

# European Defense Community Treaty

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Unofficial Translation

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CONVENTION ON RELATIONS WITH THE  
FEDERAL REPUBLIC OF GERMANY  
AND A PROTOCOL TO  
THE NORTH ATLANTIC TREATY

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MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

THE CONVENTION ON RELATIONS BETWEEN  
THE THREE POWERS AND THE FEDERAL  
REPUBLIC OF GERMANY, SIGNED AT  
BONN ON MAY 26, 1952

AND

A PROTOCOL TO THE NORTH ATLANTIC TREATY  
SIGNED AT PARIS ON MAY 27, 1952



JUNE 2, 1952.—Referred to the Committee on Foreign Relations

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[Translation]

## TREATY CONSTITUTING THE EUROPEAN DEFENSE COMMUNITY

The President of the Federal Republic of Germany, His Majesty the King of the Belgians, the President of the French Republic, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Netherlands,

Resolved to contribute to the maintenance of peace, particularly by ensuring the defense of Western Europe against any aggression, in cooperation with the free nations, in the spirit of the United Nations Charter, and in close liaison with organizations having the same purpose;

Considering that as complete an integration as possible, compatible with military requirements, of the human and material elements gathered in their Defense Forces within a supranational European organization is the most appropriate means of reaching this goal with all the necessary rapidity and effectiveness;

Certain that such integration will result in the most rational and economic utilization of the resources of their countries, as a result, particularly, of the establishment of a common budget and of common armament programs;

Determined to ensure in this way the development of their military power without prejudicing social progress;

Desirous to safeguard the spiritual and moral values which are the common heritage of their peoples, and convinced that within a common army constituted without discrimination among the participating States national patriotisms, far from being weakened, can only become consolidated and reconciled in a broader framework;

Conscious that they are thus taking a new and essential step on the road to the formation of a united Europe;

Have decided to create a European Defense Community and to this end have designated as plenipotentiaries:

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Who, after having exchanged their full powers and found them in good and due form, have agreed upon the provisions which follow.

### TITLE I—FUNDAMENTAL PRINCIPLES

#### *Chapter I—The European Defense Community*

##### ARTICLE 1

By the present Treaty the High Contracting Parties institute among themselves a European Defense Community, supranational in character, consisting of common institutions, common armed Forces and a common budget.

## ARTICLE 2

1. The objectives of the Community shall be exclusively defensive.
2. Consequently, under the conditions provided for in the present Treaty, it shall ensure the security of the member States against any aggression by participating in Western Defense within the framework of the North Atlantic Treaty and by accomplishing the integration of the defense forces of the member States and the rational and economic utilization of their resources.
3. Any armed aggression directed against any one of the member States in Europe or against the European Defense Forces shall be considered as an attack directed against all of the member States.  
The member States and the European Defense Forces shall furnish to the State or Forces thus attacked all military and other aid and assistance in their power.

## ARTICLE 3

1. The Community shall accomplish the goals assigned to it by employing the least burdensome and most efficient methods. It shall intervene only to the extent necessary for the fulfillment of its mission and with due respect to public liberties and the fundamental rights of the individual. It shall see to it that the proper interests of member States are taken into consideration to the full extent compatible with its own essential interests.
2. In order to enable the Community to accomplish its mission, the member States shall place at its disposal appropriate contributions determined under the provisions of Articles 87 and 94 below.

## ARTICLE 4

The Community shall pursue its action in cooperation with the free nations and with all organizations whose goals are the same as that of the Community.

## ARTICLE 5

The Community shall cooperate closely with the North Atlantic Treaty Organization.

## ARTICLE 6

The present Treaty does not involve any discrimination among the member States.

## ARTICLE 7

The Community shall have juridical personality.  
In its international relations, the Community shall enjoy the juridical capacity 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 capacity with which legal entities of the nationality of the country in question are endowed. Specifically, it may acquire and transfer real and personal property, and may sue and be sued in its own name.

The Community shall be represented by its institutions, each one of them acting within the framework of its own powers and responsibilities.

#### ARTICLE 8

1. The institutions of the Community shall be:
  - A Council of Ministers, hereinafter called the Council.
  - A Common Assembly, hereinafter called the Assembly.
  - A Commissariat of the European Defense Community, hereinafter called the Commissariat.
  - A court of Justice, hereinafter called the Court.
2. Without prejudice to the provisions of Article 125 below, the structure of these institutions as established by the present Treaty shall remain in effect until it is replaced by a new one, resulting from the establishment of a federal or confederal organization as provided in Article 38 below.

### *Chapter II—The European Defense Forces*

#### ARTICLE 9

The Armed Forces of the Community, hereinafter called “European Defense Forces” shall be composed of contingents placed at the disposal of the Community by the member States with a view to their fusion under the conditions provided for in the present Treaty.

No member State shall recruit or maintain national armed forces aside from those provided for in Article 10 below.

#### ARTICLE 10

1. The member States may recruit and maintain national armed forces intended for use in the non-European territories with respect to which they assume defense responsibilities, as well as units stationed in their countries which are required for the maintenance of these forces and for their relief.
2. The member States may also recruit and maintain national armed forces required for international missions assumed by them in Berlin, in Austria or by virtue of a decision of the United Nations. At the termination of these missions, these troops shall be either disbanded or placed at the disposal of the Community. Relief for these troops may be effected, with the consent of the competent Supreme Commander responsible to the North Atlantic Treaty Organization, by exchange with units composed of contingents originating from the member States in question which belong to the European Defense Forces.
3. In each member State elements intended as a bodyguard for the Chief of State shall remain national.
4. The member States may dispose of national naval Forces, on the one hand for the protection of non-European territories for which they assume defense responsibilities as mentioned in Section 1 of this Article and for the protection of communications with and among such territories, and on the other hand to fulfill the obligations falling to them as a result of assumption by them of international missions

mentioned in Section 2 of this Article or as a result of agreements entered into within the framework of the North Atlantic Treaty prior to the entry into effect of the present Treaty.

5. The total volume of national armed forces provided for in this Article, including support units, shall not be so great as to compromise the participation of each member State in the European Defense Forces as determined by agreement among the Governments of the member States.

The Member States shall have the right to exchange individual personnel between the contingents placed by them at the disposal of the European Defense Forces and the forces which are not a part thereof, provided no diminution in the European Defense Forces occurs as a result.

#### ARTICLE 11

Police forces and forces of gendarmerie, suitable exclusively for the maintenance of internal order, may be recruited and maintained on the territories of the member States.

The national character of these forces is not affected by the present Treaty.

The volume and nature of such forces existing on the territories of member States shall be such as not to exceed the limits imposed by their mission.

#### ARTICLE 12

1. In case of disturbances or threatened disturbances within the territory of a member State in Europe, such part of the contingents supplied by such State to the European Defense Forces as is necessary to meet the situation shall, on its request, the Council having been informed, be placed at its disposal by the Commissariat.

The conditions under which these elements may be employed shall be determined by the legislation in force in the territory of the member State making the request.

2. In case of disaster or calamity requiring immediate aid, elements of the European Defense Forces, which are in a position to be of use, shall give their aid without regard to their national origins.

