

## **Draft Treaty embodying the Statute of the European Community (10 March 1953)**

Preamble

WE, the Peoples of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,

CONSIDERING that world peace may be safeguarded only by creative efforts equal to the dangers which menace it;

CONVINCED that the contribution which a living, united free Europe can bring to civilization and to the preservation of our common spiritual heritage is indispensable to the maintenance of peaceful relations;

DESIROUS of assisting through the expansion of our production in improving the standard of living and furthering the works of peace;

DETERMINED to safeguard by our common action the dignity, freedom and fundamental equality of men of every condition, race or creed;

RESOLVED to substitute for our historic rivalries a fusion of our essential interests by creating institutions capable of giving guidance to our future common destiny;

DETERMINED to invite other European peoples, inspired with the same ideal, to join with us in our endeavour;

HAVE DECIDED to create a European Community.

Wherefore our respective Governments, through their Plenipotentiaries, meeting in the city of ....., with powers found in good and due form, have adopted the present Treaty.

Part I.

The European Community

Article 1

The present Treaty sets up a EUROPEAN COMMUNITY of a supra-national character.

The Community is founded upon a union of peoples and States, upon respect for their personality and upon equal rights and duties for all. It shall be indissoluble.

Article 2

The Community has the following mission and general aims:

— to contribute towards the protection of human rights and fundamental freedoms in Member States;

— to co-operate with the other free nations in ensuring the security of Member States against all aggression;

— to ensure the co-ordination of the foreign policy of Member States in questions likely to involve the existence, the security or the prosperity of the Community;

— to promote, in harmony with the general economy of Member States, the economic expansion, the development of employment and the improvement of the standard of living in Member States, by means, in particular, of the progressive establishment of a common market, transitional or other measures being taken to ensure that no fundamental and persistent disturbance is thereby caused to the economy of Member States;

— to contribute towards the endeavours of Member States to achieve the general objectives laid down in the Statute of the Council of Europe, the European Convention for Economic Co-operation, and the North Atlantic Treaty, in co-operation with the other States parties thereto.

#### Article 3

The provisions of Part I of the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4th November 1950, together with those of the protocol signed in Paris on 20th March 1952, are an integral part of the present Statute.

#### Article 4

The Community shall have juridical personality.

In international relationships the Community shall enjoy the juridical personality necessary to the exercise of its functions and the attainment of its ends.

In each of the Member States the Community shall enjoy the most extensive juridical personality which is recognized for legal persons of the nationality of the country in question. Specifically, it may acquire, or transfer, immovable and movable assets and may sue and be sued in its own name.

The Community shall possess, in the territories of the Member States, such immunities and privileges as are necessary to the fulfilment of its task, under conditions determined in the Protocol appended to the present Treaty.

#### Article 5

The Community, together with the European Coal and Steel Community, and the European Defence Community, shall constitute a single legal entity, within which certain organs may retain such administrative and financial autonomy as is necessary to the accomplishment of the tasks assigned by the treaties instituting the European Coal and Steel Community and the European Defence Community.

#### Article 6

The Community shall exercise all such powers and competence as are conferred upon it by the present Statute or by subsequent enactment.

The provisions defining the powers and competence conferred upon the Community by the present Treaty shall be restrictively interpreted.

#### Article 7

The Community shall carry out its functions in close co-operation with the national civil services, through their respective governments, and with any international organization having objectives similar to its own.

#### Article 8

The Community shall enact legislation defining the fundamental principles of the general status of its officials.

### Part II.

#### The Institutions of the Community

#### Article 9

The Institutions of the Community shall be:

- Parliament;
- the European Executive Council;
- the Council of National Ministers;
- the Court of Justice, hereinafter termed “the Court”;
- the Economic and Social Council.

#### Chapter I

#### Parliament

#### Article 10

Parliament shall enact legislation and make recommendations and proposals. It shall also approve the budget and pass a bill approving the accounts of the Community. It shall exercise such powers of supervision as are conferred upon it by the present Statute.

#### Article 11

Parliament shall be composed of two Chambers which, unless the present Statute otherwise provides, shall have the same powers and competence.

The first Chamber, entitled the Peoples’ Chamber, shall be composed of deputies representing the peoples united in the Community.

The second Chamber, entitled the Senate, shall be composed of senators representing the people of each State.

## Article 12

Deputies and senators shall vote as individuals and in person.

They may not accept any mandate as to the way in which they shall cast their votes.

## Article 13

Deputies shall be elected by universal, equal and direct suffrage, by secret ballot open to both men and women.

The Community shall enact legislation defining the principles of the electoral system.

## Article 14

The Peoples' Chamber shall be elected for five years, subject to the provisions of Article 31, paragraphs 4 and 5.

## Article 15

The peoples united in the Community shall be represented in the Peoples' Chamber in accordance with the following conditions:

1. The number of deputies elected from the territory of a Member State may not be less than 12 nor more than 70.
2. An equal number of deputies shall be elected from the territories of Germany, France and Italy. Additional representation shall, however, be granted to the French Republic in order to take into account its overseas departments and territories, under conditions to be laid down by French legislation.

An equal number of deputies shall be elected from the territories of Belgium and the Netherlands.

3. The number of deputies elected from the territories of the Member States shall be as follows:

Germany	63
Belgium	30
France	70
Italy	63
Luxembourg	12
Netherlands	30

## Article 16

1. Senators shall be elected by the national Parliaments for five years in accordance with the procedure determined by each Member State.

