence of this very cautious, not to say indifferent, attitude on the part of the European Commission can be seen in some of its replies to parliamentary questions. On 10 February 1976, for instance, it took the view that the issue of a possible flag for the Community merchant fleet could cause problems in various sectors such as fisheries, maritime trade and navigation. ⁽¹⁴²⁾ On 20 April 1977, replying to a written question from Tom Normanton, the Commission said that the possibility of a flag for the Community was not to be ruled out but that there were no plans for the immediate future. ⁽¹⁴³⁾ In 1978 the MEPs Colette Flesch and Hans-Jürgen Klinker proposed that the Community should be represented by a European flag at the Olympic

Games in Moscow in 1980, but the Commission reiterated that there were no plans in this respect. ⁽¹⁴⁴⁾ The Commission published the results of the 1973 competition, of which the European Parliament had never been officially informed, in that same year. ⁽¹⁴⁵⁾

3.4. Fresh impetus from the European Parliament

It was the European Parliament, following the first elections by universal direct suffrage (1979), that gave fresh impetus to the European flag initiative.

A motion for a resolution was tabled on 31 October 1979 by Ingo Friedrich and other MEPs from the Christian-Democratic Group (EPP). ⁽¹⁴⁶⁾ The motion concerned the adoption of a European flag for the European Community. It was proposed, in substance, to adopt a blue flag with twelve gold stars in a circle. The heraldic description was absolutely identical to the description adopted on 8 December 1955 by the Committee of Ministers of the Council of Europe, although there was absolutely no mention of that description. On 5 November 1979, the motion for a resolution was put before the Political Affairs Committee for its opinion. The Committee decided on 8 July 1980 that Kai-Uwe von Hassel should draw up a report. The issue was discussed at various meetings of the Political Affairs Committee (19–20 October, 29 November–1 December 1982, 19–21 January 1983). The Political Affairs Committee adopted the motion for a resolution with 13 votes in favour, two against and two abstentions. The report suggested that agreement should be reached between the European Parliament and the Parliamentary Assembly of the Council of Europe and that a joint working party should be set up and a parallel vote held on an identical motion for a resolution highlighting, through the choice of a common symbol, the complementary and cooperative nature of the two institutions. In von Hassel's opinion, it was 'vital to provide the European people with a common symbol. Complementarity, solidarity and a sense of unity must not be jeopardised by separate symbols'. ⁽¹⁴⁷⁾

The resolution was adopted by the European Parliament on 11 April 1983, ⁽¹⁴⁸⁾ with 50 votes in favour, 19 against and four abstentions. The preceding debate is worth noting. First, von Hassel, as rapporteur, mentioned that he had consulted the President of the Council of Europe's Parliamentary Assembly, José María de Areilza, the Secretary-General Franz Karasek and the French parliamentarian Louis Jung, Chairman of the Parliamentary Assembly's relevant committee, who had informally passed on the Council of Europe's agreement in principle to the use of its flag by the Communities. ⁽¹⁴⁹⁾ Ernest Glinne nevertheless made some critical comments, pointing out that 'we [Socialist Group] do not consider it wise, however, to take over, however indirectly or craftily, the flag of the Council of Europe. We think that we should avoid confusing the institutions which claim to represent the European ideal and that the European Community should have a specific identity'. For that reason he felt that the matter should be referred back to committee for further study and a competition organised in the ten Member States. The MEPs Jørgen Bøgh, Christopher Jackson and Amédée Turner also spoke on the need to differentiate the symbols and called for a competition to be run. In the explanations of vote ⁽¹⁵⁰⁾ Vassilis Ephremidis criticised the choice of the flag, commenting that 'this is demonstrated by the lack of ideas about what it [...] should symbolise. There are 10 of you, but you want 12 stars in anticipation of the accession of two other countries'. He felt that it was paradoxical, at a time when the Community was beset by serious crises, to be deliberating whether it should have its own symbol. Derek Prag was in favour, however, especially if efforts were made for Parliament to be able to keep its own symbol just as the British Parliament flew its own flag alongside the Union Jack. ⁽¹⁵¹⁾ Eva Gredal did not agree with Ernest Glinne, Chairman of the Socialist Group, and felt that time was being wasted discussing such arguments in a period of serious economic recession. Similar comments were made by Tove Nielsen. Lastly, Victor Abens said that he would abstain 'because the Council of Europe, to which this emblem belongs, has apparently not even been asked for its opinion'. Karl-Heinz Narjes, Member of the Commission, was cautious. While he felt that the citizens of Europe had a legitimate need to give outward expression to their membership of a major European organisation by identifying with symbols, he also felt that contacts between the President of the European Parliament and the President of the Parliamentary Assembly of the Council of Europe were valuable and useful and, while awaiting their results and the outcome of the parliamentary debate, he said that the Commission would be pleased to present suitable proposals for a decision by the Community organs on the adoption of a common flag. ⁽¹⁵²⁾

At the same time it was decided to ask the Chairman of the Political Affairs Committee to contact the chairman of the appropriate committee of the Parliamentary Assembly of the Council of Europe with a view to finding common ground for the implementation of a decision on a symbol for Europe by means of an agreement between the President of the European Parliament and the President of the Council of Europe's Parliamentary Assembly. The Council of Europe's flag with twelve gold stars on a blue field, which the Council had adopted in 1955, would become the flag of Europe. Consequently, the flag with the European Parliament's initials, which it had used unofficially up to then, would be withdrawn. ⁽¹⁵³⁾ The President of Parliament was also to take steps to ensure that the governments of the Member States 'decreed' [*sic* !] that all European establishments fly this flag.

What emerges from this resolution is the European Parliament's resolve to conclude an agreement with the parliamentary body of the Council of Europe on the use of a common flag, and the recognition that the Member States' governments were competent to decide on the use of the flag by all the Community institutions.

On 28 April 1983, the Secretary-General of the European Parliament, Hans-Joachim Hopitz, wrote to the Secretary-General of the Council of Europe, Franz Karasek, forwarding the resolution. ⁽¹⁵⁴⁾

In the Council of Europe's Parliamentary Assembly — before which Secretary-General Karasek welcomed the European Parliament's adoption of the resolution on the flag on 25 April 1983 — the matter was referred for opinion to the Political Affairs Committee and the Conference of Local and Regional Authorities.

The Political Affairs Committee decided, however, that it lacked competence, while the Conference of Local and Regional Authorities took a long time to reach a decision and adopted its opinion only in September 1984. The Conference decided unanimously that a single flag, with a circle of twelve gold stars on a blue field, should be used by all the European institutions without the addition of other distinguishing signs by those institutions. In parallel, there was a meeting in Brussels on 16 June 1983 between the Presidents of the two Parliamentary Assemblies Karl Ahrens and Pieter Dankert. As agreed at that meeting, a legal opinion was drawn up by the Council of Europe and forwarded on 6 October 1983 to the President of the European Parliament. ⁽¹⁵⁵⁾

At the proposal of President Dankert, the Bureau of the European Parliament decided on 2 February 1984 to seek the opinions of the Political Affairs Committee and the Legal Affairs Committee. The Political Affairs Committee adopted its opinion on 21 March 1984, ⁽¹⁵⁶⁾ again on the basis of the report by von Hassel who, in this respect, had met the President of the Council of Europe's Parliamentary Assembly on 15 March 1984. ⁽¹⁵⁷⁾ The opinion recommended, in line with what had been suggested by the Council of Europe, that the official emblem and the flag flown by the Community institutions included the emblem of the institution in question within the circle of stars, i.e. the acronym EP-PE in the case of the European Parliament. The Member States' authorities should display the European flag alongside their national flags; the European institutions should display it outside official buildings and in third countries if protocol so required. The Political Affairs Committee called on the Bureau and the President of Parliament to ensure that the resolution of 11 April 1983 was applied, that the European flag was adopted immediately and that the flags of the institutions were adopted from 17 June 1984.

The Legal Affairs Committee, chaired by Simone Veil, adopted an opinion, drafted by Veil herself, on 26 April 1984. ⁽¹⁵⁸⁾ The opinion firstly highlighted the fact that adopting the same flag as the Council of Europe would create a risk of confusion between the two bodies, and might prove damaging to a Community identity as distinct from that of the Council of Europe. In Veil's opinion, while the Council of Europe and the Communities undoubtedly had 'parallel and complementary interests' and the Community treaties expressly provided for cooperation between them ⁽¹⁵⁹⁾ it was also true, in view of the number of Member States making up the two institutions and the powers of their respective institutions and bodies, that the two organisations were 'distinct and independent political entities which each member of the European public should be able to recognise and distinguish'. How could the European public be expected to recognise the European Communities under a flag already widely perceived as belonging to the Council of Europe and projected as such in all the Member States of the Council of Europe, whether they belonged to

the Community or not?