#### ARTICLE 13

In case of a serious emergency affecting a non-European territory for which a member State assumes responsibilities of defense, such part of the contingents supplied by such State to the European Defense Forces as is necessary to meet the emergency shall, on its request and with the agreement of the competent Supreme Commander responsible to the North Atlantic Treaty Organization, be placed at its disposal by the Commissariat, the Council having been informed. The contingents thus released shall cease to be subject to the authority of the Community until such time as they are once again placed at its disposal when they are no longer needed to deal with the emergency.

The military, economic and financial implications of the withdrawal of contingents provided for in this Article shall, in each case, be examined and settled by the Commissariat with the concurrence of the Council given by a two-thirds majority vote.

## ARTICLE 14

In case an international mission to be accomplished outside the territory defined in Section 1, Article 120 is entrusted to a member State, such part of the contingents supplied by such State to the European Defense Forces as is necessary to accomplish the mission shall, on its request and with the agreement of the competent Supreme Commander responsible to the North Atlantic Treaty Organization, be placed at its disposal by the Commissariat with the concurrence of the Council given by two-thirds majority vote. The contingents thus released shall cease to be subject to the authority of the Community until such time as they are once again placed at its disposal when they are no longer needed for the accomplishment of a mission herein provided for.

The provisions of the second paragraph of Article 13 above shall be applicable.

## ARTICLE 15

1. The European Defense Forces shall consist of conscripted personnel and of professional personnel serving for a long term by voluntary enlistment.

2. The European Defense Forces shall be integrated in accordance with the organic provisions of Articles 68, 69 and 70 below.

They shall wear a common uniform.

They shall be organized according to types defined in the Military Protocol. Such organization may be modified by unanimous decision of the Council.

3. The contingents destined to make up the units of the European Defense Forces shall be furnished by the member States in accordance with a plan to be established by agreement among the Governments concerned. This plan may be revised in accordance with the provisions of Article 44 below.

## ARTICLE 16

The internal defense of the territories of the member States against attacks of any nature having military ends and provoked or carried out by an external enemy shall be ensured by homogeneous formations of European status, which shall be specialized in each country in accordance with the particular defense mission required by its territory, and the operational command of which shall be exercised as provided in Article 18 below.

## ARTICLE 17

The protection of the civilian population (civil defense) shall be ensured by each of the member States.

## ARTICLE 18

1. The competent Supreme Commander responsible to the North Atlantic Treaty Organization shall, except as provided in Section 3 of this Article, be empowered to satisfy himself that the European Defense Forces are organized, equipped, trained and prepared for use in a satisfactory manner.

As soon as they are ready for use, the European Defense Forces shall, except as provided in Section 3 of this Article, be at the disposal of the competent Supreme Commander responsible to the North Atlantic Treaty Organization, who shall exercise with respect to them the powers and responsibilities accruing to him under his terms of reference and shall, in particular, submit to the Community his needs as regards the articulation and deployment of these Forces; the plans corresponding to these needs shall be executed in accordance with the provisions of Article 77 below.

The European Defense Forces shall receive technical directives from the appropriate bodies of the North Atlantic Treaty Organization within the framework of the military competence of such bodies.

2. During wartime, the competent Supreme Commander of the North Atlantic Treaty Organization shall exercise with regard to the Forces provided for above the full powers and responsibilities of Supreme Commanders, such as these are conferred upon him by his terms of reference.

3. In the case of units of the European Defense Forces assigned to internal defense and to the protection of the maritime approaches to the territories of the member States, the authorities which shall command and employ such units shall be determined either by North Atlantic Treaty Organization conventions concluded within the framework of the North Atlantic Treaty or by agreements between the North Atlantic Treaty Organization and the Community.

4. If the North Atlantic Treaty should cease to be in effect before the present Treaty, the member States shall, by agreement among themselves, decide upon the authority to which the command and employment of the European Defense Forces shall be entrusted.

## TITLE II—THE INSTITUTIONS OF THE COMMUNITY

### *Chapter I—The Commissariat*

#### ARTICLE 19

The Commissariat, with a view to carrying out the tasks assigned to it by virtue of the present Treaty, shall be vested with executive and supervisory powers as provided in the present Treaty.

#### ARTICLE 19 BIS

The Commissariat shall assume its functions as of the appointment of its members.

#### ARTICLE 20

1. The Commissariat shall be composed of nine members appointed for six years and chosen for their general competence.

Only nationals of the member States may be members of the Commissariat. It may not include more than two members of the same nationality.

Members shall be eligible for reappointment. The number of members of the Commissariat may be reduced by unanimous decision of the Council.

2. In the discharge of their duties, the members of the Commissariat shall neither solicit nor accept instructions from any Government. They will abstain from all conduct incompatible with the supranational character of their functions.

Each member State agrees to respect this supranational character and to make no effort to influence the members of the Commissariat in the execution of their task.

The members of the Commissariat shall not exercise any other professional activity during their terms of office.

For three years immediately following the termination of his term of office, no former member of the Commissariat shall engage in any professional activity which the Court, before which he or the Council may have brought the question, may declare to be incompatible with obligations resulting from his tenure of office because of its connection with the functions of such office. In case of violation of this provision, the Court may decree the forfeiture of the pension rights of the persons concerned.

#### ARTICLE 21

1. The Governments of the member States shall appoint the members of the Commissariat by agreement among themselves.

2. The members appointed for the first time following the entry of the Treaty into effect shall hold office for a period of three years following their appointment.

In case a vacancy should occur during this first period for one of the reasons set forth in Article 22 below, such vacancy shall be filled in accordance with the provisions of Section 1 of this Article.

The same procedure shall apply to the general reappointment rendered necessary in case Section 2 of Article 36 below should be applied.

3. At the expiration of the initial period of three years, a general reappointment shall take place.

4. Afterwards, one-third of the members of the Commissariat shall be reappointed every two years.

Immediately after the general reappointment provided for in Section 3 of this Article, the Council shall determine by lot the members whose terms of office shall end respectively after the first and after the second two-year periods.

5. If the members of the Commissariat should vacate their offices pursuant to the provisions of Section 2, Article 36, below, the provisions of Sections 3 and 4 of this Article shall be applicable.

#### ARTICLE 22

Aside from regular reappointments, terms of office of individual members of the Commissariat may be ended by death, resignation or removal.

A deceased, resigned or removed member shall be replaced, for the remaining period of his term of office, in accordance with the provisions of Article 21 above. There shall be no replacement if the remaining period of such member's terms of office comes to less than three months.



## ARTICLE 23

Members of the Commissariat who no longer fulfill the conditions necessary to the exercise of their functions or who have committed serious offenses may be removed from office by the Court on petition of the Council or of the Commissariat.

In such a case, the Council, by unanimous vote, may temporarily suspend members of the Commissariat and provide for their replacement until such time as the Court shall have acted.

## ARTICLE 24

1. Decisions of the Commissariat are taken by a majority of members present. The President shall cast tie-breaking votes. Nevertheless, no decision may be taken by fewer than four affirmative votes.

2. The internal regulations shall fix the quorum. The quorum shall consist of no fewer than five members.

3. Should the Council, pursuant to the provisions of Section 1 of Article 20 decide to reduce the number of members of the Commissariat, it shall, under the same conditions, appropriately modify the figures set in the preceding Sections of this Article.

## ARTICLE 25

1. The Governments of the member States shall appoint the President of the Commissariat from among its membership by agreement among themselves.

The President's term of office shall be four years. He shall be eligible for reappointment. His term of office may end under the same circumstances as those of members of the Commissariat.