2. A senator shall commence his term of office at the opening of the session of the Senate next following his election.

#### Article 17

The number of senators shall be as follows:

Germany	21
Belgium	10
France	21
Italy	21
Luxembourg	4
Netherlands	10

#### Article 18

Each Chamber of Parliament shall verify the regularity of the election of its Members.

#### Article 19

The Community shall enact legislation determining the conditions of eligibility for membership of Parliament.

#### Article 20

1. Membership of the European Parliament shall not be confined to members of national Parliaments.
2. A combination of the office of a senator with that of a deputy shall be prohibited.
3. The exercise of the functions of a Member of Parliament of the Community shall be incompatible with that of the functions of a Member of the Council of National Ministers and of a Member of the Economic and Social Council.
4. The exercise of the functions of a Member of Parliament of the Community shall be incompatible with the holding of judicial office on behalf of the Community, with permanent functions remunerated by the Community or with directorial functions in an enterprise or organization directly controlled by the Community.
5. The Community may enact legislation laying down other rules as to incompatibility.

#### Article 21

Parliament shall hold two ordinary sessions annually. It shall assemble regularly on the second Tuesday in May and the last Tuesday in October.

An extraordinary session of either Chamber may be convened by its President, either on his own initiative, or at the request of a quarter of the Members of the Chamber concerned, or of the European Executive Council.

## Article 22

Each Chamber shall elect its President and its Bureau from among its own Members, by secret ballot. It shall decide upon its Rules of Procedure by majority vote of its Members.

The records of the proceedings of each Chamber shall be published in accordance with the conditions laid down in its Rules of Procedure.

## Article 23

1. Members of Parliament and of the European Executive Council shall have the right to initiate legislation.

2. Members of Parliament shall have the right of amendment and interpellation. They may put oral or written questions to the European Executive Council, which shall be required to answer them.

3. Each Chamber shall receive and examine any petitions which may be addressed to it. Such petitions may not be presented in person.

4. Each Chamber shall have the right to institute inquiries. The Community shall enact legislation governing the exercise of this right.

## Article 24

1. Members of the European Executive Council may attend all meetings of each of the Chambers. They shall be heard if they so request. They may take part in the work of the Committees.

2. Members of the Council of National Ministers may attend all meetings of each of the Chambers. The President of the Council of National Ministers, or a member of the Council specially appointed to represent him, may be heard on behalf of the Council by each of the Chambers, either at the request of the latter, or on his own initiative.

## Article 25

1. No restriction shall be placed upon the travel of Members of Parliament proceeding to or coming from the place of meeting of Parliament.

As concerns customs and exchange control, Members of Parliament shall be granted the privileges accorded to accredited Heads of diplomatic Missions; they shall be exempted from the visa regulations in force in Member States.

2. During their term of office, Members of Parliament shall enjoy exemption from all measures of detention and from any legal prosecution.

Such immunity may not be invoked when Members are found committing, attempting to commit, or just having committed an offence.

Each Chamber of Parliament may waive the immunity of its Members.

3. Members of Parliament shall enjoy absolute immunity from legal action in respect of opinions or votes expressed by them in the exercise of their functions. They shall continue to enjoy this immunity after the expiry of their term of office.

#### Article 26

Each Chamber shall lay down in its Rules of Procedure the manner in which it will exercise its powers and competence.

### Chapter II The European Executive Council

#### Article 27

The European Executive Council shall undertake the general administration of the Community. It shall have no powers other than those conferred upon it by the present Statute.

#### Article 28

1. The Senate shall elect the President of the European Executive Council in secret ballot, by majority vote of its Members.
2. The President shall appoint the other Members of the European Executive Council.
3. The European Executive Council shall not include more than two Members of the same nationality.
4. The Members of the European Executive Council shall have the title of Ministers of the European Community.

#### Article 29

Only nationals of Member States may be Members of the European Executive Council.

#### Article 30

1. The office of a member of the European Executive Council shall be incompatible with that of a member of the Government of a participating State, of a judge or solicitor-general in the Court or of a member of the Economic and Social Council.
2. Members of the European Executive Council may not exercise any paid function.

They may belong neither to the management nor the Board of Directors of any enterprise conducted for profit.

#### Article 31

1. The European Executive Council shall assume its functions as soon as its composition has been published in the Official Journal of the Community. It shall forthwith request the Peoples' Chamber and the Senate for their vote of confidence, which shall be given by each Chamber by majority vote of its members.
2. The European Executive Council shall remain in office until the end of the life of the current Peoples' Chamber. It shall resign from office notwithstanding, if a vote of no confidence is passed against it by the Peoples' Chamber or the Senate. It shall also be required to resign if the Peoples' Chamber or the Senate refuses to grant its request for a vote of confidence.
3. The Senate shall be deemed to have passed a vote of no confidence in the European Executive Council if it elects a new President, under the provisions of the first paragraph of Article 28.

The Peoples' Chamber shall pass a vote of no confidence in the European Executive Council by a three-fifths majority vote of its members.

Subject to the provisions of paragraph 1 of the present article, the withholding of a vote of confidence, if it is to be effective, must take place under the same conditions as a vote of no confidence.

4. If a motion of no confidence, or alternatively the withholding of a vote of confidence which has been requested of the Peoples' Chamber by the European Executive Council, is voted by a majority of less than three-fifths of the members of the Chamber, it shall be at discretion of the European Executive Council either to resign or to declare the Chamber dissolved.

Such dissolution may not be ordered until after the expiry of a period of five clear days. The instrument of dissolution shall include convocation of the electoral body of the Peoples' Chamber within a period of forty days, and of the Chamber within two months.