In Veil's view, adopting the same flag could have a negative impact on public opinion, which was already confused enough by the use of names that were difficult to differentiate even by their employees (Council of the European Communities, European Council, Council of Europe) and by the fact that the Parliamentary Assemblies of the two organisations held their plenary sittings in the same building in Strasbourg (at that time).

Leaving aside questions of political advisability which Veil considered had been superseded by the European Parliament vote on the resolution of 11 April 1983, the decision to use the same flag as the Council of Europe would have been an obstacle to reaching any agreement with the Council of Europe, which was nevertheless in favour of the other European bodies having their own sign of identity by including their own symbol in the circle of stars.

For these reasons, Veil considered that the resolution of 11 April 1983 had had its full effect, especially as the mandate which it conferred on the Chairman of the Political Affairs Committee to contact the Chairman of the counterpart committee of the Council of Europe was null and void as, according to the Rules of Procedure, the authority to represent the European Parliament belonged to, and could be delegated by, the President. The mandate was also meaningless as the decision to adopt the Council of Europe flag presupposed that the question concerning the possibility of reaching a decision on a symbol for Europe had been resolved. Lastly, the contacts made by the President of the European Parliament had revealed that circumstances favourable to an agreement with the Council of Europe did not obtain inasmuch as the resolution of 11 April 1983 precluded the use of a distinctive Community symbol, and for that reason the second mandate conferred on the President of Parliament — that is, to approach the Member States' governments — could not be carried out.

Veil's opinion considered, however, that the adoption of a flag for the Communities was an achievable objective that merited approval. In this respect, no-one could dispute the fact that the initiative should be taken by the European Parliament, as the democratically confirmed representative of the peoples of the Member States.

From a practical point of view, the opinion also advocated that the choice of the symbol, as suggested in the debate preceding the resolution of 11 April 1983, should be determined by a competition open to the public, an initiative which would 'help to increase public awareness of the idea of the Community'. According to the opinion, the positive impact, from a symbolic point of view, would inevitably be weakened if adoption were to depend on negotiations to secure an agreement which, if it were to take the form of a legal instrument, would require, in the absence of an appropriate legal basis in the Treaties, a unanimous decision by the Member States on a resolution by the representatives of the Member States meeting within the Council, followed by a joint declaration by the Community institutions. The opinion therefore suggested that decisions should not be precipitate so as to have time to organise the competition open to Member States' citizens.

In any case, the adoption of a European flag for the Communities would not stand in the way of the continued use, by the institutions and bodies, of the symbols used until then, especially the symbol of the European Parliament, which had been brought to public attention through its use during elections and in the postmarks of at least two Member States.

The Legal Affairs Committee therefore issued the opinion: *a)* to the extent that the resolution of 11 April 1983 was applicable, it had already been fully implemented; *b)* that the European Parliament could decide to adopt a flag in the exercise of its internal organisational authority; *c)* that the choice of the flag could be decided by competition, taking account of the Council of Europe's desire that the flags of the other European organisations were symbolically associated with its own; *d)* that the European Parliament, as the elected representative body of the peoples of the Community, could recommend to the other Community institutions that they too should display the same single flag for the European Communities; *e)* that the circumstances in which the flag would be flown by the European Parliament would be determined by the

Bureau as the body responsible for organisational matters; *f*) that the use or the decision to use separate emblems could be left to the discretion of the respective departments of the various institutions. ⁽¹⁶⁰⁾

The opinions of the Legal Affairs Committee and of the Political Affairs Committee were not discussed by the enlarged Bureau of the European Parliament. The documents in question were merely annexed ‘for information’ to the file drawn up for the meeting of 23 May 1984, the final meeting before the end of the parliamentary term. ⁽¹⁶¹⁾

3.5. The matter goes before the Council of the European Communities

In the meantime, at the initiative of Germany, the matter of the flag had been brought before the Council of the European Communities. According to the German delegation, in view of the imminent elections to the European Parliament, the Council should consider the European Parliament’s proposal and adopt the Council of Europe’s flag as the flag of the Communities if an appropriate agreement could be reached between the European Parliament and the Council of Europe. ⁽¹⁶²⁾

On 9 March 1984, in the ‘General Affairs’ formation of the Council, there was some consensus on this procedure. ⁽¹⁶³⁾ However, the negative opinion adopted by Parliament’s Legal Affairs Committee, chaired by Simone Veil, persuaded the Council formation not to decide on the matter before the European Parliament had come to a final decision.

3.6. The work of the Committee on a ‘People’s Europe’

It was only in the mid-1980s that there was growing awareness of the need to improve the Community’s image. With that in mind, the Fontainebleau European Council (25-26 June 1984) considered that it was important to adopt appropriate measures to promote the identity and image of the Communities among the people of Europe and in the world through symbolic instruments such as a flag and an anthem. ⁽¹⁶⁴⁾ At the same time it was decided to set up an ad hoc Committee on a People’s Europe made up of representatives of heads of state or government, ⁽¹⁶⁵⁾ to be chaired by the MEP Professor Pietro Adonnino. ⁽¹⁶⁶⁾ The President of the European Commission, Jacques Delors, was represented by Commissioner Carlo Ripa di Meana. ⁽¹⁶⁷⁾

As Foreign Minister Giulio Andreotti, in his capacity as President-in-Office of the Council of the European Communities, pointed out to the European Parliament, at its sitting in Strasbourg on 16 January 1985, the decision to set up the Adonnino Committee was ‘imposed by the requirement, widely shared, to bring back the European dimension to the level of the citizens who live in Europe; to transfer the realities of the Community from abstract ideas, which all too often characterise our way debating the problems of Europe, to a reality which is within everybody’s reach, and thus to have a positive impact on the image of European solidarity, which particularly just recently has been obscured by excessive and sometimes sterile controversies between the Governments of the Member States’. ⁽¹⁶⁸⁾

In its second report to the European Council, forwarded on 20 June 1985 to the President of the Council of the European Communities, Bettino Craxi, the Committee on a ‘People’s Europe’ looked at a number of symbols able to provide an identity. ⁽¹⁶⁹⁾ It also examined the issue of the flag and the emblem. ⁽¹⁷⁰⁾ The Committee considered that for political and symbolic reasons there was clearly a need for a flag and an emblem to be used at national and international events. The Committee agreed with the European Parliament’s idea that the graphic design to be used as an emblem and a flag for the Community should basically be the design chosen by the Council of Europe. However, bearing in mind the independence and differing natures of the two organisations, the Committee proposed that the European Community emblem and flag should be a blue rectangle with a circle at its centre of 12 five-pointed gold stars which did not touch, surrounding a gold letter E, of the design already used by the Commission. The European Council — in the Committee’s view — should express the hope that the emblem and flag would be used at appropriate places and on suitable occasions, without of course affecting the use of national flags, and ask the institutions to agree to regulate the use of the flag and emblem. ⁽¹⁷¹⁾

Although the members of the Committee unanimously agreed in principle with the proposals set out in the

final report, there were various reservations within the Committee that can be attributed to the major differences of mentality, culture and experience in the Member States. As Adonnino noted, ‘when we decided to propose the adoption of a Community flag to the European Council, the United Kingdom representative was very concerned to ensure that any decision to do so did not prejudice the use of the national flag! The United Kingdom representative was also opposed to the use of the Community emblem on national postage stamps or any mention of belonging to the Community, because on the postage stamps in his country the idea of national unity was portrayed by the face of the Queen!’ ⁽¹⁷²⁾

In the meantime, the Parliamentary Assembly of the Council of Europe, in Recommendation 994 (84) of 3 October 1984 on the future of European cooperation, welcoming the decision by the Fontainebleau European Council to set up an ad hoc Committee on a People’s Europe, had concerns about the creation of new symbols of European identity, such as a flag or an anthem, by the Community. These symbols — in the Assembly’s view — would add to the confusion among European citizens; it considered therefore that the Committee of Ministers should confirm that the flag and anthem of the Council of Europe ‘are available for use by the Communities’. ⁽¹⁷³⁾

In this same recommendation, the Consultative Assembly also set up a Commission of Eminent Statesmen, to be chaired by the Italian Emilio Colombo, with the mandate, among other things, of drawing up reports and recommendations connected with the work of the Adonnino Committee. ⁽¹⁷⁴⁾ In its first report, forwarded on 12 June 1985 to the President of the Parliamentary Assembly, Karl Ahrens, the President of the Committee of Ministers and the Secretary-General of the Council of Europe, the Colombo Commission ⁽¹⁷⁵⁾ in particular recommended ‘that the Community and the Council of Europe adopt the same European flag (a circle of twelve gold stars on a blue field) and other common symbols such as the European anthem and Europe day’. The Lied report noted in this respect that the question of the symbols had not yet been resolved but that it was a good signal of harmony that the Council of Europe and the Community had jointly sponsored the European Year of Music 1985 and that they would now use the ‘Ode to Joy’ from Beethoven’s Ninth Symphony as an anthem, although the two organisations would celebrate Europe day on different dates (5 and 9 May). ⁽¹⁷⁶⁾