2. The President shall not be included in any determination by lot which could result in abridging his term of office as President by causing the expiration of his term of office as a member of the Commissariat.

When the President is chosen from among members of the Commissariat already in office, the length of his term of office as a member of the Commissariat shall be extended until the expiration of his term of office as President.

3. Except in the case of a general reappointment the President shall be designated after consultation of the members of the Commissariat.

## ARTICLE 25 BIS

1. The term of office of the first President shall end after three years.

## ARTICLE 26

1. The Commissariat shall establish general organizational regulations which will determine principally:

a. On the basis of the principle of collegiate responsibility, the categories of decisions which should be taken collectively by the Commissariat and those which might be delegated to mem-

bers of the Commissariat to be taken individually within their respective fields of competence.

b. The distribution of the tasks of the Commissariat among its members, bearing in mind the necessity for a stable structure while at the same time leaving open the possibility of changes which experience may demonstrate to be necessary; this distribution shall not necessarily correspond to the number of members of the Commissariat.

2. Within the framework of these regulations:

a. The Commissariat shall determine the respective duties of its members.

b. The President

shall coordinate the exercises of these duties,

shall insure the execution of decisions of the Commissariat,

and

shall be responsible for the administration of the services.

In the case and under the conditions provided for in Article 123 below, the President may be temporarily vested with special powers.

#### ARTICLE 27

In the exercise of its powers, the Commissariat shall take decisions, make recommendations and issue opinions.

Decisions shall be binding in all their details.

Recommendations shall be binding with respect to the objectives which they specify, but shall leave to those to whom they are directed the choice of appropriate means for attaining these objectives.

Opinions shall not be binding.

In cases in which the Commissariat is empowered to issue a decision, it may limit itself to making a recommendation.

#### ARTICLE 28

All decisions and recommendations as well as all opinions of the Commissariat shall be published or registered in accordance with rules to be established by the Council.

Decisions, recommendations or opinions of the Commissariat directed to the Government of a member State shall be addressed to the authority designated for this purpose by such State.

#### ARTICLE 29

The Commissariat shall report to the Council at periodic intervals.

It shall supply the Council with information requested of it by the Council and shall undertake studies at its request.

The Commissariat and the Council shall exchange information and have reciprocal consultations.

#### ARTICLE 30

The Commissariat shall have at its disposal the civilian and military personnel necessary to permit it to assume all the tasks assigned to it by the present Treaty.

The services which the Commissariat establishes to this end, civilian as well as military, shall be responsible to it by the same authority and on the same level and in the same manner.

#### ARTICLE 31

1. Ranks higher than Commander of a basic unit of homogeneous nationality shall be conferred by the Commissariat with the unanimous concurrence of the Council.

2. For a temporary period, ranks in units of homogeneous nationality of the European Defense Forces, and all other ranks, shall be conferred, at the option of each member State:

either by the appropriate national authority upon the recommendation of the Commissariat,

or by the Commissariat upon recommendation coming through the appropriate chain of command, after consultation with national authorities.

3. (a) Assignments of Commanders of basic units, of general, officers to posts involving the exercise of authority over elements of more than one nationality, and assignments to certain high positions with the Commissariat designated by the Council, shall be made by the Commissariat with the unanimous concurrence of the Council.

(b) All other military assignments shall be made by the Commissariat, having due regard for the recommendations of appropriate command echelons.

4. Appointments of civilian heads of services directly responsible to the Commissariat shall be made by the latter with the unanimous concurrence of the Council.

#### ARTICLE 32

The Commissariat shall ensure that all necessary liaison with the member States, with other States, and in general, with all international organizations whose cooperation is needed in carrying out the objectives of the present Treaty.

### *Chapter II—The Assembly*

#### ARTICLE 33

1. The Assembly of the European Defense Community is the Assembly provided for in Articles 20 and 21 of the Treaty of April 18, 1951 establishing the European Coal and Steel Community, completed, as regards the German Federal Republic, France and Italy, by three further delegates each, who shall be elected under the same conditions and for the same terms as the other delegates, and whose first terms of office shall expire at the same time as theirs.

The Assembly so completed shall exercise the powers conferred on it by the present Treaty. If it deems it necessary, it may elect its own President and officials and draw up its own internal regulations.

2. If the Conference provided for in the last paragraph of Article 38 below has not reached an agreement within one year after its convocation, the member States by agreement among themselves shall pro-

ceed to a revision of the provisions of Section 1 of this present Article without waiting for the Conference to finish its work.

#### ARTICLE 34

The Assembly shall hold an annual session. It shall meet in regular session the last Tuesday in October. The length of this session shall not exceed one month.

The Assembly may be convened in an extraordinary session at the request of the Commissariat, the Council, the President of the Assembly or the majority of its members, or, in the case provided for in Article 46 below, at the request of a member State.

#### ARTICLE 34 BIS

The Assembly shall meet one month after the date on which the Commissariat shall have assumed its functions; it shall be called into session by the Commissariat. The provisions of Article 34 relative to the duration of regular sessions of the Assembly shall not be applicable to the first session.

As soon as it meets, the Assembly shall be empowered to perform the duties assigned to it by the present Treaty, with the exception of voting on a motion of censure provided for in Section 2 of Article 36 below. Such a vote may come only at the end of one year following the date on which the Commissariat shall have assumed its functions.

#### ARTICLE 35

The members of the Commissariat may attend all sessions of the Assembly. The President or any members of the Commissariat designated by the Commissariat for this purpose, shall be heard upon their request. The Commissariat shall reply, orally or in writing, to questions which are put by the Assembly or by its members.

The members of the Council may attend all sessions and shall be heard on their request.

#### ARTICLE 36

1. The Commissariat shall each year make to the Assembly a general report concerning the former's activity, which shall be presented one month before the opening of the regular session. The Assembly shall discuss this report and may formulate comments and express its wishes or suggestions.

2. If a motion of censure concerning the operations of the Commissariat is presented to the Assembly, a vote may be taken thereon only after a period of not less than three days following the introduction of such motion, and such vote shall be by open ballot.

If the motion of censure is adopted by two-thirds of the members present and voting, representing a majority of the total membership, the members of the Commissariat shall resign in a body. They shall continue to carry out current business until their replacement in accordance with Article 21 above.

#### ARTICLE 37

The Assembly shall adopt its own internal rules of procedure by vote of a majority of its membership.

Acts of the Assembly shall be published when and as provided by the Assembly.

## ARTICLE 38

1. Within the period provided for in Section 2 of this Article, the Assembly shall study:

- (a) the creation of an Assembly of the European Defense Community elected on a democratic basis;
- (b) the powers which might be granted to such an Assembly; and
- (c) the modifications which should be made in the provisions of the present Treaty relating to the other institutions of the Community, particularly with a view to safeguarding an appropriate representation of the States.

In its work, the Assembly will particularly bear in mind the following principles:

The definitive organization which will take the place of the present transitional organization should be conceived so as to be capable of constituting one of the elements of an ultimate Federal or confederal structure, based upon the principle of the separation of powers and including, particularly, a bicameral representative system.

The Assembly shall also study problems to which the co-existence of different organizations for European cooperation, now in being or to be created in the future, give rise, in order to ensure that these organizations are coordinated within the framework of the federal or confederal structure.