The withholding of a vote of confidence by the Peoples' Chamber shall not, however, entail the option of dissolving the Chamber in the case mentioned in paragraph 1 of the present Article.

5. The right of the European Executive Council to order the dissolution of the Peoples' Chamber in implementation of the preceding paragraph shall lapse if, within the period determined in that paragraph, the Senate passes a vote of no confidence in the European Executive Council under the conditions laid down in paragraph 3 of the present Article.

6. The President of the European Executive Council shall tender the resignation of the Council to the President of the Senate. The retiring Council shall conduct current business until its successor takes up office.

7. The members of the European Executive Council shall resign in a body if and when the President ceases to exercise his functions.

Article 32



The President of the European Executive Council may dismiss or replace any Member of that Council subject to the approval of the Peoples' Chamber and the Senate.

#### Article 33

In order to fulfil the tasks entrusted to it, and in accordance with the conditions laid down in the present Statute, the European Executive Council shall take decisions, make recommendations or express opinions.

Decisions shall be binding in all aspects.

Recommendations shall have binding effect as regards the aims specified therein, but shall leave the means of implementation to the Authorities to whom the recommendation is addressed.

Opinions shall not be binding.

#### Article 34

The President of the European Executive Council shall represent the Community in international relations.

### Chapter III

#### The Council of National Ministers

#### Article 35

The Council of National Ministers shall exercise its powers and competence in the cases specified and in the manner indicated in the present Statute with a view to harmonising the action of the European Executive Council with that of the Governments of Member States.

The Council of National Ministers and the European Executive Council shall exchange information and consult each other.

#### Article 36

The Council of National Ministers shall be composed of representatives of the Member States. Each State shall delegate a member of its Government as a representative.

The Chairmanship shall be taken by each of the Members of the Council in turn for a period of three months, in accordance with the alphabetical order of the names of the Member States.

#### Article 37

The Council of National Ministers shall be convened by its Chairman at the request of a Member State or of the European Executive Council.

The Council of National Ministers shall communicate with each Member State through the Minister representing the latter.

## Chapter VI The Court

### Article 38

1. The Court shall ensure the rule of law in the interpretation and application of the present Statute and of the laws and regulations of the Community.
2. The Court of the Community shall be identical with the Court of the European Coal and Steel Community and of the European Defence Community, thus ensuring unity of jurisprudence.
3. Other courts set up by existing or subsequent treaties shall assist the Court in the exercise of its functions.

### Article 39

1. The number of judges shall not exceed fifteen.

They shall be selected from a double list by the European Executive Council, acting with the approval of the Senate. Each Member State may put forward three candidates; the national groups of the Permanent Arbitration Court in each Member State shall be entitled to exercise a similar right.

2. The candidates must be of the highest moral character, and must either possess the qualifications required, under their national legislation, for the exercise of the highest judicial functions, or be jurists of unquestionable ability.
3. Judges shall be appointed for nine years and shall be re-eligible. Nevertheless, the first seven judges shall cease to exercise their functions at the expiry of the period for which provision is made in the treaty instituting the European Coal and Steel Community.
4. The Court shall have exclusive jurisdiction in disciplinary proceedings against its own members.
5. The judges shall be independent and subject only to the law.

### Article 40

1. The texts relating to the competence of the Court and the organisation of the judicial system shall be supplemented and modified in accordance with Articles 112 or 113. Nevertheless, should such modification entail an alteration in the powers and competence of the Community vis-à-vis the Member States, the provisions of Article 111 shall be applicable.
2. Notwithstanding the provisions in the preceding paragraph, the Court shall lay down its own Rules of Procedure.

### Article 41

1. The Court shall in its own right, take cognizance of disputes arising out of the application or interpretation of the present Statute or of a law of the Community, to which the parties are

— either Member States among themselves,

— or one or more Member States and the Community.

2. The Court shall take cognizance, through the machinery provided for the hearing of appeals, of the judgments or decisions delivered by the judicial organs of the Community, all of which are subordinate to it.

#### Article 42

1. The Court shall take cognizance in first and final instance of all appeals formally lodged against the Community, except when provision is made to the contrary in the present Statute or in a law of the Community conferring this competence on another Court.

2. The Court shall pass judgment on disputes arising from the application of the Treaties instituting the European Coal and Steel Community and the European Defence Community in accordance with the provisions of those Treaties.

#### Article 43

The Court shall have jurisdiction to pass judgment on appeals for annulment on grounds of lack of competence, substantial procedural violations, violation of the Statute or of any regulation concerning its application, or abuse of power, where such appeals are lodged by any interested party against the decisions or recommendations of the European Executive Council or of the administrative authorities subordinate thereto.

#### Article 44

The Court shall have sole jurisdiction to decide on the validity of decisions or recommendations of the European Executive Council and of deliberations of the Council of National Ministers, in cases where such validity is contested in litigation before a national Court.

#### Article 45

1. Any dispute arising from a decision or measure taken by one of the Institutions of the Community, which affects the rights recognized in the Convention for the Protection of Human Rights and Fundamental Freedoms, shall be referred to the Court.

2. If an appeal is lodged with the Court under the conditions mentioned in the preceding paragraph by a natural or legal person, such appeal shall be deemed to be lodged in accordance with the terms of Article 26 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

3. After the establishment of the legal machinery for which provision is made in the Convention for the Protection of Human Rights and Fundamental Freedoms, should any dispute arise which involves a question of principle as to the interpretation or extent of the

obligations resulting from the said Convention and which consequently affects all the Parties thereto, the Court shall renounce judgment, if necessary, until the question of principle has been settled by the judicial organs for which provision is made in the Convention.