For his part, Jacques Delors, newly appointed President of the European Commission (January 1985), immediately saw that the issue of the identity of the people of Europe merited serious consideration. He therefore launched an immediate image campaign. The choice of a flag for the Communities was part and parcel of that strategy. Delors mentions it in his *Mémoires*, where he writes that ‘on arriving at the Commission, I discovered that the institutions could not agree on the choice of a European flag. Without even trying to find out more, I accepted the proposal from Parliament, whose President was Pierre Pflimlin. I had been told that it was the flag with twelve stars of the Council of Europe. “We are going to take it!” I decided, thereby putting an end to a discussion whose substance and goals eluded me. On 29 May 1986, the European flag was therefore raised before the Berlaymont, the Commission’s seat, with the agreement of the three institutions and to the sound of the European anthem, Beethoven’s Ninth Symphony.’ ⁽¹⁷⁷⁾ Delors’ firm stance and the way in which he speeded up the issue of the symbols subdued those who, even within the European Commission itself, had reservations about the advisability of a flag identical to the flag of the Council of Europe. ⁽¹⁷⁸⁾

At the time, there were at least two schools of thought within the departments of the Community institutions. Some were fully in favour of simply adopting the Council of Europe flag. Others stressed the need, which had also emerged in the parliamentary debates of 1959-60 and 1983, and in the Adonnino Committee, for the European Communities to keep a specific identity and therefore to differentiate the Community flag from the Council of Europe flag, by including emblems such as a stylised epsilon or, in the case of the European Parliament, the letters EP/PE, or palms in the circle of stars. A compromise solution between these opposing arguments was to differentiate the flag from the emblem: each institution would then be able to keep (or add) its own emblem to a common European flag. ⁽¹⁷⁹⁾

In parallel with the work of the Adonnino Committee, there was increasing interest in the flag in the European Parliament, largely in connection with participation in the 1988 Olympic Games in Seoul. Sport is a symbol of peace and unity between peoples and the Olympic Games were felt to be a good way of getting

across the European idea. On 20 November 1984, the MEPs Pino Romualdi, Martine Lehideux and Dominique Chaboche therefore put forward a motion for a resolution which called for a common symbol for the athletes from the ten Member States which would clearly symbolise, in addition to their national symbol, their ‘belonging to the European Community as an ideal and united homeland’. ⁽¹⁸⁰⁾ On 19 May 1987, the MEP Xavier Rubert De Ventós tabled a motion for a resolution on the creation of a European flag for the Olympic Games, ⁽¹⁸¹⁾ and on 30 October 1987 a number of MEPs proposed a European team representing a united Europe to compete at the Olympic Games. ⁽¹⁸²⁾ Taking a stance on these developments on 11 December 1986, during the debate on the Community’s information policy, Commissioner Ripa di Meana pointed out that displaying the emblems and symbols of the Community at the Olympic Games would have enormous media impact and would ‘put across those symbols and what they stood for’ ⁽¹⁸³⁾ to an audience of hundreds of millions of television viewers.

3.7. The adoption of the flag

Although the issue of the flag was not specifically mentioned in the conclusions of the Milan European Council (28-29 June 1985), full approval of the proposals of the Adonnino Committee ⁽¹⁸⁴⁾ made it possible for the Community institutions to return to the path they had set out on at the end of the 1950s.

In the European Parliament, a motion for a resolution on common European symbols had been tabled by Werner Münch and other MEPs on 21 March 1985. ⁽¹⁸⁵⁾ The motion pointed out that the symbols, such as the flag, emblem and anthem, played an important part in strengthening the European conscience, mentioned the 1983 resolution on the European flag and called on the Adonnino Committee promptly to fulfil the task that had been conferred on it to examine the adoption of symbols for the Community and for the Council to take binding measures in this area as soon as possible.

On 13 November 1985 the European Parliament adopted a resolution on a people’s Europe, following a report by Elmar Brok on behalf of the Committee on Youth, Culture, Education, the Media and Sport. ⁽¹⁸⁶⁾ The resolution which referred, among other things, to the motions for resolutions of Werner Münch, noted that the symbols were ‘an important instrument for bringing citizens closer to Europe’ and therefore that ‘a Community anthem and flag are needed’ (paragraph 28(d)). ⁽¹⁸⁷⁾ Speaking in the debate, Commissioner Ripa di Meana confirmed that ‘by the end of the year, the Commission will take an initiative regarding the European flag on the basis of a model put forward by the Adonnino Committee.’ ⁽¹⁸⁸⁾ The German Socialist MEP Lieselotte Seibel-Emmerling asked, however, what value symbols such as the anthem and the flag could have for citizens who saw the EEC drowning in unsaleable production surpluses. ⁽¹⁸⁹⁾ At the same time, in the Communication to the Council on a People’s Europe of 15 November 1986, the European Commission confirmed its intention to strengthen the image and the identity of the Community, particularly by implementing the Adonnino Committee’s proposals on the flag, emblem and anthem. ⁽¹⁹⁰⁾

For his part, Marcelino Oreja, Secretary-General of the Council of Europe, responded on two occasions to a letter from Commissioner Ripa di Meana of 11 December 1985, setting out how the debate was progressing in the Community institutions as regards the use by the Community of the Council of Europe’s flag and anthem. On 19 December 1985, he noted that the adoption by the European Communities and the Council of Europe of the same European flag and other common symbols such as the anthem and Europe day had also been recommended in the report by the Commission of Eminent European Statesmen, chaired by Emilio Colombo, whose final report had been forwarded to the Presidents of the Parliamentary Assembly and Committee of Ministers on 12 June 1985. The Committee of Ministers had also been informed, when examining the action to be taken on the Colombo Commission’s report, of the Adonnino Committee’s proposals and the decisions of the Milan European Council, of which the Committee of Ministers had taken note. Oreja ended by informing Ripa di Meana of his intention to ask the Committee of Ministers, whose meeting was scheduled for 16 February 1986, for a formal reply to the European Commission’s request in respect of the flag and anthem. ⁽¹⁹¹⁾ On 26 February 1986 Oreja informed Ripa di Meana that the Committee of Ministers of the Council of Europe, at deputy level, had ‘taken note with satisfaction of the intention of the Community organs to use this flag and anthem’. ⁽¹⁹²⁾ In the meantime, on 10 December 1985, the European Commission had given its own agreement in principle to the flag and anthem.

On 12 March 1986, during an ‘interinstitutional’ working lunch in Strasbourg attended by Pierre Pflimlin, President of the European Parliament, Hans Van den Broek, Dutch Foreign Minister and President-in-Office of the ‘Foreign Affairs’ Council, and Jacques Delors, President of the European Commission, the issue of the flag was fairly speedily resolved. Paul Collowald has reconstructed the conversation anecdotally. Delors, turning to Pflimlin, asked: ‘Where shall we start, Mr President?’ Pflimlin replied: ‘Let’s start with the flag’. Delors grasped the opportunity: ‘Why not? What do you propose?’ Pflimlin then said: ‘I propose that we take the flag as such, with no epsilon, no EP, no palms, as the flag of Europe, since the institutional details are not of much interest to European citizens ...’. Delors replied: ‘Agreed. I’ll try to get it through ...’, thinking of the memos in favour of including the stylised epsilon in the circle of stars circulating around the Commission. ⁽¹⁹³⁾ Van den Broek does not seem to have advanced any objection on behalf of the Council.

On 20 March 1986 the Secretary-General of the European Parliament, the representative of the Secretary-General of the Council and the Secretary-General of the Commission, to whom the matter had been delegated by their respective Presidents, met in Brussels to adopt provisions on the use of the flag, the emblem and the anthem.

As regards the flag — a description of which was provided — it was decided that the Community and its institutions would be represented by the same flag and therefore that the flags in use until then would be withdrawn. The Community flag would be flown from the institutions’ buildings, but that did not mean that the flags of the Member States could not be displayed as well. The Member States would have to fly the Community flag alongside their national flag at the external and internal borders of the Community and on its own or alongside the national flag in the case of Community events. From the point of view of legal protection, the Member States would be invited to accord the Community flag the same protection as their national flags. Steps would also be taken to ensure that the Community flag was recognised by third countries.

In the case of the emblem, it would be left to each institution to decide whether to keep the emblem it had used until then, although a Community emblem which took up the design of the flag could also be used. The Community emblem would enjoy the same legal protection as the flag and would be registered at the World Intellectual Property Organization (WIPO).

As regards the anthem, note was taken of the proposal in the final report of the ad hoc Committee on a People’s Europe (Adonnino Committee) to choose the prelude to the ‘Ode to Joy’ from the fourth movement of Beethoven’s Ninth Symphony in the adaptation by von Karajan published by Schott in Mainz; this anthem was already being widely used by the institutions and it was felt ‘important for each institution to confirm this practice, where appropriate by a formal decision’.

