

Draft Treaty — Fouchet Plan I (2 November 1961)

“The High Contracting Parties,

convinced that the organization of Europe in a spirit of freedom that respects its diversity will enable their civilization to develop still further, protect their common spiritual heritage from any threats to which it may be exposed and in this way contribute to the maintenance of peaceful relations in the world;

resolved jointly to safeguard the fundamental dignity, freedom and equality of men, regardless of their status, race or creed, and to work for the advent of a better world in which these values would permanently prevail;

affirming their attachment to the principles of democracy, to human rights and to justice in every sphere of social life;

desirous of welcoming to their ranks the 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 the objective, in their respective fields, of the European Coal and Steel Community, the European Economic Community and the European Atomic Energy Community, in order to lay the foundation for a destiny to be henceforth irrevocably shared;

resolved, to this end, to give statutory form to the union of their peoples, in accordance with the declaration adopted in Bonn on 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. It is indissoluble.

Article 2

It shall be the aim of the Union:

— to bring about the adoption of a common foreign policy in matters that are of common interest to Member States;

— to ensure, through close co-operation between Member States in the scientific and cultural field, the continued development of their common heritage and the protection of the values on which their civilization rests;

— to contribute thus in the Member States to the defence of human rights, the fundamental freedoms and democracy;

— to strengthen, in co-operation with the other free nations, the security of Member States against any aggression by adopting a common defence policy.

Article 3

The Union shall have legal personality.

The Union shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under their domestic law. It may, in particular, acquire or dispose of 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 European Parliament;

— the European Political Commission.

Article 5

The Council shall meet every four months at Head of State or Government level, and at least once in the intervening period at Foreign Minister level. It may, moreover, at any time hold extraordinary sessions at either level at the request of one or more Member States.

At each of these meetings at Head of State or Government level, the Council shall appoint a President who shall take up his duties two months before the subsequent meeting and continue to exercise them for two months after the meeting.

Meetings of the Council held at Foreign Minister level shall be presided over by the Foreign Minister of the State whose representative presides over meetings at Head of State or Government level.

The President in office shall preside over extraordinary meetings that may be held during his term of office.

The Council shall choose the place for its meetings.

Article 6

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

The decisions of the Council shall be binding on Member States that have participated in their adoption. Member States on which a decision is not binding, by reason of their absence or abstention, may endorse it at any time. From the moment they endorse it, the decision will be binding on them.

Article 7

The European Parliament provided for under Article 1 of the Convention relating to certain institutions common to the European Communities signed in Rome on 25 March 1957, shall deliberate on matters concerning the aims of the Union.

It may address oral or written questions to the Council.

It may submit recommendations to the Council.

Article 8

The Council, on receipt of a recommendation addressed to it by the European Parliament, shall give its reply to the Parliament within a period of four months.

The Council, on receipt of a recommendation addressed to it by the European Parliament, shall inform the Parliament of the action it has taken thereon within a period of six months.

The Council shall each year submit to the European Parliament a report on its activities.

Article 9

The European Political Commission shall consist of senior officials of the Foreign Affairs departments of each Member State. Its seat shall be in Paris. It shall be presided over by the representative of the Member State that presides over the Council, and for the same period.

The European Political Commission shall set up such working bodies as it considers necessary.

The European Political Commission shall have at its disposal the staff and departments it requires to carry out its duties.

Article 10

The European Political Commission shall assist the Council. It shall prepare its deliberations and carry out its decisions. It shall perform the duties that the Council decides to entrust to it.

Title III — Obligations of Member States

Article 11

There shall be solidarity, mutual confidence and reciprocal assistance as between Member States. They undertake to abstain from any step or decision that might hinder or delay the achievement of the aims of the Union. They shall loyally co-operate in any consultations proposed to them and respond to requests for information addressed to them by the Council or, in compliance with the instructions of the Council, by the European Political Commission.

Title IV — Finances of the Union

Article 12

The budget of the Union shall be drawn up by the Council each year and shall include all revenues and expenditures.

Article 13

The revenues of the Union shall be derived from contributions by the Member States calculated according to the following scale:

Belgium	7.9	
France	28	
Federal Republic of Germany		28
Italy	28	
Luxembourg	0.2	
Netherlands	7.9	
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	100.0	

Article 14

The budget shall be implemented by the European Political Commission which may delegate to its chairman all or part of the powers necessary for the purpose.

Title V — General provisions

Article 15

The present Treaty may be reviewed. Draft amendments shall be submitted to the Council by Member States. The Council shall pronounce on such drafts and decide whether or not they should be passed on for an opinion to the European Parliament.

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 general review with a view to considering suitable measures for strengthening the Union in the light of the progress already made.

The main objects of such a review shall be the introduction of a unified foreign policy and the gradual establishment of an organization centralizing, within the Union, the European Communities referred to in the Preamble to the present Treaty.

The amendments arising from this review shall be adopted in accordance with the procedure outlined in Article 15 above.

Article 17

The Union shall be open for membership to Member States of the Council of Europe that accept the aims set out in Article 2 above and that have previously acceded to the European Communities referred to in the Preamble to this Treaty.

The admission of a new Member State shall be decided unanimously by the Council after an additional Act has been drawn up to this Treaty. This Act shall contain the necessary adjustments to the Treaty. It shall come into force once the State concerned has submitted its instrument of ratification.

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 under signed Plenipotentiaries have affixed their signatures below this Treaty under their common seal.”