#### Article 46

The Member States undertake not to avail themselves of any mutual declarations or conventions existing among them to submit any difference arising out of the interpretation or application of the present Treaty to a method of settlement other than those provided for herein.

#### Article 47

The Court may also, by virtue of the present Statute or a law of the Community, be empowered to act as an Arbitration Court.

#### Article 48

The judicial organs of the Community and those of Member States shall assist each other in the exercise of their functions.

#### Article 49

Appeals lodged with the Court shall have no suspensory effect. Notwithstanding this provision the Court may, if it considers that circumstances so demand, order a stay of execution of the decision or recommendation which is the subject of the appeal.

The Court may also order any other interim measures which it deems necessary.

### Chapter V

#### The Economic and Social Council

#### Article 50

The Economic and Social Council shall assist the European Executive Council and Parliament in an advisory capacity.

It shall deliver opinions to each of the Chambers of Parliament and the European Executive Council, if they so request. It may also transmit resolutions to them.

#### Article 51

The Community shall enact legislation establishing the membership, competence and modus operandi of the Economic and Social Council.

If an Economic and Social Council is set up by the Council of Europe, agreements shall be concluded to enable the Economic and Social Council of the Community to constitute a section of the Council thus created, and to take part in its deliberations. Where necessary, however, the Economic and Social Council of the Community shall be separately consulted.

## Chapter VI Legislation

### Article 52

1. The passing of legislation shall require the assent of each of the two Chambers in succession by simple majority.
2. After the adoption of a bill by the two Chambers, a second deliberation shall be held automatically in the Peoples' Chamber and in the Senate if requested by one quarter of the Members of the Senate within three clear days.

The second deliberation shall begin ten clear days after the request has been made.

A second deliberation in accordance with this procedure may not be requested more than once on the same bill.

3. A bill shall be considered as finally passed into law after it has been approved at a second deliberation, or, if no admissible request for a second deliberation has been made, at the expiry of the period of three clear days laid down in § 2 of the present Article.

4. Laws shall be promulgated by the President of the European Executive Council within a period of eight clear days from the day on which they are finally voted in accordance with the provisions of § 3.

Before the expiry of this period the President of the European Executive Council may request Parliament to hold a new debate.

5. Laws shall be published in the Official Journal of the Community. They shall have executive effect at such time and under such conditions as shall be laid down in legislation enacted by the Community.

### Article 53

The European Executive Council may issue regulations to ensure the implementation of the laws of the Community.

The European Executive Council and the Authorities of each Member State shall be charged, as they are each and severally affected, with the execution of the Community's legislation and of the regulations of the European Executive Council.

### Article 54

Under the conditions and within the limits in which it is entitled to legislate, Parliament may also make recommendations which shall be binding as regards the aims specified therein, but shall leave the means of implementation to the Authorities to whom the recommendation is addressed.

Recommendations shall be adopted and promulgated in accordance with the procedure laid down in Article 52 for legislation of the Community.

Part III.  
Powers and Competence

Chapter I  
General Right of Initiative

Article 55

The Community may make proposals to the Member States with the object of attaining the general aims defined in Article 2.

Such proposals shall be made by the European Executive Council, either on its own initiative or as a result of a motion by Parliament or by one of the Chambers.

The European Executive Council may request Member States for information on the action which they have taken in regard to the proposals of the Community.

Chapter II  
Integration of European Coal and Steel Community and of the Defence Community

Article 56

The Community shall, with due regard to the provisions of Article 5, exercise the powers and competence of the European Coal and Steel Community and those of the European Defence Community.

Article 57

Subject to the provisions of Articles 5 and 56, the provisions of the Treaties instituting the European Coal and Steel Community and the European Defence Community shall remain in force, except in the cases provided for in Articles 39, 58 to 65, 109 and 116 and in the Protocol on the privileges and immunities of the Community.

Article 58

The decisions which the High Authority or the Board of Commissioners are authorized to take by virtue of the first paragraph of Article 95 of the treaty instituting the European Coal and Steel Community and Article 121 of the treaty instituting the European Defence Community must be submitted to Parliament for prior approval.

In urgent cases the measures taken shall be immediately submitted to Parliament for subsequent ratification.

Article 59

The integration of the European Coal and Steel Community and the European Defence Community shall be accomplished progressively during a period of adaptation not exceeding two years from the date of the constitution of the Peoples' Chamber.

## Article 60

1. As soon as the Peoples' Chamber has come into being, the Common Assembly of the European Coal and Steel Community and the European Defence Community shall be replaced by the Parliament of the Community, which shall exercise the powers and competence of the former, except as laid down in the transitional provision embodied in sub-paragraph (ii) of paragraph 1 of Article 62.

When the present Treaty comes into force:

— The Council of National Ministers shall replace the special Councils of Ministers of the European Coal and Steel Community and the European Defence Community and shall exercise their powers and competence.

— The judicial powers provided for in the present Statute shall be exercised by the Court of Justice of the European Coal and Steel Community and of the European Defence Community.

## Article 61

During the period laid down in Article 59, the High Authority of the European Coal and Steel Community and the Board of Commissioners (“Commissariat”) of the European Defence Community shall discharge their functions under the supervision and responsibility of the European Executive Council.