The Secretaries-General also noted the message from the Registrar of the Court of Justice, absent from the meeting, that ‘the Court can, as regards the European flag, accept what is agreed by the other institutions on the basis of the existing proposals, and agrees to fly the flag on any appropriate occasion’. ⁽¹⁹⁴⁾

On 15 April 1986, the European Parliament’s Bureau decided to approve the provisions establishing that the flag of the Community was rectangular in shape and blue in colour, bearing in its centre a circle of twelve five-pointed gold stars which did not touch. It was also confirmed that each Community institution could decide to keep its own emblem and could also use a Community emblem containing a design to be included in the flag.

The ‘Foreign Affairs’ Council, meeting on 22 April 1986, took note of a statement by the President to the effect that the Council would display the Community flag and emblem as requested in the final report of the ad hoc Committee on a People’s Europe, in accordance with the position adopted by the other Community institutions (Parliament, the Commission and the Court of Justice). ‘The flag is a blue rectangle with a circle of twelve five-pointed gold stars which represent the Member States [*sic*]. The new flag will be flown in front of Community institutions alongside the national flags of the Member States’. ⁽¹⁹⁵⁾

At the same time, the geometric description of the flag, identical to the Council of Europe flag, was adopted.

The flag is a blue rectangular flag with twelve five-pointed stars, which do not touch, at its centre. The base of the rectangle (the fly) is one and a half times the length of its height (the hoist). Twelve gold stars situated at equal intervals form an undefined circle of which the centre is the point of intersection of the diagonals of the rectangle. The radius of the circle is equal to one third of the height of the hoist. Each of the stars has five points which are situated on the circumference of an undefined circle of which the radius is equal to one eighteenth of the height of the hoist. All the stars are upright – that is to say, with one point vertical and two points in a straight line at right angles with the mast. The circle is arranged so that the stars appear in the position of the hours on the face of a clock. The colour heraldic azure is represented by light ultramarine blue, and the colour heraldic or by deep chrome yellow.

At the end of the Council meeting, Carlo Ripa di Meana, Member of the Commission responsible for a People's Europe, made the following statement: '[...] This flag, which has already proved very popular as the flag of the Council of Europe, testifies to the Community's desire to become the centre and driving force of an integration movement which brings together all the countries of Western Europe united by a common history, tradition and heritage. Almost 30 years after the signing of the Treaty of Rome, the Community has finally plucked up the courage to "go public". The flag will be raised at a solemn ceremony to be held in Brussels on 29 May in front of the headquarters of the Commission. The new European anthem, the prelude to Beethoven's 'Ode to Joy', will be played [...]'.

Lastly, on 30 April 1986 the European Commission⁽¹⁹⁷⁾ confirmed its approval of the practical measures drawn up by the Secretaries-General concerning the use of the flag, emblem and anthem. At the same time it noted that Commissioner Ripa di Meana, with the agreement of President Delors, had organised the inaugural ceremony for the flag and the anthem and had proposed measures for the use of the flag and anthem, and for the legal protection of the flag and emblem, to the Member States. On that occasion the Commission asked the Secretary-General to draw up, under the aegis of the President and Commissioner Ripa di Meana, provisions for the use of the flag and emblem by the Commission's services and to make sure that they were respected.

On 28 May 1986 the Secretary-General of the Council of Europe, Marcelino Oreja, told the press⁽¹⁹⁹⁾ that he was pleased by the Community institutions' decision to adopt the European flag that the Council of Europe had used as its emblem since 1955 and the European anthem adopted in 1972.

At noon on 29 May 1986, more than thirty years after its adoption by the Council of Europe, the European flag was raised for the first time⁽²⁰¹⁾ before the European Commission's Berlaymont building in the presence of Pierre Pflimlin, President of the European Parliament, Jacques Delors, President of the European Commission and the Dutch Ambassador H. J. Charles Rutten, representing the President-in-Office of the Council.⁽²⁰²⁾ After the ceremony, in the square outside the Berlaymont building, next to the bust of Robert Schuman, following an introduction by Commissioner Ripa di Meana⁽²⁰³⁾ and official speeches by the representatives of the three institutions, the European flag was raised on a thirteenth mast alongside the flags of the twelve Member States. In the official speeches, the stress was placed on the values of peace and freedom and on its symbolic meaning. Delors said 'for citizens, this gold and blue flag is a symbol of the hope which has constantly been nurtured by our ideals and our combat'.⁽²⁰⁴⁾ Pflimlin noted that 'if Europe is built on law and institutions, it also needs symbols. The work of Europe will only be completed if it matters to the peoples of Europe. Throughout history, the flag has been always been the symbol of nations. It is now the symbol of Europe. For nations, the flag has been a symbol of combat. Let the European flag be the symbol of the peaceful fight for the European Union!' ⁽²⁰⁵⁾ Rutten, lastly, noted that 'the European flag is the symbol of our cooperation, our unity and the peace which reigns, now and always, between those nations which have now decided to live as a community.'

Ultimately, despite Commissioner Ripa di Meana's commitment to the European Parliament on 13 November 1985 to base the flag on the design proposed by the Adonnino Committee which had been approved by the Milan European Council in June 1985 (i.e. a gold E in the centre of the circle of stars), the victor of the political agreement between the officials of the institutions of the institutional 'triangle' was the Council of Europe, which obtained what it had never even suggested, i.e. the identity of its flag with that of the European Community.

The provisions on the application of the flag and emblem announced in the decision of the European Commission were adopted by the Secretary-General on 31 July 1986. ⁽²⁰⁷⁾ They concerned only the European Commission.

It was decided that the flag would be displayed permanently outside the European Commission's main buildings in Brussels (Berlaymont) and Luxembourg (Monnet), and inside buildings other than those considered to be the main buildings. The flag would also be permanently displayed outside the buildings accommodating the Press and Information Offices (now Commission Representations), and delegations and offices in third countries. Lastly, it was decided that the staff car of the President of the Commission would fly a small flag when the President was on official business within or outside the Community; provision was also made for the cars of Members of the Commission to fly the flag only when they were on business outside the Community and when local custom so required and, in the case of heads of delegation in third countries, only in specific cases.

Since 29 May 1986, therefore, the European flag, together with the flags of the Member States, which have in the meantime increased from twelve to fifteen and now 27, has been flown outside the Parliament buildings in Strasbourg, Brussels and Luxembourg, the Commission buildings in Brussels and Strasbourg and the Court of Auditors in Luxembourg. Again in Luxembourg, the Community flag is flown outside the buildings of the Court of Justice when it is in session, together with the flags of the Member States, in order of protocol, and after the last of these flags. ⁽²⁰⁸⁾ A slightly different practice means that only the European flag flies outside the building of the Council of the Union, while the flags of the Member States are flown only during sessions of the Council. In third countries, on the basis of an agreement concluded in the context of European political cooperation, the flag is flown outside the embassies of the Member States on Europe day (9 May). The flag is also flown outside the European Commission's delegations in third countries and outside international organisations, and the buildings accommodating the European Commission Representations and European Parliament Offices. ⁽²⁰⁹⁾

According to protocol, dating back to 2002, the decision as a rule to fly European flags at half mast before the Union's buildings, was taken by common consent of the European Parliament, Council and Commission: it is practice to show this sign of mourning on the death of a President of a Community institution or a Member of the Commission or an 'event that would lead all or a majority of the Member States to take such a decision'. ⁽²¹⁰⁾

The European flag has also been included, since 1 February 1988, on road signs at the internal borders of the Community and at points of entry into the Member States, in accordance with the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 13 November 1986 on the introduction of appropriate signboards at the Community's external frontiers and internal borders. ⁽²¹¹⁾ The recitals of the Resolution expressly mention that 'it is indispensable that the Community should meet the expectations of the European people by adopting appropriate measures to strengthen and promote its identity and image in the minds of its citizens and vis-à-vis third countries' and that 'there is a need to emphasise the fact of the Member States' belonging to the Community and therefore to abolish certain administrative signs symbolising the separation of those States'.

Practice is not, however, standard in the Member States. In Italy, the flag is flown alongside the national flag outside most public buildings. ⁽²¹²⁾

It is worth noting, lastly, that the institutional iconography of the European Union includes, over and above the European flag, emblems (or logos) of institutions, bodies and agencies which in some cases include the flag or only the circle of twelve stars (as is the case for the European Parliament, the Council of the European Union, the European Commission, the Court of Auditors, the European Economic and Social Committee, the Committee of the Regions, and the European Central Bank), while the Court of Justice and the Court of First Instance, the European Investment Bank and the European Ombudsman have emblems which make no reference to the design of the flag. ⁽²¹³⁾

3.8. Failure to approve provisions of general application

Once the European flag had been adopted, it seemed necessary to implement provisions of general application by the Communities and the Member States.

A motion for a resolution on the use of the European flag ⁽²¹⁴⁾ was tabled by the MEP Luis Perinat Elio. The motion, after recalling the official adoption of the flag and the emblem by the Community, without, however, making any reference to its Council of Europe origins, called for the approval of Community and national provisions to govern the use of these symbols.

