

Interview with Pierre Pescatore: the allocation of tasks within the Legal Group (Luxembourg, 10 September 2003)

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[Étienne Deschamps] All the people that you describe are eminent figures. Practically speaking, how were tasks allocated within the Legal Group? Who did the writing? Who took the initiatives?

[Pierre Pescatore] Well, we started the negotiations from nothing. Just as I was telling you, on the first day, Devadder came in and said: ‘In order to start us off, we have noted down the legal points that come out of the Spaak Report,’ so we had a document in front of us, but that document was never used as a basic document. Our tasks were allocated in a purely pragmatic fashion, according to the abilities and preferences of each member. In my case, I think that I may have already told you this, I was told: ‘You, Mr Pescatore, since you are so attached to legal theory and the general principles, could you not take care of collating the general and basic clauses for us?’ Which is what I did, mainly on the basis of the ECSC Treaty, transcribing them into the new framework. From then on, whenever basic or general questions emerged, they were allocated to me, so I wrote the first draft of everything at the beginning and end of the Treaty, as well as the whole of the chapter on legislation. On the other hand, it was above all Catalano, together with Gaudet, who took responsibility for the judicial chapter, because they had already had wide experience of the Legal Service of the High Authority; anyway, they knew their jurisprudence, so we were on firm ground when it came to drafting the judicial clauses. As for the institutional clauses, it was again they who acted as our interpreters of the institutional will of the Member States, because they were in close contact with their Heads of Delegation and, of course, their representatives in the other groups. When it came to defining such matters as voting rights in the Council, or the weighting of votes, it was they who acted as intermediaries between the political level and the lawyers. But I must say that when it came to defining the conferring of powers, they left it to me, so it was I who set out the powers of the Commission, the Community executive — and I have a very specific remark to make on this subject — it was I, therefore, who drew up the clauses setting out the tasks of the Council, of Parliament, of the Economic and Social Committee, and so on. So this had to be put into legal form, and the key task was obviously that of defining the functions of the Commission. We worked on the frameworks that had been prepared by one or other of the members, which were then taken up by others and amended. We did not even have a formal system of revision; no, we discussed it all, and then the texts underwent successive revisions. I now regret having thrown away all my papers.