## Article 62

During the period laid down in Article 59:

(i) The President of the High Authority of the European Coal and Steel Community and the President of the Board of Commissioners of the European Defence Community shall sit *ex officio* on the European Executive Council with the right to vote:

(ii) The President of the High Authority of the European Coal and Steel Community shall retain the status resulting from the treaty instituting the European Coal and Steel Community.

The responsibility envisaged in Article 24 of that treaty may be questioned only before the Senate.

2. As soon as the first European Executive Council takes office, the Board of Commissioners of the European Defence Community shall be responsible to Parliament under the same conditions as the European Executive Council.

## Article 63

At the expiry of the period laid down in Article 59, and with due regard to the provisions of Articles 5 and 56:

1. The European Executive Council shall be substituted for the Board of Commissioners of the European Defence Community and shall exercise the powers and competence thereof;

2. The High Authority of the European Coal and Steel Community shall continue to exist as an administrative body having the character of a board. Its members shall be appointed by the European Executive Council on proposals submitted by the Governments of the Member States. It shall discharge its functions under the direction and supervision of the European Executive Council.

#### Article 64

1. The budgetary and financial provisions of the treaty instituting the European Coal and Steel Community shall remain in force during the period laid down in Article 59.

2. Nevertheless, with effect from the date on which the Peoples' Chamber comes into being the budget of expenditure of the European Defence Community shall be voted by Parliament, under the conditions laid down in Article 76 of the present Treaty.

3. At the expiry of the period laid down in Article 59, the whole of the regulation embodied in Articles 75 to 81 shall come into force, subject to the proviso that the allotment of receipts resulting from the implementation of the Treaties instituting the European Coal and Steel Community and the European Defence Community shall be maintained.

#### Article 65

The European Executive Council, during the period laid down in Article 59, shall take such decisions as are necessary to ensure the implementation of Articles 5 and 56.

Should these measures involve the amendment of one or more provisions of the treaties instituting the European Coal and Steel Community and the European Defence Community, other than those already modified by the present Treaty, in particular by Articles 5, 56 and 59 to 64, such amendments shall be made in accordance with the provisions of Articles 110 to 115.

#### Article 66

Such provisions of the present Treaty as relate to the European Defence Community shall be applicable when both the present Treaty and the treaty instituting the European Defence Community shall have come into force.

### Chapter III International Relations

#### Article 67

1. Within the limits of the powers and competence conferred upon it, the Community may conclude treaties or international agreements or accede thereto.

2. The Community may conclude treaties or agreements of association with third States, under the conditions prescribed in Articles 90 to 92.

#### Article 68



The European Executive Council shall negotiate and conclude treaties or international agreements on behalf of the Community.

Where such treaties or agreements relate to matters in which the present Statute provides for the assent of another institution of the Community, the European Executive Council may ratify them only when authorized so to do by the other institution concerned, acting in accordance with the procedure and conditions laid down for the exercise of its competence.

#### Article 69

In order to achieve the general aims laid down in Article 2, the Community shall ensure that the foreign policies of Member States are co-ordinated.

For this purpose the European Executive Council may be empowered, by unanimous decision of the Council of National Ministers, to act as common representative of the Member States.

#### Article 70

For the purposes defined in the previous article:

1. Representatives of Member States in the Council of National Ministers shall exchange information and institute a procedure for mutual and permanent consultation on all questions which affect the interests of the Community.
2. The European Executive Council may make proposals for this purpose to the Council of National Ministers. It shall have the right to be heard at all meetings of the Council of National Ministers when these proposals are examined.
3. Parliament, acting through the European Executive Council, may address proposals to the Council of National Ministers or to the Governments of Member States on all matters affecting the interests of the Community.

The European Executive Council may, at the request of Parliament, invite the Council of National Ministers or the governments in question to make known what action has been taken on these proposals.

#### Article 71

The Community shall:

1. institute a procedure for consultations among the Member States, so that a common attitude may be adopted at any international conferences where the interests of the Community may be involved;
2. prepare a draft pact for the peaceful settlement of any disputes which may arise between the Member States and which do not come within the competence of the Court;
3. establish the procedure for conciliation and arbitration required for the implementation of Article 73;

4. draft other treaties or agreements among the Member States or between certain individual Member States.

The European Executive Council shall invite the Member States to implement such treaties or agreements in accordance with their usual constitutional procedure.

#### Article 72

Member States may not conclude treaties or international agreements which run counter to commitments entered into by the Community or adhere to such treaties or agreements.

#### Article 73

Member States shall inform the European Executive Council of any draft treaties or agreements which they are in process of negotiating, or of any initiative taken by them which affects the Community.

If the European Executive Council considers that any such draft or initiative is likely to impede the implementation of the present Statute or to affect the interests of the Community, and if no agreement with the State in question can be reached, the dispute shall, subject to any other procedure provided for in the present Statute, be submitted to conciliation or, if this is unsuccessful, to arbitration.

#### Article 74

The Community shall, to the extent required for the achievement of its aims and within the limits of its powers and competence, have the right to accredit and receive diplomatic representatives.

### Chapter IV Financial Provisions

#### Article 75

1. The budget shall embrace the total receipts and expenditure of the Community. It shall be divided into Chapters.
2. The Community shall enact legislation defining the methods of presentation and implementation of the budget, together with the methods by which this implementation shall be supervised.

#### Article 76

1. The budget shall be proposed by the European Executive Council, subject to the provisions of Articles 78, 79 and 80.
2. The budget shall be voted annually by Parliament. Parliament may exercise its right of amendment only within the limits of the grand total of the proposed expenditure. It may not add new Chapters involving additional expenditure.