The motion was referred to the Political Affairs Committee for substantive examination and to the Committee on Legal Affairs and Citizens' Rights for opinion. The Political Affairs Committee appointed José Gama as rapporteur. The report firstly recalled the Council of Europe's deliberations in 1955. It then called for rules to be adopted to provide legal protection for the flag and to govern its use and its rank as regards national and local authority flags. ⁽²¹⁵⁾

The Gama report was debated at the sitting of 8 July 1988. ⁽²¹⁶⁾ The rapporteur observed that the symbols did not lack significance. 'The European flag', he said, 'will ensure that in daily life European citizens remember that the Community exists and that it directly concerns them. This flag is the symbol of the actual solidarity of the peoples of Europe, of the realisation of a closer union between them and of respect for human rights and freedoms. Europe', he added, 'must not be a remote or inconspicuous idea for the ordinary citizen; it must be a reality accessible to all, day in, day out [...]. It is important', he concluded, 'for youth to accept and acknowledge the flag as the emblem of a heritage of unity, peace and fraternity'.

In the following speech Manuel Medina Ortega, after commenting that the Community flag, unlike national flags which were often identified with warlike conflicts, was 'a flag of peace, a flag of comfort, a flag of support and hope in humanity' and went on to say that he did not think that it was necessary to ask for protection equivalent to that of national flags. 'The most important thing today', he said, 'is not to insist on legal protection which might lead to flag wars, but to secure its recognition.'

At this point the debate took a wholly procedural turn. It was the Friday before the summer recess and few MEPs were in the chamber. Thirteen of them supported a request to adjourn the debate, which was approved. The debate in fact continued only on 13 September 1988. ⁽²¹⁷⁾ Gama reiterated the grounds on which his report was based: 'Legal recognition of the flag by the end of this year, giving it dignity by according it the same honours as national flags, asking national Olympic committees to fly it alongside their national flags at future Olympic Games and making it a familiar sight on schools and local authority buildings'. On this occasion the debate which was, in truth, on the meagre side, exposed long-standing problems. José Manuel Medeiros Ferreira asked whether there was 'a risk of confusion with the Council of Europe' and cautioned, taking up a comment by Medina Ortega, that 'honour should not be confused with legal protection'. The Member of the European Commission Stanley Clinton-Davis — standing in for his colleague Carlo Ripa di Meana, who was otherwise engaged — while applauding Parliament's initiative in holding a debate on the flag, pointed out that the Commission was examining, with the Council of Europe, the legal aspects of the introduction of the flag. This statement, two and a half years on from the decision to fly the European flag, might seem surprising. It nevertheless reflects the Community institutions' deep-seated lack of interest in image problems, something which is also borne out by the fact that, leaving aside the odd parliamentary question, there does not really seem to have been any interest in the issue of the symbols up to the final comments of the Convention on the Future of Europe discussed above. ⁽²¹⁸⁾

The resolution on the European flag was thus adopted by the European Parliament on 14 September 1988. ⁽²¹⁹⁾ The Commission was asked to present a report on the provisions enacted by the Member States to provide legal protection for the European flag and to ensure that the European flag could be flown alongside the national flag at the Community's internal borders, to present proposals for the flag to be flown alongside the national flag on vessels and to be included in the number plates of motor vehicles registered in the Member States, and to launch the procedure for the recognition of the flag by third countries. The Member States were asked to make as much use as possible of the European flag, taking steps to ensure that it was

flown alongside the national flag both at external borders and during Community celebrations such as 5 May and 9 May ⁽²²⁰⁾ and during European elections, and, lastly, during official celebrations, in government buildings having a link with the Community or which accommodated bodies dealing with Community issues, and to invite their national Olympic Committees to take the steps needed for the European flag to be included with their national flags during Olympic Games.

It is worth noting that the resolution makes no mention of the fact that the European flag is the flag adopted in 1955 by the Council of Europe. The resolution nevertheless refers indirectly to that organisation by inviting the Member States to fly the flag on 5 May which, far from being a Community celebration, is, as mentioned in the resolution, Council of Europe day, celebrating the anniversary of the signing of its Statute in London on 5 May 1949.

The failure to approve provisions enacting the decision on the flag at both Community and Member State level could not but concern people such as Jacques Delors, who from his investiture as President of the European Commission in 1985 felt that it was important to improve the image of the Community. At the institutional lunch of the triad (Parliament, Commission, Council) in Strasbourg on 9 February 1994, Delors suggested that the Member States be invited to fly the European flag on public buildings to celebrate Europe day on 9 May 1994. As a result, in March 1994, the Greek Presidency of the Council of the European Union, said that it would submit a statement to the Council in this respect. The matter was examined on two occasions by the Committee of Permanent Representatives (COREPER) on 31 March and 15 April 1994. Some delegations were against the proposal (Denmark) or were concerned that some Member States might explicitly refuse the invitation contained in any Council statement and might prefer an invitation from the President of the European Commission (United Kingdom). In those circumstances, the Greek Presidency closed the file.

[...]

(101) Letter from Lodovico Benvenuti to Etienne Hirsch and Walter Hallstein, 10 June 1959, Council of Europe Archives, folder 2191, docs. 558 and 559.

(102) It should also be borne in mind that the Council of Europe had previously contacted the Provisional Committee of the European Defence Community (EDC). See the letter from Roger Gromard, Chairman of the EDC Information Committee, to Paul M.G. Levy, 14 September 1953, Council of Europe Archives, folder 2191, doc. 237.

(103) P. G. M. Levy, *Sauver l'Europe*, op. cit., p. 166; C. Lager, *L'Europe en quête de ses symboles*, op. cit., pp. 101-102.

(104) The services of the High Authority in Luxembourg had in fact started to think about an emblem at the end of 1956. The 1956 Christmas greetings cards included six stars on a blue background. Paul M.G. Levy was concerned by this and wrote to Jacques-René Rabier, head of the High Authority's Information Service. He explained unofficially that the Council of Europe had systematically avoided choosing a number of stars corresponding to the number of Member States. 'If the ECSC were to adopt an emblem with six stars, that could put us in a very embarrassing position', letter from Paul M.G. Levy to Jacques-René Rabier, 29 December 1956, Council of Europe Archives, folder 2191, doc. 536.

(105) Speech by High Authority Member Albert Wehrer in the debate in the European Parliamentary Assembly on 15 November 1960, *Débats*, p. 106. Letter from Paul M.G. Levy to Robert Bichet, 13 June 1958, Council of Europe Archives, folder 2191, doc. 548.

(106) This flag appeared at the ECSC pavilion at the 1958 Brussels Exhibition, as shown by the letter from Paul M.G. Levy to Robert Bichet, 20 June 1958, Council of Europe Archives, folder 2191, doc. 549.

(107) Letter of June 1959 from Pierre Wigny, Belgian Foreign Minister, to Paul M.G. Levy, cited by A. Larcher, *Le drapeau de l'Europe et l'hymne européen*, op. cit. p. 7, note 3. The number of stars was subsequently increased to nine and then twelve of yellow colour.

(108) Robert Schuman, President of the European Parliamentary Assembly, in a letter of 12 February 1959 to Paul M.G. Levy, informed him 'on a personal basis' of his agreement with the choice of the blue flag with twelve stars as the 'official European emblem', Council of Europe Archives, folder 2191, doc. 556.

(109) European Parliamentary Assembly, Committee on Political Affairs, *Compte-rendu analytique de la réunion du vendredi 10 juillet 1959*, paragraph 6, APE 2355, especially pp. 50-56, Historical Archives of the European Communities, folder CEAB 1. 686.

(110) European Parliamentary Assembly, doc. 87/1959, January 1960, *Relazione sui problemi posti dai rapporti delle Comunità europee con l'esterno, con particolare riferimento al diritto di legazione e di bandiera*, tabled on behalf of the Committee on Political Affairs and Institutional Issues, approved unanimously on 9 November 1959; *Relazione complementare*, doc. 88, 17 November 1960. On 25 November 1959, at the invitation of Paul M.G. Levy, the rapporteur Van der Goes van Naters met the Director of Press and Information of the Council of Europe. The latter told him, privately and personally, of his concerns that the European Communities might choose an emblem differing from that of the Council of Europe with a smaller number of stars. Van der Goes van Naters replied: a) that his report dealt chiefly with the right of legation; b) that the issue of the flag would be dealt

with on a subsidiary basis but that he was nevertheless of the opinion that this flag would have a different significance and legal importance for the Communities than for institutions such as the Council of Europe or private organisations; c) that he had no preference as to the number of stars; d) that he had been rather surprised that the EEC Commission had adopted the same colours and had merely changed the number of stars, thereby making it seem that the Europe of the Communities was no more than a partial Europe; e) that the EEC Commission and the Parliamentary Assembly might well be sensitive to Levy's argument of the 'drawback for other institutions'; f) that the report, although already adopted in Committee, could well be further amended and that he was willing to annex to it a note on this matter from the Council of Europe; g) that he would forward the text of the report. In the afternoon of the same day, Levy met Natale Santero in the corridors of the Council of Europe building, which was also used at that time by the European Parliamentary Assembly. Santero, somewhat ironically, said: 'It seems that you do not like the idea of six gold stars on a blue background, whereas I think it is an excellent way of showing that the Communities are only a part of what the Council of Europe represents and that the Council of Europe is the overall organisation'. At the end of this brief conversation, however, Santero said that he had been convinced by Levy's arguments and that he would firmly support the circle of twelve stars (memorandum from Paul M.G. Levy to Secretary-General Lodovico Benvenuti, 26 November 1959, Council of Europe Archives, folder 2191, doc. 562).