2. The proposals of the Assembly shall be submitted to the Council within six months from the date on which the Assembly shall have assumed its functions. These proposals will then be forwarded, together with the opinion of the Council, by the President of the Assembly to the Governments of the member States, which, within three months from the date of the receipt of these proposals, shall call a conference for the purpose of examining them.

*Chapter III—The Council*

## ARTICLE 39

1. The general task of the Council is to harmonize the actions of the Commissariat with the policies of the Governments of the member States.

2. The Council may, within the framework of the present Treaty, issue directives for the action of the Commissariat.

These directives shall be issued by unanimous vote.

Concerning matters which have not been the subject of directives by the Council, the Commissariat may take action, subject to the provisions of the present Treaty, with a view to ensuring the fulfillment of the objectives of the present Treaty.

3. In conformance with the provisions of the present Treaty, the Council:

- a) shall take decisions.
- b) shall issue concurrences which the Commissariat shall be bound to obtain before making decisions or issuing recommendations.

4. Unless otherwise provided in the present Treaty, the decisions of the Council shall be taken and its opinions issued by a simple majority.

5. Whenever the Council is consulted by the Commissariat, it shall deliberate without necessarily proceeding to a vote. The minutes of these deliberations shall be transmitted to the Commissariat.

#### ARTICLE 40

The Council shall be composed of representatives of the member States.

Each member State shall designate thereto a member of its government who may be represented by a Deputy.

The Council shall be organized so as to be able to exercise its functions at all times. To this end, each member State shall at all times have a representative able to participate in the deliberations of the Council without delay.

The Presidency of the Council shall be exercised for a term of three months by each member of the Council in rotation in the alphabetical order of the member States.

#### ARTICLE 41

The Council shall meet as often as necessary and at least every three months. It shall meet upon convocation by its President, at the initiative of the President, of one of its members or of the Commissariat.

#### ARTICLE 41 BIS

The Council shall meet as soon as the Treaty has entered into effect.

#### ARTICLE 42

In case of a vote, a member of the Council may act as proxy for not more than one other member.

#### ARTICLE 43

1. Whenever the present Treaty requires a concurrence or a decision of the Council by a simple majority, such concurrence or decision shall be deemed to be granted or taken if it is approved :

either by an absolute majority of the representatives of the member States ;

or, in case of an equal division of votes, by the votes of representatives of the member States which together place at the disposal of the Community at least two-thirds of the total contributions of the member States.

2. Whenever the present Treaty requires a concurrence or a decision of the Council by a qualified majority, such concurrence or decision shall be deemed to have been granted or taken by such a majority :

either if such majority includes the votes of the representatives of the member States which together place at the disposal of the Community at least two-thirds of the total contributions of the member States ;

or if it receives the votes of the representatives of five member States.

3. Whenever the present Treaty requires a concurrence or a decision of the Council by unanimous vote, such concurrence or decision shall be deemed to have been granted or taken if it is approved by the votes of all the members present or represented on the Council. Abstentions shall not prevent the adoption of such concurrence or decision.

4. In Sections 1 and 2 of this Article, the word "contributions" shall be understood to mean the average between the percentage of the financial contributions actually paid during the previous fiscal year and the percentage of men making up the European Defense Forces on the first day of the current half year.

#### ARTICLE 43 BIS

1. For purposes of the application of Section 4 of Article 43 above, until the date set for the complete execution of the plan for the formation of the first echelon of the forces, the average contributions furnished by the member States, which are provided for in the said Section, shall be evaluated on a forfeitary basis as follows: Germany—3, Belgium—2, France—3, Italy—3, Luxembourg—1, The Netherlands—2.

2. During the transitional period defined in Section 1 of this Article, the requirement of a percentage of the total contributions of the member States established by Article 43, Section 1 above shall be considered to have been met whenever at least nine-fourteenths of the total value of the contributions of the member States as evaluated on a forfeitary basis is reached.

#### ARTICLE 44

Modifications in texts defining the status of personnel and in texts establishing the general organization, recruitment rules and the size and structure of the forces, as well as modifications in the plan establishing the European Defense Forces, shall be made by unanimous agreement of the Council, upon the proposal of a member of the Council or of the Commissariat, and shall be executed by the latter.

#### ARTICLE 45

The Council shall determine the salary, emoluments and pension rights of the President and members of the Commissariat.

#### ARTICLE 46

The Council, acting by a two-thirds majority, may, on the initiative of one of its members, invite the Commissariat to take any measure within the limits of its competence.

If the Commissariat does not act on such invitation, the Council or a member State may refer the matter to the Assembly for purposes of action under Section 2, Article 36 above.

## ARTICLE 47

The Council shall decide when it is appropriate to call a joint meeting with the Council of the North Atlantic Treaty Organization.

Decisions taken unanimously in the course of joint meetings of the two Councils shall be binding on the institutions of the Community.

## ARTICLE 48

The decision of the Council provided for in paragraph 4 of the Protocol Concerning Relations between the North Atlantic Treaty Organization and the European Defense Community shall be taken unanimously.

## ARTICLE 49

The minutes of the meetings of the Council shall be communicated to the member States and to the Commissariat.

## ARTICLE 50

The Council shall establish its own rules of procedure.

*Chapter IV—The Court*

## ARTICLE 51

The function of the Court is to ensure the rule of law in the interpretation and application of the present Treaty and implementing regulations.

## ARTICLE 52

The Court is the Court of Justice of the European Coal and Steel Community.

## ARTICLE 53

For the discharge of its functions, the Court shall, in cases and in the manner provided for in the annexed protocols, be assisted by a judicial system including particularly subordinate courts which shall be European in character.

## ARTICLE 54

1. The Court shall have jurisdiction to hear appeals from decisions or recommendations of the Commissariat, by a member State, by the Council or by the Assembly on grounds of lack of legal competence, substantial procedural violations, violation of the present Treaty or of any rule of law relating to its application, or abuse of power.

2. Such appeals must be taken within a maximum period of one month following either the publication or registration of the decision or recommendation in question.

3. If the court should annul a decision or recommendation of the Commissariat, the matter shall be remanded to the Commissariat which shall take the measures necessary to give effect to the judgment of annulment.



## ARTICLE 55

1. If the Commissariat is required by a provision of the present Treaty or of implementing regulations to issue a decision or recommendation and fails to fulfill this obligation, such omission may be brought to its attention by the member States or by the Council.

The same shall be true if the Commissariat refrains from issuing a decision or recommendation which it is empowered to issue by a provision of the present Treaty or of implementing regulation where such failure to act constitutes an abuse of power.

2. If at the end of a period of two months the Commissariat has not issued any decision or recommendation, an appeal may be brought before the Court, within a period of one month, against the implicit negative decision which is presumed to result from such failure to act.

## ARTICLE 56

1. If a member State feels that, in a given case, an action or lack of action on the part of the Commissariat may provoke, as concerns such State, fundamental and persistent disturbances, it may so inform the Commissariat.

After consulting with the Council, the Commissariat shall, if appropriate, recognize the existence of such a situation and decide upon the measures to be taken under the provisions of the present Treaty to end such a situation while at the same time safeguarding the essential interests of the Community. The Commissariat shall make its decision within a two-week period.

2. If an appeal grounded on the provisions of this Article is made to the Court against this decision or against the explicit or implicit decision refusing to recognize the existence of the situation indicated above, the Court shall decide the merits of the case and shall provisionally take all necessary measures.