3. If the budget is not approved by Parliament before the beginning of the financial year, the European Executive Council may prolong the budget of the preceding year for a quarter at a time, until the new budget shall have been adopted. In that case, the provisions of Article 81, relating to the transfer of credits from one chapter to another, shall not be applicable.

#### Article 77

The financial resources of the Community shall be derived from:

- its own receipts, which include taxes, loans and various products of the Community;
- the contributions paid by Member States.

#### Article 78

1. The methods of determining the assessment, the rates of taxation and the manner in which the Community's taxes are levied shall be laid down by the European Executive Council in the form of bills, with the unanimous concurrence of the Council of National Ministers. Such bills shall be submitted to Parliament for approval. Their provisions shall be promulgated as legislation of the Community.

2. There shall be no exemption from taxes levied by the Community.

#### Article 79

No loan may be issued without the approval of Parliament, except such loans as fall due within less than one year when necessary to provide for the annual balancing of accounts by the Treasury.

#### Article 80

The basis for determining the contributions of Member States and the rate of contribution shall be unanimously decided by the Council of National Ministers, on the proposal of the European Executive Council.

#### Article 81

1. The European Executive Council shall implement the provisions of the budget, in accordance with the provisions of the legislation envisaged in Article 75. It may not transfer credits from one Chapter to another, unless authorised by Parliament so to do.

2. Not later than six months after the end of the financial year, the European Executive Council shall submit to Parliament a bill approving the accounts for that financial year.

### Chapter V Economic Powers

#### Article 82

The Community, while upholding the principles defined in Articles 2, 3 and 4 of the treaty instituting the European Coal and Steel Community, shall establish progressively a common market among the Member States, based on the free movement of goods, capital and persons.

In order to achieve the aim mentioned in the preceding paragraph, the Community shall foster the co-ordination of the policy of the Member States in monetary, credit and financial matters.

The Community shall have the power to take the measures rendered necessary by Articles 84 to 87.

#### Article 83

From the date on which the present Treaty becomes effective, nationals of Member States who have completed their service in the European defence forces shall have freedom of movement within the Community and freedom to choose their domicile in the territory of any Member State under the same conditions as are applicable to nationals of that State.

The same facilities shall be afforded to nationals of Member States born after the present Treaty has come into force.

#### Article 84

1. The Community may not exercise the powers conferred upon it by Article 82 until one year after the present Treaty has come into force.

2. At the expiry of the period mentioned in the preceding paragraph, and during a period of five years thereafter, the measures to be taken in application of Article 82 shall be embodied in proposals drawn up by the European Executive Council, with the unanimous concurrence of the Council of National Ministers who may consult, if need be, their respective national Parliaments before delivering an opinion. Such proposals shall be submitted to the Parliament of the Community for approval. The provisions which they contain shall be enacted as legislation of the Community.

3. At the expiry of this period of five years, the measures to be taken in application of Article 82 shall be embodied in proposals drawn up by the European Executive Council, with the concurrence of the Council of National Ministers. Such proposals shall be submitted for approval to the Peoples' Chamber, voting by simple majority and to the Senate, voting by two-thirds majority. The provisions which they contain shall be enacted as legislation of the Community.

#### Article 85

1. In order to facilitate the progressive establishment of the common market envisaged in Article 82 a European Re-adaptation Fund shall be instituted, to enable assistance to be given where necessary to enterprises and workers, on lines similar to those laid down in Article 56 of the treaty instituting the European Coal and Steel Community.

Applications for assistance may also be made by the Governments of Member States.

2. The Fund shall be financed by:

- (i) contributions from the Member States,
- (ii) loans raised by the Community,
- (iii) an annual levy at a rate not exceeding 5 % of the value of orders placed in execution of the programmes referred to in Article 101 of the treaty instituting the European Defence Community.

The rate of the levy, within the limits defined above, and its assessment and collection shall be laid down in legislation to be enacted by the Community.

3. The Fund shall be administered by the European Executive Council under the supervision of Parliament.

The Economic and Social Council may be consulted on the administration and operation of the Fund.

#### Article 86

One or more Member States may appeal to the Arbitration tribunal provided for in Article 73 or, prior to the date on which such tribunal is set up, to the Court, against the measures taken by the Community in implementation of paragraph 3 of Article 84, if they deem that such measures might cause fundamental and persistent disturbances to their economy.

The existence or imminence of such disturbances shall be confirmed, at the request of the Member State or States concerned, by the Court or Arbitration Tribunal. Until such time as the competent institution of the Community shall have taken appropriate steps to eliminate the disturbances, the Court or Arbitration Tribunal shall, at the request of the same State or States and in so far as that State or States are concerned, suspend application of the measures in question.

The Court or the Arbitration Tribunal shall pass summary judgment, notify the President of each Chamber that the appeal has been lodged, and state what decision it has taken.

#### Article 87

Member States shall consult the European Executive Council before concluding among themselves agreements likely to restrict the movement of labour and commodities, or before taking any measures, particularly in the monetary field, which might have similar effects.

Should the European Executive Council find that such agreements or measures conflict with the aims of the present Treaty, in particular those defined in Article 82, or that they are likely to cause fundamental and persistent disturbances to the economy of the other Member States or to entail the application of the measures specified in Article 67 of the treaty instituting the European Coal and Steel Community, it may, with the assent of the Council of National Ministers, address appropriate proposals to the Member States concerned.