(111) Van der Goes van Naters report, op. cit., paragraphs 15-17.

(112) Paul M.G. Levy was in contact with Wilhelmus Schuijt, Dutch Member of the European Parliamentary Assembly, who had informed him how the debate had gone in the Committee on Political Affairs and Institutional Issues. In a letter of 21 October 1960 Levy told Schuijt that the Council of Europe flag was proving very successful as it was increasingly being flown by Europeanist and professional organisations and had even been flown by navigation companies on the Rhine. He also recalled that the judges of the European Court of Human Rights had decided 'to wear the wreath of twelve gold stars on their hoods', letter from Paul M.G. Levy to Schuijt, 21 October 1960, Council of Europe Archives, folder 2191, doc. 566.

(113) The note is annexed to the Van der Goes van Naters report, op. cit., pp. 6-7. Letter from the Secretary-General Lodovico Benvenuti to President Schuman, 27 November 1959, Council of Europe Archives, folder 2191, doc. 563. The note was drawn up by Paul M.G. Levy (a minute was forwarded to Secretary-General Lodovico Benvenuti on 25 November 1960, Council of Europe Archives, folder 2191, doc. 206). See also the note of 21 November 1960 from Levy to Benvenuti, Council of Europe Archives, folder 2191, doc. 567.

(114) 'The number twelve', the note relates, 'set once and for all, represents the idea of "*perfection and completeness*" and symbolises the perfect union of the *peoples of Europe*, irrespective of the Institutions of which they are part. Even those nations not represented in the various Institutions will recognise themselves in this emblem. The idea of unity was of particular concern to parliamentarians and heraldic experts; provision had also been made for special signs or acronyms symbolising the various Institutions to be placed at the centre of the wreath of stars. The Council of Europe is not in any way claiming exclusive use of the wreath of twelve stars. That wreath, whose symbolic value comes from the number "twelve", represents the peoples of Europe as a whole, just as the twelve signs of the zodiac represent the universe as a whole'.

(115) European Parliamentary Assembly, *Débats*, sitting of Saturday, 19 November 1960, p. 98.

(116) *Ibid.*

(117) *Ibid.*, p. 102.

(118) *Ibid.*

(119) See above, Chapter II, 3.1.

(120) *Ibid.*, p. 106.

(121) *Ibid.*, p. 108.

(122) The interpretation of the plenary debate sent by Paul M.G. Levy to Lodovico Benvenuti, Secretary-General of the Council of Europe, is interesting. Levy first complains that many parliamentarians who had promised to support the Council of Europe's arguments 'reneged on us'. Natale Santero had supported the rapporteur's proposals, stressing that kinship with the Council of Europe needed to be affirmed as well as the particular nature of the Community. Wilhelmus Schuijt, converted at the last moment by the information services of the Communities, which wanted a different emblem, had proposed his own design. Fernand Dehousse had made a number of ironic comments on the Council of Europe flag. Levy was not, however, disappointed by the result as it showed a) that opinions in the Parliamentary Assembly were not as yet set in stone; b) that the choice of an emblem with six gold stars on a blue background had not at that time been ruled out; c) that the competition procedure had diminished the value of a flag resulting from a competition; d) that the issue had in practice been deferred for many months. In the meantime, Levy proposed to launch an information campaign with a view to demonstrating '*urbi et orbi*' that the blue flag was not the flag of the Council of Europe but of Europe as a whole. Levy considered in this respect that 'it could be useful for us to adopt an emblem which, placed at the centre of the circle of twelve stars, would give the Council of Europe a specific flag while leaving the general use of the circle open to the public'. As regards the design to emerge from the Community competition, it might — in Levy's view — be included in the centre of the circle of twelve stars (note from Paul M.G. Levy to Lodovico Benvenuti, 21 November 1960, Council of Europe Archives, folder 2191, doc. 208).

(123) *Ibid.*, p. 109.

(124) For instance *Rhein Zeitung-Koblenz*, 20 November 1960.

(125) For instance *Nord- und Westdeutscher Rundfunkverband*.

(126) A whole range of proposals for the design of the flag submitted in late 1960 and early 1961 in particular are kept by the Historical Archives of the European Parliament in Luxembourg (Schuman building). The Secretariat-General of the European Parliament always told authors that their designs would be forwarded to the panel judging the competition when it had been set up.

(127) Jacques Adnet, Principal of the National School of Decorative Arts, Paris, Angelo Bianchetti, architect of Milan (also representing Erberto Carboni and Armando Testa), Paul Cuvelier, graphic designer of Brussels, S.L. Hartz, art expert from the company Joh. Enschedé of Haarlem, Gert Herbermehl, Director of the flag factory of Bonn, Félix Labisse, professor at the National School of Decorative Arts, Paris, Karel van Milleghen, graphic designer of Brussels, Herman Mueller, graphic designer of Saarbrücken, H. P. Simon, painter and graphic designer of Bonn, J.A. Schweigard, painter and graphic designer of Stadtoldendorf,

