

Draft Treaty — Fouchet Plan II (18 January 1962)

“The High Contracting Parties,

convinced that the organization of Europe in a spirit of freedom and of respect for its diversity will enable its civilization to develop, add to the prestige of its spiritual heritage, increase its capacity to defend itself against external threats, facilitate the contribution it makes to the development of other peoples and contribute to world peace;

resolved jointly to safeguard the dignity, freedom and equality of men, regardless of their status, race or creed;

affirming their attachment to the principles of democracy, to human rights, and to social justice;

ready to welcome to their ranks other countries of Europe that are prepared to accept the same responsibilities and the same obligations;

resolved to pursue the task of reconciling their essential interests already initiated, in their respective fields, by the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community;

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration of 18 July 1961 by the Heads of State or Government;

have appointed as their Plenipotentiaries:

His Majesty the King of the Belgians,
Mr.,

The President of the French Republic,
Mr.,

The President of the Federal Republic of Germany,
Mr.,

The President of the Italian Republic,
Mr.,

Her Royal Highness the Grand Duchess of Luxembourg,
Mr.,

Her Majesty the Queen of the Netherlands,
Mr.,

who, having exchanged their Full Powers, found in good and due form, have agreed as follows:

Title I — Union of the European peoples

Article 1

By the present Treaty, a union of States, hereafter called “the Union”, is established.

The Union is based on respect for the individuality of the peoples and of the Member States and for equality of rights and obligations.

Article 2

It shall be the aim of the Union to reconcile, co-ordinate and unify the policy of Member States in spheres of common interest: foreign policy, economics, cultural affairs and defence.

Article 3

The Union shall have legal personality.

The Union shall enjoy in each of the Member States the legal capacity accorded to legal persons under their domestic law. It may, in particular, acquire movable or immovable property and may go to law.

Title II — Institutions of the Union

Article 4

The Institutions of the Union shall be as follows:

- the Council;
- the Committees of Ministers;
- the Political Commission;
- the European Parliament.

Article 5

The Council shall consist of the Heads of State or Government of Member States. It shall meet in principle every four months and not less than three times a year.

Article 6

The Council shall deliberate on questions whose inclusion on its agenda is requested by one or more Member States. The agenda shall be drawn up by the President. The Council shall adopt decisions necessary for achieving the aims of the Union unanimously. The absence or abstention of one or two members shall not prevent a decision from being taken.

The decisions of the Council shall be implemented by Member States that have participated in their adoption. Member States that are not bound by a decision, by reason of their absence or

abstention, may endorse it at any time. From the moment they endorse it, the decision shall be binding on them.

Article 7

A Committee of Foreign Ministers and a Committee of Ministers of Education shall be set up. These Committees shall meet not less than four times a year and shall report to the Council.

Article 8

The Council may decide to set up other Committees of Ministers.

Article 9

The Political Commission shall consist of representatives appointed by each Member State. It shall prepare the deliberations of the Council and ensure that its decisions are carried out. It shall perform such other duties as the Council decides to entrust to it. It shall have at its disposal the necessary staff and departments.

Article 10

The European Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities, signed in Rome on 23 March 1957, shall deliberate on questions concerning foreign policy, defence and education on which the Council asks its opinion.

The Council shall each year render to the European Parliament a statement on the activities of the Union. The Council shall be represented at the debates held in the Parliament on this statement.

The Parliament may address to the Council either oral or written questions or recommendations to which a reply shall be given within a period of two months.

Title III — Obligations of Member States

Article 11

There shall be solidarity and reciprocal assistance as between Member States. They undertake to refrain from taking any step or decision that might hinder or delay the achievement of the aims of the Union.

Title IV — Finances of the Union

Article 12

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

The draft budget, drawn up by the Political Commission, shall be adopted by the Council which, where appropriate, may make any amendments it considers necessary.

Article 13

The administrative expenditure of the Union shall be met from contributions by the Member States calculated according the following scale:

Belgium	7.9
France	28
Federal Republic of Germany	28
Italy	28
Luxembourg	0.2
Netherlands	7.9

Article 14

The budget shall be implemented by the Political Commission.

Title V — General provisions

Article 15

The present Treaty may be reviewed. Draft amendments shall be submitted to the Council by the Governments of Member States.

Draft amendments adopted unanimously by the Council shall be submitted for ratification by the Member States, after the European Parliament, where appropriate, has expressed its opinion. They shall come into force once all the Member States have ratified them.

Article 16

Three years after this Treaty comes into force, it shall be subjected to a review in order to consider suitable measures either for strengthening the Union in general in the light of progress already made or, in particular, for simplifying, rationalizing and co-ordinating the ways in which Member States co-operate.

Article 17

The Union shall be open for membership to States that have acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new State shall be decided unanimously by the Council after an additional Act to this Treaty has been drawn up.

Article 18

This Treaty, drawn up in a single original in the Dutch, French, German and Italian languages, all four texts being equally authentic, shall be deposited in the archives of the Government of which shall transmit a certified copy to each of the Governments of the other signatory States.

This Treaty shall be ratified. The instruments of ratification shall be deposited with which shall notify the Governments of the other Member States that this has been done.

This Treaty shall come into force on the day when the instrument of ratification is deposited by the last signatory State to do so.

In witness whereof, the undersigned Plenipotentiaries have affixed their signatures below this Treaty under their common seal.