#### Chapter VI Specialized Authorities

## Article 88

Within the framework of the mission and general aims laid down in Article 2, the Community may set up, or sponsor the creation of, administrative bodies, institutions, public services or services in the European public interest, or self-governing and financially independent organizations, centralized or decentralized; it may also exercise supervision over them.

Organizations of the Community for which provision is made in the preceding paragraph may be governed by any form of public or private law, or be subject to national or Community legislation.

In order to fulfil the tasks entrusted to it, the Community may also make use of existing services.

The Community shall enact legislation in implementation of the present Article.

## Article 89

The Community may represent its Member States in any Specialized Authority or Community to which all such Member States belong.

## Part IV. Association

## Article 90

The Community may conclude treaties or agreements of association in order to establish, in certain fields, close co-operation, involving reciprocal rights and obligations, with such third States as guarantee the protection of the human rights and fundamental freedoms mentioned in Article 3.

Such treaties or agreements may be concluded either with a European non-member State or, in accordance with the provisions of its Constitution, with an overseas State, having constitutional links either with a Member State or with a State which is already associated with the Community.

Should such treaty or agreement of association necessitate a revision of the present Statute, such revision shall be made in accordance with the provisions of Article 116.

## Article 91

A treaty of association may provide inter alia for:

1. Participation in the Council of National Ministers of representatives of the Governments of the associated States, and participation in the Senate of representatives of the peoples of the associated States, either with full or with partial rights;
2. the creation of permanent joint committees on the governmental or parliamentary level;

3. the obligation to exchange information and undertake mutual consultation.

#### Article 92

The treaty of association shall provide for procedure to uphold the rule of law in the interpretation and application of the treaty of association.

The Court of the Community may be empowered by the treaty of association to settle differences between the Community and an associated State.

The Court and the other judicial organs of the Community may also be given competence to take cognizance of certain litigation concerning nationals of an associated State.

In such cases, and in accordance with the methods defined in the treaty of association, judges appointed by the associated State may sit in the judicial organs of the Community.

#### Article 93

The members of the European Executive Council, those of the Council of National Ministers and the representatives of the associated States shall periodically meet in conference.

#### Part V.

#### Inauguration of the Institutions of the Community

#### Article 94

The first Senate shall be constituted within a month after the present Treaty has come into force.

It shall be convened by the President of the Common Assembly of the European Coal and Steel Community.

#### Article 95

The Senate shall fix the date of the elections to the Peoples' Chamber. They shall take place within six months after the present Treaty comes into force.

#### Article 96

1. Until such time as the legislation envisaged in Article 13 has come into force, elections to the Peoples' Chamber shall take place in the territory of each Member State on a basis of proportional representation, the use of the "combined list" (apparentement) system being optional.

The procedure to be followed in each State shall be laid down by national legislation. Regulations concerning the electoral law, in particular the right of franchise, the electoral list, the organization and counting of votes, shall be laid down by legislation in each Member State.

2. Until such time as:

(i) the law on eligibility mentioned in Article 19;

(ii) the law on incompatibility mentioned in paragraph 5 of Article 20,

have come into force, the regulations concerning eligibility and incompatibility shall be laid down by the legislation of each Member State, subject to the reservation that paragraphs 1, 2, 3 and 4 of Article 20 shall be applied forthwith.

#### Article 97

The President of the Senate shall convene the Peoples' Chamber and the Senate within the fortnight following the date of the elections which shall be determined in accordance with the provisions of Article 95.

#### Article 98

As soon as the Peoples' Chamber has been constituted, the Senate shall elect the President of the European Executive Council.

#### Article 99

The Council of National Ministers shall meet as soon as the European Executive Council has taken up office.

#### Part VI.

##### General Provisions

#### Article 100

1. The seat of the various Institutions of the Community shall be determined by Parliament within a period of one year from the date on which the Peoples' Chamber comes into being.

2. Each Chamber shall vote by a two-thirds majority of its Members.

3. As an appendix to the law which they adopt, a Protocol shall be issued by the European Executive Council, placing the location or locations selected under the exclusive jurisdiction of the Community. Before this law is voted, the Protocol must be agreed between the European Executive Council and the Government or Governments of the State or States whose territory is affected.

4. Pending the decision for which provision is made in paragraph 1 of the present Article, the Institutions of the Community shall have their provisional seat at Strasbourg.

#### Article 101

1. Unless any Member State concerned makes a declaration to the contrary before signature of the Treaty, the provisions of the Statute shall apply to all territories under the jurisdiction of each State.



2. Laws, recommendations and all other decisions of the Community, together with the treaties concluded by the latter, shall not be applicable to non-European territories except with such adaptations as may be laid down by the Member State under whose jurisdiction they fall.

3. The provisions of the Statute may be extended in whole or in part, by means of separate protocols, to the territories mentioned in the declaration provided for in paragraph 1, and also to States, countries or territories for whose international relations a Member State or an Associated State is responsible.

#### Article 102

This Article was referred, with the relevant Amendments, to the Special Council of Ministers of the European Coal and Steel Community.

#### Article 103

When a Member State regains jurisdiction over a territory which formed part of that State on 31st December 1937, the present Statute shall ipso facto become applicable to the said territory.

Any adjustments to the composition of the Peoples' Chamber which might result from this situation shall be made by means of the procedure provided in Article 112.

#### Article 104

Member States may request the European Executive Council for assistance in maintaining constitutional order and democratic institutions within their territory.

The European Executive Council, with the unanimous concurrence of the Council of National Ministers, shall lay down the conditions under which the Community shall be empowered to intervene on its own initiative. The relevant provisions shall take the form of a bill to be submitted to Parliament for approval within one year from the date of the coming into being of the Peoples' Chamber. They shall be enacted as legislation of the Community.