- Louis Wirion, President of the Luxembourg Heraldic Council (note from C. Caron, President of the Management Board of the Joint Press and Information Service of the European Communities on the 'Procédure d'établissement de projets pour le choix d'un drapeau européen', II, doc. X-1100/61-f, 13 February 1961, Historical Archives of the European Parliament.
- (128) Letter from C. Caron to E. Battista, 27 February 1961, Historical Archives of the European Parliament. Battista felt that the experts should not just forward the designs received to the competent authorities but should give comments on the aesthetic and other features of each design.
- (129) Letter from E. Battista to C. Caron, 10 March 1961, Historical Archives of the European Parliament.
- (130) P.G.M. Levy uses the term 'encommission' appropriately (*Glissement interprétatif d'un symbole européen*, in *Revue de la Société d'études et d'expansion*, May-June 1969, No 236, p. 442) given that Parliament had substantially referred the issue to the three executives.
- (131) R. Harmignies, *Le drapeau européen*, op. cit., pp. 87-88.
- (132) *EEC Flag Competition*, in *Flagmaster*, Autumn 1972, No 7.
- (133) The Commission, however, in its reply of 18 May 1978 to the written question from Flesch, calling for rapid progress towards a Community emblem, affirmed that a competition for this emblem had already been run in 1973 and therefore that the Commission did not consider it appropriate to run a further competition (*OJEC*, 1978, C 143, p. 12).
- (134) *European Emblem Competition*, in *Flagmaster*, Summer 1973, No 10; Commission reply of 19 October 1978 to the written question from Klinker (*OJEC* 1978, C 282, p. 37).
- (135) Commission replies of 13 March 1978 to the written questions from Klinker (*OJEC* 1978, C 282, p. 37).
- (136) See the Decision of the European Commission (doc. COM/78/PV 492, paragraph 14 A).
- (137) Commission reply of 21 March 1979 to the written question from Flesch (*OJEC* 1979, C 101, pp. 12-13).
- (138) The conclusions of the Council concerning relations between the Commission and the Council, adopted after the meeting of the EEC Council in Luxembourg on 28 and 29 January 1966, states, in paragraph 3, that 'the credentials of Heads of Mission of third countries accredited by the Community shall be presented to the President of the Council and the President of the Commission meeting for that purpose' (*Bull. EEC*, 3/66, pp. 8 et seqq.). Practice up to then had been for the Head of Mission to be accredited by presenting credentials only to the Commission.
- (139) See, among others, the decidedly opposing positions on international personality taken by P. Pescatore, *Les Communautés en tant que personnes de droit international*, in *Les Nouvelles. Droit des Communautés européennes*, Larcier, Brussels, 1969, pp. 107 et seqq., and R. Quadri, *La personnalité internationale de la Communauté européenne unifiée*, in *Les relations extérieures de la Communauté européenne unifiée*, Proceedings of the Third Congress held in Liège on 25, 26 and 27 October 1967, Liège, 1969, pp. 41 et seqq.
- (140) Judgment of 31 March 1971, *Commission v Council (European Agreement on Road Transport, AETR)*, Case 22/70, *ECR*, p. 263. The *AETR* judgment was criticised particularly from the point of view of the basis for international personality by commentators of the school of Rolando Quadri, such as A. Giardina, *Sulla competenza a stipulare della Comunità economica europea*, in *Riv. dir. intern.*, 1971, especially p. 614 and A. Tizzano, *La controversia tra Consiglio e Commissione in materia di competenza a stipulare della C.e.e.*, in *Foro it.*, 1971, IV, cc. 344 et seqq.
- (141) It has also been pointed out that, unlike the United Nations and the Council of Europe, the values affirmed by the Community were competing with those represented by national symbols, which explains the Member States' reluctance to do anything about the European flag (R. Bieber, *Die Flagge der EG*, op. cit., pp. 60-61).
- (142) *OJEC* 1976, C 67, p. 21.
- (143) *OJEC* 1977, C 148, p. 33. The same position was confirmed on 4 October 1978 in reply to a further written question from Tom Normanton (*OJEC* 1978, C 257, p. 78).
- (144) *OJEC* 1978, C 143, p. 12 and C 175, pp. 21-22.
- (145) Reply of 18 July 1978 to the written question from Klinker, *OJEC* 1978, C 282, pp. 37-38.
- (146) European Parliament, session documents 1979-1980, doc.1-454/79.
- (147) European Parliament, session documents 1982-1983, doc. 1-1194/82 of 2 February 1983.
- (148) *OJEC* 1983, C 128, p. 18.
- (149) It is worth bearing in mind that the European Parliament's initiative stirred up some bad feeling in the Parliamentary Assembly of the Council of Europe, given that some of its members considered it an 'attempted theft' of the flag (A. Larcher, *Le drapeau de l'Europe et l'hymne européen*, op. cit., p. 8).
- (150) *Debates of the European Parliament*, No 1-297, pp. 18-19.
- (151) The explanation of vote of Derek Prag contains a surprising statement. Prag said 'Nor have I anything against the filching of the Council of Europe flag, since they have 21 Members and we have 12, which is equal to the number of stars: that is a very happy coincidence in our favour'. There is no doubt that on 11 April 1983 the Community had only ten Member States, the number only increasing to twelve in 1986 with the accession of Spain and Portugal!
- (152) *Debates of the European Parliament*, No 1-297, pp. 26-27.
- (153) This part of the resolution, although not requiring internal administrative measures, had not been implemented a year later (see reply to the question to the Presidency 57/83, *Bulletin of the European Parliament*, No 62 of 24 January 1984, p. 63).
- (154) Council of Europe, doc. 5069, 28 April 1983.
- (155) Letter from Karl Ahrens to Pieter Dankert, 6 October 1983, doc. PE 88.525/BUR/ANN and the Memorandum prepared by the Legal Affairs Directorate of the Secretariat General of the Council of Europe 'on the history of the Council of Europe's emblem and its legal protection', Strasbourg, 13 September 1983, Council of Europe, Parliamentary Assembly, doc. BUR/AX/2894/2 (35) 12 revised (confidential), Historical Archives of the European Parliament.
- (156) Letter from Adam Ferguson, acting Chairman of the Political Affairs Committee to Pieter Dankert, 21 March 1984, enclosing the 'projet d'avis à l'intention du bureau du Parlement Européen concernant la résolution du Parlement du 11 avril 1983 sur l'adoption d'un drapeau pour la Communauté européenne', doc. BUR/AX/2962/2, Historical Archives of the European Parliament.
- (157) See the note from K. Ahrens, President of the Council of Europe's Parliamentary Assembly, to P. Dankert, President of the

European Parliament, of 22 March 1984, which anticipates a favourable decision by the Council of Europe on the use of the flag by the Community.

(158) *Opinion on the adoption of a flag for the European Community* for the Bureau of Parliament, rapporteur Mrs Simone Veil, 26 April 1984, doc. PE 90.049/fin., Annex to 7 BE, meeting of the enlarged Bureau 23 May 1984, Historical Archives of the European Parliament.

(159) Article 303 (ex 230) EC Treaty, Article 200 Euratom Treaty and Article 94 ECSC Treaty, now defunct.

(160) It is worth noting that an examination of the outcome of the vote on the opinion shows some divisions within the Legal Affairs Committee. Point c) on the organisation of a competition was approved by 6 votes in favour, 5 against and 2 abstentions and all the conclusions by 7 votes in favour, 5 against and 1 abstention.

(161) Margret Schelling and Secondo Sabbioni of the Historical Archives of the European Parliament have provided this information, as well as many unpublished documents that would otherwise be difficult to trace.

(162) *Agence Europe*, 20-21 February 1984, p. 14.

(163) The Council's Legal Service, asked for an opinion on the European flag on 21 March 1984 by the 'General Affairs' group, first expressed some doubt about the European Communities' decision to adopt the same flag as the Council of Europe. Second, the Council lawyers considered that while the European Parliament was undoubtedly competent to adopt its own flag, the resolution was not binding on the other institutions. To achieve such a result it would be necessary to make use of a normative instrument based in this case on Article 235 (now 308) of the EC Treaty and, obviously, on a proposal from the Commission. Further possibilities included both an interinstitutional agreement and decisions of assent by the institutions, as was in fact the case in spring 1986 (doc. 5865/84, Restreint, JUR 41); the document is reproduced by M. Göldner, *Politische Symbole der europäischen Integration*, op. cit., annex 1. 25.

(164) The European Council also suggested considering the formation of European sports teams and the minting of a European coin, the ECU (Presidency Conclusions, *Bull. EC*, suppl. 7/85, p. 5).

(165) The Committee was able to meet only on 7 November 1984 as a result of the delay in appointing the personal representatives of the Heads of State or Government. In addition to Pietro Adonnino, representing Bettino Craxi, President of the Italian Council of Ministers, the Committee included: Mailand Christensen, representing Poul Schluter, Prime Minister of Denmark, Max Gallo, representing François Mitterrand, President of the French Republic, Albert Hansen, representing Jacques Santer, President of the Government of Luxembourg, Yannis Kranidiotis, representing Andreas Papandreu, Prime Minister of Greece, Hans Neusel, representing Helmut Kohl, Federal Chancellor of the Federal Republic of Germany, Eamon O Tuathail, representing Garret FitzGerald, Prime Minister of Ireland, Carlo Ripa di Meana, representing Jacques Delors, President of the European Commission, Prosper Thuysbaert, representing Wilfried Martens, Prime Minister of Belgium, Edmund Wellenstein, representing Ruud Lubbers, Prime Minister of the Netherlands, and David Williamson, representing Margaret Thatcher, Prime Minister of the United Kingdom. The Committee secretariat was made up of Fabio De Nardis, Karl Buck and Frank Benyon (doc. SN/848/6/85 (EDC) Adonnino private archives). On the work of the Committee, see P. Adonnino, *L'Europa dei cittadini: considerazioni e prospettive*, in *Affari esteri*, 1985, No 68, pp. 438-449; P. Barbi, *L'Unione europea da Fontainebleau a Lussemburgo. Storia di una grande occasione mancata*, Società editrice napoletana, Naples, 1986, pp. 79-93; N. Tousignant, *L'impact du Comité Adonnino (1984-1986). Rapprocher les Communautés européennes des citoyens*, in *Études internationales*, 2005, pp. 41-59.

(166) I should like to thank Professor Pietro Adonnino for forwarding me copies of all his documents concerning the Committee on a People's Europe.

(167) Initially, the Secretary-General Emile Noël had been appointed to represent the President of the European Commission Gaston Thorn.

(168) Council of the European Communities, doc. SN/161/85 ran, p. 7, Adonnino private archives.

(169) The Adonnino Committee proposed that the Council ask the Commission whether there was scope for organising a Euro-lottery which could finance projects in the cultural field. The Committee also proposed: a) confirming 9 May as Europe Day; b) for certain sectors of sport, organising European Community events such as cycle and running races through European countries; c) creating Community teams for some sports; d) inviting sporting teams to wear a Community emblem; e) considering national issues of certain stamps in the individual countries bearing identical designs of subjects which highlighted the Community or its underlying values, or which commemorated particularly important events in Community history (*Bull. EC*, suppl. 7/85, points 3, 11, 5.5, 5.9.1, 9.3).

(170) Some MEPs had asked the Committee to conclude its work as soon as possible because it related, among other things, to the adoption of common European symbols (see the motion for a resolution by Münch and others on the adoption of common European symbols, European Parliament, session documents 1985-1986, doc. B 2 – 0047/85 of 21 March 1985). In its report to the Dublin European Council, the Committee had set out a number of measures to 'improve the image and identity of the Community among its peoples', expressly mentioning '7. Symbolic measures, such as the Community flag/emblem, anthem, stamp and possible minting of a European coin' (Council of the European Communities, doc. SN/3403/1/84 ran, Adonnino private archives). It should be borne in mind that the matters examined by the Fontainebleau European Council also included the issue of minting the ECU. However, 'the Committee considered that, in view of current developments in the EMS, minting could only be of value to collectors. It therefore preferred not to make any proposals' (letter from the Chairman of the ad hoc Committee to Bettino Craxi, Prime Minister of the Italian Republic, 12 June 1985, Adonnino private archives).