3. If a decision of the Commissariat is annulled, the latter shall decide upon measures to be taken to achieve the ends provided for in Section 1 of this Article, within the framework of the decree of the Court.

## ARTICLE 57

The Court shall have jurisdiction to hear appeals from decisions of the Council by a member State, by the Commissariat or by the Assembly on grounds of lack of legal competence, substantial procedural violations, violation of the present Treaty or of any rule of law relating to its application, or abuse of power.

2. Such appeals must be taken within one month following the date on which the decision of the Council is communicated to the member States or to the Commissariat.

## ARTICLE 58

1. The Court may annul decisions of the Assembly on the motion of a member State or of the Commissariat.

The jurisdiction of the Court may be invoked under this Article only on grounds of lack of legal competence to act or of substantial procedural violations.

2. The jurisdiction of the Court may be invoked under this Article only within a period of one month following the date of publication of the Assembly's decision in question.

#### ARTICLE 59

Appeals to the Court shall not have the effect of suspending the execution of a decision or a recommendation.

However, if in its judgment circumstances demand it, the Court may order the suspension of the execution of the decision or recommendation in question.

The Court may prescribe any other necessary provisional measures.

#### ARTICLE 60

The Court shall have jurisdiction, in the cases and in the manner provided for in the annexed protocols, to hear controversies concerning the civil liability of the Community or the legal status of its agents.

#### ARTICLE 61

The Court shall have jurisdiction to hear criminal matters in cases and in the manner provided for in the annexed protocol.

#### ARTICLE 61 BIS

Transitional provisions contained in the protocol mentioned in Article 61 above shall be applicable until such time as a common military criminal code comes into effect.

#### ARTICLE 62

When the validity of decisions or recommendations of the Commissariat or decisions of the Council is contested in litigation before a national tribunal, such issue shall be certified to the Court, which shall have exclusive jurisdiction to rule thereon.

#### ARTICLE 63

Without prejudice to the provisions of the Code of Jurisdiction provided for in Article 67, the Court, in cases and in the manner provided for in its Code, shall have such jurisdiction as may be provided by any clause to such effect in a public or private contract to which the Community is a party or which is undertaken for its account.

#### ARTICLE 64

The Court shall have jurisdiction in any other case provided for in the present Treaty.

The Court may also exercise jurisdiction in any case relating to the objectives of the present Treaty, where the laws of a member State grant such jurisdiction to it.

## ARTICLE 65

1. Any difference among the member States concerning the application of the present Treaty which cannot be settled by other means may be submitted to the Court either at the common request of States which are parties to the dispute or at the request of one of the States.

2. The Court shall also have jurisdiction over any differences among the member States relating to the objectives of the present Treaty if such differences are submitted to it pursuant to a compromise agreement.

## ARTICLE 66

Judgments of the Court shall be enforceable on the territories of the member States.

Execution of such judgments on the territory of a member State shall be in accordance with the laws in force in such State; in particular, there may be no execution of such a judgment in a member State which would not be permitted by the generally applicable legislation of such State.

Execution of judgments of the Court shall take place after the judgment formula in use in the territory of the State concerned has been appended; no other action shall be necessary with respect to a judgment of the Court other than verification of its authenticity. These formalities with respect to the judgments of the Court shall be carried out by a Minister designated for that purpose by each of the governments.

## ARTICLE 67

The application of the provisions of this chapter and of the Protocol concerning Jurisdiction shall be regulated by a Code of Jurisdiction which shall be enacted in the form of a convention among the member States and which shall, in particular, make the modifications necessary to ensure such application in the Code of the Court as annexed to the Treaty establishing the Community.

## TITLE III—MILITARY PROVISIONS

*Chapter I—Organization and Administration of the European Defense Forces*

## ARTICLE 68

1. The basic units in which the activity of the various branches of service making up the Ground Forces are to be combined shall be composed of elements of the same national origin. These basic units shall be as light as possible while maintaining necessary effectiveness. To the extent possible, they shall be relieved of logistic functions, and shall depend for their existence and maintenance upon higher integrated echelons.

2. The Army Corps shall be composed of basic units of different national origins, except in special cases resulting from tactical needs or organizational necessities and determined by the Commissariat on the recommendation of the competent Supreme Commander responsible to the North Atlantic Treaty Organization; in such cases the Com-

missariat shall make its determination with the unanimous concurrence of the Council. Their tactical support units as well as their logistical support formations shall be integrated; but constituent units of regiment or battalion size shall remain homogeneous and their distribution among nationalities shall be made according to the proportion existing among the basic ground units. The Command and Headquarters of the Army Corps shall be integrated; such integration shall be effected in the manner best suited to ensuring effectiveness in their utilization.

3. The basic units and their support troops and services may occasionally be brought into Army Corps subject to the authority of the North Atlantic Treaty Organization, and reciprocally, subject to the authority of the North Atlantic Treaty Organization, divisions may be brought into European Army Corps.

The Commanding echelons of Forces subject to the authority of the North Atlantic Treaty Organization, to which the European units shall be attached organically shall integrate elements coming from these units and vice-versa.

#### ARTICLE 69

1. The basic Air Force units shall be composed of elements of the same national origin, each of which shall have homogeneous combat matériel corresponding to a given basic mission.

These basic units shall, as far as possible, be relieved of their logistical functions and shall depend upon higher integrated echelons for their supplies and maintenance.

2. A certain number of basic units of different national origins shall be grouped under the orders of integrated higher echelons, except in special cases resulting from tactical needs or organisational necessities and determined by the Commissariat on the recommendation of the competent Supreme Commander responsible to the North Atlantic Treaty Organization; in such cases the Commissariat shall make its determination with the unanimous concurrence of the Council. The logistic support formations shall be integrated; but the constituent service units shall remain of homogeneous national composition and their distribution among nationalities shall be made according to the proportion existing among the basic units.

3. European basic units as well as their support units may be brought under Commands responsible to the North Atlantic Treaty Organization and, reciprocally, basic units subject to the authority of the North Atlantic Treaty Organization may be brought under European Commands.

The Command echelons responsible to the North Atlantic Treaty Organization to which European units are attached organically shall integrate European elements and vice-versa.

#### ARTICLE 70

1. The European Naval Forces shall consist of formations which are assigned to the protection of the maritime approaches of the European territories of member States, determined by agreement between the governments.

2. Contingents of the European Naval Forces shall constitute homogeneous groupements European in status and shall all have the same tactical mission.

3. These groupements may occasionally, wholly or in part, be incorporated into formations subject to the authority of the North Atlantic Treaty Organization; in such cases, elements furnished by these groupements shall be integrated into the command echelons of such formations.

#### ARTICLE 71

With the unanimous concurrence of the Council, the Commissariat shall establish the plans for the organization of the Forces. The Commissariat shall ensure the execution of such plans.

#### ARTICLE 72

1. Personnel conscripted to serve in the European Defense Forces shall serve the same period of active duty.

2. The period of active duty service in the European Defense Forces shall be rendered uniform as soon as possible by unanimous decision of the Council on recommendation of the Commissariat.

#### ARTICLE 73

1. Recruitment for the European Defense Forces in each member State shall be carried out in accordance with laws of such State within the framework of the common principles defined in the Military Protocol.