#### Article 105

The Member States pledge themselves to take all measures necessary to implement the laws, regulations, decisions and recommendations of the Community and to assist the Community in the accomplishment of its mission.

The Member States further undertake to refrain from any measure incompatible with the provisions of the present Statute.

#### Article 106

The decisions of the European Executive Council and the judgments of the Court shall have executive force in the territory of the Member States.

Enforcement in the territory of the Member States shall be ensured through the normal legal channels of each State. It shall be preceded by the customary executive formula employed in

the State within whose territory the decision is to be enforced, there being no intervention by the national authorities other than a verification of the authenticity of the decision. This formality shall be entrusted to a Minister appointed for the purpose by each Government.

#### Article 107

Liaison between the Institutions of the Community and the Council of Europe shall be ensured in accordance with the provisions of the Protocol appended to the present Treaty.

#### Article 108

1. In the present Treaty the words “the present Treaty” shall be interpreted to mean the clauses of the Treaty and its appendices.

2. In the present Treaty, the words “the present Statute” shall be interpreted to mean the clauses of the present Treaty as defined in the preceding paragraph, together with the provisions of the treaty instituting the European Coal and Steel Community and of the treaty instituting the European Defence Community, to the extent that these have not been modified by the present Treaty.

#### Article 109

The 3rd and 4th paragraphs of Article 95 and Article 96 of the treaty instituting the European Coal and Steel Community, and Articles 125 and 126 of the treaty instituting the European Defence Community are abrogated.

#### Article 110

The European Executive Council, either of the two Chambers, and each of the Member States may make proposals for the amendment of the present Statute.

Proposals for amendment made by one of the Chambers or by a Member State shall be transmitted to the European Executive Council which shall set in motion the procedure for which provision is made in Articles 111 to 115 of the present Statute.

#### Article 111

Amendments to the provisions of the present Statute involving a modification of the powers and competence of the Community vis-à-vis the Member States, or a modification of the definition of human rights and fundamental freedoms guaranteed by the present Statute, shall be made by means of the following procedure:

The European Executive Council shall decide on a draft amendment to the Statute, with the unanimous concurrence of the Council of National Ministers.

The draft amendment shall be submitted for approval to the Parliament of the Community and to the Parliaments of the Member States.

The amendment shall be promulgated by the European Executive Council.

#### Article 112

Amendments to the provisions of the present Statute involving an alteration in the relations between the Institutions of the Community, or in the division of powers and competence among them, or amendments tending to affect, the guarantees provided for the States in the composition or working procedure of these Institutions, shall be made in accordance with the following procedure:

The European Executive Council shall decide on a draft amendment of the Statute, which shall be submitted to the Council of National Ministers for unanimous approval.

The draft amendment shall be submitted for approval to the Parliament of the Community.

The amendment shall be promulgated by the European Executive Council.

#### Article 113

Amendments to the provisions of the present Statute other than these referred to in Articles 111 and 112 shall be made in accordance with the following procedure:

The European Executive Council shall decide on a draft amendment to the Statute.

The draft amendment shall be submitted for approval to the Parliament of the Community.

The amendment shall be promulgated by the European Executive Council.

#### Article 114

The Court shall adjudicate in any dispute concerning the procedure to be followed on a proposal for amendment, if requested to do so by an institution of the Community or a Member State.

#### Article 115

Amendments to the provisions of the treaty instituting the European Defence Community, which might affect mutual aid agreements between the Member States of the European Defence Community and the United Kingdom, on the one hand, and the Member States of the European Defence Community and States parties to the North Atlantic Treaty, on the other hand, shall not become effective until agreement has been reached with the interested States.

#### Article 116

1. Accession to the Community shall be open to the Member States of the Council of Europe and to any other European State which guarantees the protection of human rights and fundamental freedoms mentioned in Article 3.

2. Any State desirous of acceding to the present Statute shall address its request to the European Executive Council. The latter shall inform the Council of National Ministers and the Parliament of the Community accordingly.

3. Accession shall form the subject of an instrument of accession which shall form a Protocol to the present Statute. This instrument, which shall contain the necessary amendments to the Statute, shall be drawn up by the European Executive Council with the concurrence of the Council of National Ministers. It shall be submitted to the Parliament of the Community for approval.

4. The instrument of accession shall come into force as soon as the European Executive Council has promulgated it, and the State concerned has deposited its instrument of ratification with the European Executive Council.

5. The provisions of Article 98 of the treaty instituting the European Coal and Steel Community and of Article 129 of the treaty instituting the European Defence Community are abrogated.

#### Article 117

The present Treaty, drawn up in a single original copy, shall be provisionally deposited in the archives of ... which shall transmit a certified copy thereof to the governments of each of the other signatory States.

The present Treaty shall be ratified. The instruments of ratification shall be deposited with ..., which shall notify the Governments of the other Member States accordingly.

The present Treaty shall come into force on the day when the instrument of ratification shall be deposited by the penultimate State to fulfil this formality.

Within one year after the present Treaty shall have come into force, ... shall deposit the present Treaty, together with the instruments of ratification, in the archives of the European Executive Council.

When the Council of National Ministers has taken up office, it shall arrange for the preparation of authoritative texts of the present Treaty in the languages other than that of the original copy.

Should there be any divergence, the text of the original copy shall prevail.

In witness whereof the undersigned Plenipotentiaries have placed their signatures and seals at the end of the present Treaty.