(171) *Bull. EC*, suppl. 7/85, p. 30, point 9.1. As regards such initiatives, the Chairman of the ad hoc Committee notes that 'although they seem to have attracted most attention in the European press, it is clear that they have not engaged the best and greatest capabilities of the Committee, which focused in particular on the other areas mentioned, of major importance, but which it also seemed useful to take into account in providing an image of the Community appropriate in terms of both form and substance' (P. Adonnino, *L'Europa dei cittadini: considerazioni e prospettive*, op. cit. p. 447).

(172) Letter from the Chairman of the ad hoc Committee to Bettino Craxi, Prime Minister of Italy, 15 June 1985, Adonnino private archives.

(173) Council of Europe, Parliamentary Assembly, Recommendation 994(1984), part. A(iv), reproduced by M. Göldner, *Politische*

Symbole der europäischen Integration, op. cit., annex 1. 28.

(174) The Commission, chaired by Emilio Colombo, had the following members: Hélène Ahrweiler, José Maria de Areilza, Pieter Dankert, Maurice Faure, Knut Frydenlund, Kai-Uwe von Hassel, Alois Mock and Geoffrey Rippon.

(175) *The Report of the Colombo Commission* is reproduced in Annex I to the *General policy of the Council of Europe - Future of European cooperation - Examination of the first report of the Committee of Eminent European Statesmen (Colombo Commission)*, Rapporteur Harald Lied, Parliamentary Assembly of the Council of Europe, doc. 5455 of 13 September 1985, pp. 16-25, especially p. 20. It should be borne in mind that the report of the Colombo Commission was included in the file prepared for the Milan European Council of 28-29 June 1985.

(176) Lied report, op. cit., p. 7, paragraph 13.

(177) J. Delors (with J.L. Arnaud), *Mémoires*, Plon, Paris, 2004, p. 318.

(178) P. Collowald, *La 'Trajectoire' Strasbourg-Luxembourg-Bruxelles*, in F. Dassetto, M. Dumoulin, *Naissance et développement de l'information européenne*, op. cit., pp. 47-48.

(179) *Ibid*, p. 47.

(180) European Parliament, session documents 1985-86, doc. 2-1034/84 of 20 November 1984.

(181) European Parliament, session documents 1986-87, doc. B2-406/87.

(182) European Parliament, session documents 1985-86, doc. 2-893/84 of 30 October 1985.

(183) *Debates of the European Parliament*, No 2-346, p. 283.

(184) The conclusions show that the European Council approved the proposals set out in the final report of the Adonnino Committee 'which contain numerous concrete measures aimed at involving the citizens of Europe more determinedly in the construction of the Community [...]'. The European Council has instructed the Commission and the Member States, acting within their respective powers, to take the necessary implementing measures and instructed the Council to report to it at its December meeting on the progress achieved' (*Bull. EC* 6-1985, p. 13, point 1.2.3).

(185) European Parliament, session documents 1985-86, doc. B2-0047/85.

(186) European Parliament, session documents 1985-86, doc. A 2-133/85 of 6 November 1985.

(187) *OJEC* 1985, C 345, p. 27.

(188) European Parliament, *Verbatim Report of the Sitting*, 13 November 1985, p. 134, col. 239.

(189) *Ibid*, p. 137, col. 246.

(190) Council of the European Communities, doc. 10548/51, DS 39 of 20 November 1985.

(191) Letter from Marcelino Oreja, Secretary-General of the Council of Europe to Carlo Ripa di Meana, Member of the European Commission, 19 December 1985, Council of Europe Archives.

(192) Doc. CM/Del /Concl (86) 393, item 4, p. 13. Letter from Marcelino Oreja, Secretary-General of the Council of Europe to Carlo Ripa di Meana, Member of the European Commission, 26 February 1986, Council of Europe Archives.

(193) P. Collowald, *La 'Trajectoire' Strasbourg-Luxembourg-Bruxelles*, in F. Dassetto, M. Dumoulin, *Naissance et développement de l'information européenne*, op. cit., pp. 47-48.

(194) The telex from the Registrar Paul Heim to the Commission's Secretary-General Emile Noël is reproduced in Annex I to the *Compte rendu* of the meeting, which is in turn annexed to the note from Secretary-General Noël to Director-General Froschmaier of 25 March 1986, SG (86) D/3712, Historical Archives of the European Communities, folder FDE, 158.

(195) *Bull. EC*, 4/1986, p. 49, point 2.1.81.

(196) *Bull. EC*, 4/1986, p. 51, point 2.1.81.

(197) Doc. COM/86/PV 825, paragraph 16 A of 30 April 1986. See also SEC/86/684/1 of 24 April 1986. The meeting was prepared by the Heads of Cabinet (doc. SEC/86/670, paragraph 16).

(198) These provisions should have been based on the rules, adopted in 1978, on the emblem with the stylised E of the Commission (doc. COM/78 PV 492, paragraph 14/A).

(199) 'This day', said Oreja, 'is a wonderful day for Europe. The decision by the Community institutions to adopt the European flag which has been the emblem of the Council of Europe since 1955, and the European anthem adopted in 1972, is an auspicious decision for all Europeans. From this day, all the European institutions and 385 million Europeans will be joined by this circle of twelve stars on a blue background and by Beethoven's 'Ode to Joy' [...] '.

(200) F. De Biran, *Les 12 et les 21 autour du même drapeau*, in *Le Journal de l'Europe*, 29 May 1986, p. 5.

(201) In reality the European flag had its first outing in March 1986 at the economic summit in Tokyo (*A People's Europe*, Communication from the Commission to the European Parliament, 5 July 1988, COM/88/331 final, p. 6).

(202) A special issue of the European Commission's *Staff Courier* entitled *Europe 29 mai 1986* was devoted to the event, reproducing the speeches made and photographs of the ceremony during which the 'Ode to Joy' was sung and played.

(203) Ripa di Meana, after noting that the ceremony had a particular symbolic significance ('it is a visual sign of progress towards a people's Europe and towards the European Union') offered special, sincere and affectionate thanks to 'European officials who, every day, through their work and their devotion, bear witness to their regard for European integration', and 'to our friends in the press and television, whose support is so necessary in developing a genuine European conscience' (C. Ripa Di Meana, *Vers l'Europe des Peuples*, in *Europe 29 mai 1986*, op. cit., p. 7).

(204) J. Delors, *Que flottent donc les couleurs de l'Europe*, in *Europe 29 mai 1986*, op. cit. p. 11.

(205) P. Pflimlin, *Un symbole de l'Union européenne*, in *Europe 29 mai 1986*, op. cit., p. 16.

(206) H.J.C. Rutten, *Coopération, Unité, Paix*, in *Europe 29 mai 1986*, op. cit., p. 18.

(207) *Utilisation du drapeau communautaire par la Commission*. Note for the attention of Directors-General, Heads of Unit and Heads of Cabinet drawn up by the Secretariat General.

(208) As confirmed to the author by Denise Louterman-Hubeau, Head of the Protocol Service of the Court of Justice, 20 September 2004.

(209) In Rome, at Palazzo Campanari, via Quattro Novembre 149, also the temporary office of CIDE (National Centre for European Information and Documentation), a European Economic Interest Grouping, provided for in Law 178/2000 and set up under a

contract between the Republic of Italy and the European Community.

(210) This was the case for a whole day on Friday, 8 April 2005 when the funeral of Pope John Paul II was held, ‘a great European who contributed to the reunification of Europe’, as Françoise Le Bail, spokesman for President Barroso of the European Commission, pointed out. The European Parliament anticipated the event and decided to fly the flag at half-mast from Monday, 4 April 2005.

(211) *OJEC* 1986, C 303, p. 1. See also the motion for a resolution by Víctor Muru on displaying the flag of the European Communities at its borders, European Parliament, session documents 1986-87, B-578/87 of 24 June 1987.

(212) See below, Chapter II.8.

(213) *Interinstitutional Style Guide*, Office for Official Publications of the European Communities, Luxembourg, 1988, Annex A2, in <http://publications.eu.int/code/en/en-5000200.htm>.

(214) European Parliament, session documents 1986-87, doc. B2-674/86.

(215) European Parliament, session documents 1988-89, doc. A2-104/88 of 9 June 1988.

(216) *Debates of the European Parliament*, No 2-367, p. 345.

(217) *Debates of the European Parliament*, No 2-368, p. 107.

(218) See above, Chapter I.3.

(219) *OJEC* 1988, C 262, pp. 68-69.

(220) See the motion for a resolution by Víctor Muru on the supply of European flags to local authorities, European Parliament, session documents 1988-89, doc. B2-495/88 of 19 July 1988, and the motion for a resolution by Pablo Arias on the use of the European flag in Member States’ schools, European Parliament, session documents 1988-89, doc. B2-188/88 of 25 April 1988.