2. The Commissariat shall oversee the recruiting operations for the European Defense Forces carried out by the member States in accordance with the provisions of the present Treaty, and, in order to ensure conformity with such provisions, shall, if necessary, make recommendations to the member States.

3. Beginning with a date fixed by common agreement among the governments of the member States, the Commissariat shall itself undertake recruiting in accordance with the provisions of such agreement and within the framework of the common principles laid down in the Military Protocol.

#### ARTICLE 74

1. The Commissariat shall direct the training and preparation of the European Defense Forces according to a common doctrine and uniform methods. In particular, the Commissariat shall direct the schools of the Community.

2. Upon the request of a member State, due regard shall be had, in the application of Section 1 of this Article, of the particular situation resulting for such State from the existence, by virtue of its Constitution, of more than one official language.

#### ARTICLE 75

The Commissariat shall draw up mobilization plans for the European Defense Forces, in consultation with the governments of the member States.

Without prejudice to the final organization to be established under the provisions of Article 38 above, the decision to proceed with mobilization shall be made by the member States; execution of mobilization measures shall be divided between the Community and the member States in a manner to be determined by agreements between the Commissariat and such States.

## ARTICLE 76

The Commissariat shall exercise the necessary powers of inspection and supervision.

## ARTICLE 77

1. The Commissariat shall determine the territorial deployment of the European Defense Forces within the framework of recommendations of the competent Supreme Commander responsible to the North Atlantic Treaty Organisation. In case of differences of opinion which cannot be settled with the latter, the Commissariat may set aside such recommendations only with the unanimous approval of the Council.

Within the framework of the general decisions provided for in Section 1 of this Article, the Commissariat shall take executive measures, after consultation with the State in which the troops are to be stationed.

2. In case of differences of opinion on essential points, the State in question may appeal to the Council. Such State must abide by the decision of the Commissariat if the Council upholds the latter by a two-thirds majority vote.

The privilege granted member States by Article 56 above shall not be affected by the provisions of this Article.

## ARTICLE 78

The Commissariat shall administer personnel and matériel in conformance with the provisions of the present Treaty.

It shall endeavor to ensure a distribution of armaments and equipment looking to uniformity within units of the European Defense Forces.

## ARTICLE 78 BIS

1. As soon as it takes up its duties, the Commissariat shall:
  - draw up plans for the formation and equipment of the first echelon of the Forces in accordance with the provisions of an agreement adopted by the member States and within the framework of North Atlantic Treaty Organization plans;
  - decide upon and organize the assistance to be requested from States parties to the North Atlantic Treaty in the training of contingents;
  - draw up summary provisional regulations on essential points.
2. As soon as it takes up its duties, the Commissariat shall undertake formation of the units of the first echelon of the Forces.
3. As soon as the Treaty comes into effect, the units already in existence and the contingents to be recruited by the member States to complete this first echelon shall immediately come under the authority of the Community and shall be placed under the jurisdiction of the

Commissariat, which shall exercise over them the powers granted it in the present treaty, under the conditions provided for in the Military Protocol.

4. The Commissariat shall submit to the Council as soon as possible the plans and projects provided for in Section 1 of this Article.

The Council shall approve:

unanimously, the plan for forming the first echelon of the Forces;

by a two-thirds majority, the other plans and projects.

The plans and projects shall be put into effect by the Commissariat as soon as they have been approved by the Council.

#### ARTICLE 79

A single general regulation concerning military discipline, which shall be applicable to the members of the European Defense Forces shall be enacted by agreement among the governments of the member States, ratified in accordance with the constitutional procedures of each such State.

### *Chapter II—Legal Status of the European Defense Forces*

#### ARTICLE 80

1. In the exercise of the functions assigned to it by the present Treaty, and without prejudice to the rights and obligations of the member States:

the Community shall have, in respect of the European Defense Forces and their members, the same rights and obligations as the States in respect of their national forces and their members, in accordance with customary international law;

the Community shall respect the rules embodied in conventions concerning the laws of war which bind one or more of its member States.

2. Consequently, European Defense Forces and their members shall benefit, under international law, from the same treatment as national forces and their members.

#### ARTICLE 81

The Community shall ensure that the European Defense Forces and their members conform in their conduct to the rules of international law. It shall ensure the punishment of all violations of such rules which may be committed by such Forces or their members.

2. The Community shall take, within the limits of its competence, penal measures and all other appropriate measures in all cases in which such a violation shall have been committed by the Forces of a third State or their members.

The member States shall likewise, on their part, within the limits of their competence, take penal measures and all other appropriate measures against all violations of rules of international law committed against the European Defense Forces or their members.

## ARTICLE 82

The legal status of the European Defense Forces shall be determined by a Protocol annexed to the present Treaty.

## TITLE IV—FINANCIAL PROVISIONS

## ARTICLE 83

The financial administration of the European Defense Community shall be carried out in accordance with the provisions of the present Treaty, the Financial Protocol and the financial regulations.

To ensure the respect of the provisions thus set forth, a Financial Comptroller and an Accounts Commission shall be created whose powers and responsibilities are defined in the following Articles.

## ARTICLE 84

The Financial Comptroller shall be independent of the Commissariat and responsible to the Council. He shall be appointed by unanimous vote of the Council. His term of office shall be five years. He may be reappointed.

## ARTICLE 85

The Accounts Commission shall be an independent collegial authority. Nationals of each of the member States shall be among its members.

The Council shall, by unanimous vote, determine the number of members of the Commission. The Council shall by two-thirds vote appoint members of the Commission and its President. The term of office of members of the Commission shall be five years. They may be reappointed.

## ARTICLE 86

As soon as the Treaty comes into effect, all the receipts and all the expenditures of the Community shall be written into an annual common budget.

The fiscal year of the Community shall begin on January 1. This date may be changed by decision of the Council.

## ARTICLE 87

1. In consultation with the Governments of the member States and having regard especially for the provisions of Article 71, the Commissariat shall prepare the budget of the Community. The draft of a common plan for armament, equipment, supply and infrastructure shall be annexed to the draft budget.

The receipts and expenditures of the institutions of the Community shall be dealt with in special sections within the general budget.

2. This draft shall be submitted to the Council at least three months before the beginning of the fiscal year.



Within a period of one month, the Council shall decide:

- a) unanimously, the total volume of the budget expressed in authorizations for cash outlays and contracting authorizations, and the amount of the contribution of each member State determined in conformance with Article 94 below; it shall be incumbent upon the government of each member State to ensure the inclusion of the amount determined as its contribution in its budget, in accordance with its constitutional rules;
- b) by a two-thirds majority, the distribution of expenditures.

The provisions of subparagraphs (a) and (b) of this Section shall not be applicable to the receipts and expenditures resulting from an agreement concerning foreign aid provided for in Article 99 below, nor to receipts and expenditures which merely transit through the common budget as provided in the Financial Protocol.

3. The common budget thus approved by the Council shall be forwarded to the Assembly, which shall take a vote on it not later than two weeks before the beginning of the fiscal year.

The Assembly may propose changes by annulling, reducing, increasing, or adding receipts or expenditures. These proposals may not have the effect of increasing the total amount of expenditures appearing in the budget adopted by the Council.

The Assembly, by a two-thirds majority of votes cast and a simple majority of its membership, may propose the rejection of the entire budget.

4. In all cases provided for in Section 3 of this Article, the Commissariat or a member State may, within fifteen days after the vote, ask the Council to undertake a second reading within two weeks. Propositions of the Assembly shall be adopted if the Council approves them by a two-thirds majority. If the Council has not been requested to undertake a second reading as herein provided within a fifteen-day period, the Assembly's proposal shall be considered to have been adopted by the Council.

#### ARTICLE 87 BIS

1. Notwithstanding the provisions of Article 87 above, the Council alone shall approve the budget for the period between the entry into effect of the Treaty and the end of the calendar year in question.

In the matter of expenditures, the military and financial programs of all of the member States for the build-up of units which are to constitute the European Forces shall be taken into account to the greatest extent possible in establishing this budget.

2. For the execution of this Budget, the Commissariat shall delegate to the appropriate national services the responsibility of carrying out, for its account, the expenditures for the European Defense Forces, to the extent that its own services do not allow it to perform these tasks.

3. Until the first common budget has been approved, the Community shall receive advances from the member States to enable it to meet its first expenses; these advances shall be credited later to their con-

tributions. Expenditures paid out of these advances shall be reinstated in the common budget.

The common budget for the first complete fiscal year following the entry into effect of the Treaty shall be prepared, approved and executed according to the general principles of the Treaty.

However:

a) The contributions of the member States to the budget for this fiscal year shall be determined in accordance with the procedure adopted by the North Atlantic Treaty Organisation, to the exclusion of any other method;

b) At the request of any member State which feels that the common budget thus drawn up is not in accord with the intentions expressed by its Government or its Parliament, either as regards the fulfillment of its commitments to the North Atlantic Treaty Organisation or the means employed to carry out these commitments, the Community shall submit this budget to the competent authorities of the North Atlantic Treaty Organisation for their opinion.

#### ARTICLE 88

1. If, at the beginning of the fiscal year, the budget has not yet been finally approved, the Community shall be empowered to provide for its expenditures by monthly slices equal to  $\frac{1}{12}$  of the funds in the budget for the preceding year. This power shall end after three months. The expenditures may not exceed one fourth of expenditures for the preceding year.

In the case provided for in the preceding paragraph, the member States shall grant advances to the Community in accordance with the scale applicable in the preceding year. These advances shall be credited against their contributions.

If at the expiration of the time limit provided for in the first paragraph, the budget has not yet entered into force, the budget decided on by the Council shall enter into force, provided that the Assembly has had at least two weeks time to study it.

2. In case of necessity, the Commissariat may, during the course of the fiscal year, submit a supplementary budget which shall be approved in the same manner as the regular budget with the time limits reduced by half.

#### ARTICLE 89

1. The budget shall be subdivided into sections, chapters and articles. It shall be established in gross totals and shall contain all the receipts and all the expenditures of the Community.

In particular, it shall include the annual expenditures necessary for the execution of common plans for armament, equipment, supply and infrastructure for a period of several fiscal years.

2. The budget shall be established in a common currency chosen by the Council by two-thirds majority.

The relation between this common currency and the national currency shall be determined by the official rate of exchange indicated to the Community by each State.

## ARTICLE 90

1. The Commissariat may, within the limits of general or specific authorizations given it in the budget itself, by a two-thirds majority of the Council or by the financial regulations, transfer appropriations among the items of the budget for the administration of which it is responsible. Such transfers shall require the approval of the Financial Comptroller whenever they are made in virtue of a general authorization.

2. Under the same conditions, similar transfer powers shall be vested in other institutions of the Community with respect to appropriations for the administration of which they are responsible.

## ARTICLE 91

The execution of the budget shall be ensured by the Commissariat and by the other institutions of the Community in accordance with the provisions of the Financial Protocol.

In the establishment and execution of the budget, the institutions of the European Defense Community shall ensure that commitments taken by the member States with the North Atlantic Treaty Organisation are respected. Contracts made by the member States with third parties before the Treaty comes into force shall be executed unless they can be modified in the interest of the Community with the accord of the Government which signed them.

## ARTICLE 92

The execution of the budget shall be supervised by the Financial Comptroller.

All decisions of the Commissariat which commit expenditures shall be submitted for approval by the Financial Comptroller, who, by his signature, shall verify the budgetary regularity of the expenditure and its conformity with provisions of the financial regulations.

Without prejudice to the provisions of Articles 54 and 57, the Commissariat may override a refusal of signature by the Financial Comptroller, by sending the latter, in writing, a special requisition for the expenditure in question. After having received this requisition, the Financial Comptroller shall immediately report it to the Council; the latter shall consider the matter with the least possible delay.

After three months, the Financial Comptroller shall send a report on the execution of the budget to the Council, which shall transmit it to the Assembly. This report shall contain all appropriate observations concerning the financial management of the Commissariat.

The Financial Comptroller shall give his opinion on the budget drafts. This opinion shall be transmitted to the Commissariat. The Council shall add this opinion to the budget which it shall submit to the Assembly.

## ARTICLE 93

The receipts of the Community shall include:

- a) the contributions paid by the member States;
- b) miscellaneous receipts of the Community itself;

c) the sums which the Community may receive by virtue of articles 7 and 99.

The Community shall also have at its disposal end-item aid received by virtue of Articles 7 and 99.

#### ARTICLE 94

As soon as the Treaty enters into effect, the contributions of the member States shall be fixed by the Council in accordance with the procedure adopted by the North Atlantic Treaty Organisation.

The Council shall seek a proper method for determining the contributions which will ensure an equitable distribution of charges taking into account principally of the financial, economic and social capabilities of the member States. This method shall be adopted unanimously by the Council and shall be applied beginning with the fiscal year following its approval.

If there is no agreement on such a method, the contributions will continue to be determined in accordance with the procedure adopted by the North Atlantic Treaty Organisation.

#### ARTICLE 95

1. The contributions, determined in accordance with the preceding Articles, shall be payable monthly in the national currency, on the first day of each month. The Council, by unanimous decision, may accept the settlement by a State of its contribution in a currency other than its national currency.

2. In case of modification of the rate of exchange, the amounts remaining due on a contribution shall be adjusted on the basis of the new rate. However, as concerns sums corresponding to such adjustment, the debtor State may request that the total of such sums be limited to the loss suffered by the Community as a result of the modification in the rate of exchange. Such limitation shall be determined by unanimous decision of the Council.

The member States shall bear the entire burden of any additional expenditures on the Community's contracts which might result from the application of arrangements made by a member State in favor of contracting parties upon the occasion of a monetary reform.

3. If the real purchasing power of the currency is considerably inferior to its purchasing power at the time the budget was approved, without official modification of the rate of exchange, the Council of Ministers, at the request of the Commissariat or of a member State, shall study the measures to be taken to compensate for the loss which such a change may bring to the Community.

#### ARTICLE 96

In the establishment and execution of the budget, the Community shall endeavor to limit the monetary transfers among the member States or between them and other countries, which might affect the economic and monetary stability of the member States.

The financial regulation will indicate the method by which such monetary transfers shall be carried out.

If, as a result of the execution of the budget, the economic and monetary stability of a member State is affected, the Commissariat, at the request of that State and in agreement with the interested Governments, shall take the necessary corrective measures. If no agreement is reached on such measures, the Council, at the request of the Commissariat or of a member State, shall take the necessary steps as provided in the present Treaty.

The member States commit themselves to make more flexible in favor of the Community the restrictions imposed by their exchange legislation on international monetary transfers.

#### ARTICLE 97

1. The Accounts Commission shall verify accounts in accordance with the provisions of the financial regulation.

On the basis of vouchers, the Accounts Commission shall verify the regularity of operations and the proper use of appropriations in the budget of the Community. For this activity, it is authorized to request the assistance of the accounting agencies of the member States.

2. The report on the result of the auditing of accounts shall be presented to the Council, which shall transmit it to the Assembly not later than six months after the expiration of the fiscal year.

On the basis of this report, the Accounts Commission shall submit to the Council a proposal for the discharge of each institution from further responsibility concerning its financial management for the period in question. The Council shall adopt a position with regard to this proposal and shall present it to the Assembly, which shall act thereon.

The discharge shall be considered to have been granted unless it is refused by a two-thirds majority of votes cast and a simple majority of the Assembly's membership.

#### ARTICLE 98

The Governments of the member States may ask the Financial Comptroller and the Accounts Commission for copies of vouchers and other verifying documents which they use in connection with their duties.

#### ARTICLE 99

The Commissariat shall deal with questions concerning foreign financial and end-item aid furnished to the Community.

Any agreement concerning foreign aid furnished to the Community shall be approved by the Council notwithstanding special provisions of the Financial Protocol concerning foreign aid.

The Community may, with the unanimous approval of the Council, grant aid to third States in order to achieve the purposes defined in Article 2 above.

Any end-item aid intended for the European Defense Forces which the Community or the member States may receive shall be administered by the Commissariat.

The Council, by a two-thirds majority vote, shall be empowered to give general directives to the Commissariat in order to ensure that the latter's action concerning foreign aid does not endanger the economic, financial and social stability of one or more member States.

## ARTICLE 100

The conditions of remuneration and the pension rights of the civil and military personnel employed by the Community are set forth in a Protocol annexed to the present Treaty.

## TITLE V—ECONOMIC PROVISIONS

## ARTICLE 101

The Commissariat shall prepare in consultation with the Governments of the member States, the common armament, equipment, supply, and infrastructure programs of the European Defense Forces, and shall, in accordance with the provisions of Article 91, ensure their execution.

## ARTICLE 102

1. In preparing and executing the programs, the Commissariat shall:

- a) utilize in the best way possible the technical and economic capabilities of each of the member States and avoid causing serious disturbances in the economies of any of them;
- b) take into account the amounts of contributions to be furnished by the member States, and respect the rules set forth in the present Treaty concerning monetary transfers;
- c) in collaboration with the appropriate bodies of the North Atlantic Treaty Organization simplify and standardize armaments, equipment, supplies and infrastructure as much and as rapidly as possible.

2. The Council may give general directives to the Commissariat within the framework of the principles set forth above. These directives shall be issued by a two-thirds majority vote.

## ARTICLE 103

1. The expenditures necessary for the execution of the common programs shall be included in the budget estimate, which shall include as an annex a statement indicating projected execution of the program as allocated by categories of products and by countries. Approval of the budget shall be considered approval of these programs.

2. The Commissariat is authorized to establish programs extending over a period of several years. It shall submit these programs to the Council and shall request approval in principle from this body of those parts of the programs which involve financial commitments extending over several years. This approval shall be granted by a two-thirds majority of the Council.

## ARTICLE 104

1. The Commissariat shall be responsible for the execution of the programs in consultation with the Council and the Governments of the member States.

2. The Commissariat shall ensure the placing of contracts, and shall supervise their execution, deliveries and payments for construction, goods, and services.

The Commissariat shall organize decentralized civilian services in such a manner that they can use the resources of each member State under the most advantageous conditions for the Community.

3. Contracts may be placed only after calling for the most extensive possible competitive bidding except in cases in which military secrecy, technical factors and conditions of urgency defined in the regulation provided for in Section 4 below necessitate otherwise. Contracts shall be concluded after public or restricted bidding or without bidding (by mutual consent) with firms capable of fulfilling the conditions, and who are not excluded from public bidding for reasons independent of nationality. Exclusions based on nationality shall not be recognized as concerns nationals of the member States.

Within the framework of the provisions of Article 102 above, orders must be placed with the lowest bidders.

4. The procedures for placing contracts, and supervising the execution, receipt, and payment for construction, goods and services shall be determined by regulations. These regulations shall be submitted by the Commissariat for the approval of the Council by two-thirds majority vote. They can be amended by the same procedure.

5. Contracts above a certain amount shall be submitted by the Commissariat to a Contracts Committee including nationals of each of the member States.

If the Commissariat does not employ the advice of the Contracts Committee, it shall present a report to the Council giving its reasons.

The procedure for application of this Article shall be determined by regulations.

These regulations shall be submitted by the Commissariat for the approval of the Council by two-thirds majority vote. They may be amended by the same procedure.

6. In cases arising from contracts concluded between the Community and parties residing in one of the member States, the administrative or judicial nature of the controversy, the jurisdiction *ratione materiae* or *ratione loci* of an administrative or judicial tribunal as well as the applicable law shall be determined:

a) Where the dispute concerns real property, by the law of the place where the property is located;

b) In all other cases, by the law of the place where the supplier resides.

This rule may be changed by agreement between the parties, except as concerns the administrative or judicial nature of the competent jurisdiction and jurisdiction *ratione materiae*.

The Commissariat shall not normally have recourse to such agreements except in special cases or in order to give jurisdiction to a court operating under the authority of the Community.

7. If the Commissariat determines in the execution of the programs that national public policy or private practices or agreements tend to prevent or restrain seriously normal competitive conditions, it shall appeal to the Council, which shall decide unanimously on measures to remedy the situation.

The Council may be appealed to under the same conditions by a member State.

8. The regulations provided for in Sections 4 and 5 of Article 104 shall be submitted for the approval of the Council within six months after the entry into effect of the present Treaty.

Until these regulations are enacted, the Commissariat shall ensure the awarding of contracts in conformity with the legislative or administrative provisions in effect in the member States.

#### ARTICLE 105

If the Commissariat determines that the execution of all or part of a program is running into difficulties and cannot be executed, as a result, for instance, of an insufficient supply of raw materials, lack of equipment or plant or abnormally high prices, or that its execution cannot be ensured within the required time, it shall notify the Council and seek with it the appropriate means to eliminate those difficulties.

The Council by unanimous vote, in consultation with the Commissariat, shall decide on the measures to be taken.

In the absence of a unanimous decision of the Council on measures envisaged in the previous paragraph, the Commissariat, after consultation with the Governments concerned, shall make recommendations to them in order to ensure the placing and execution of orders within the time limits provided in program and at prices not abnormally high, taking into account the necessity of sharing as equitably as possible the burdens resulting therefrom among the economies of the member countries. The Council, by a two-thirds majority, may give the Commissariat general directives relative to preparing such recommendations.

A member State receiving such a recommendation may, within a ten-day period, notify the Council which shall act thereon.

#### ARTICLE 106

The Commissariat shall prepare a common program for scientific and technical research in military fields as well as the means of execution of this program. This program shall be submitted to the Council for approval under the same conditions as the common programs for armament, equipment, supply and infrastructure of the European Defense Forces.

The Commissariat shall ensure the execution of the common research program.

#### ARTICLE 107

1. The production of war materiel, the import and export of war materiel originating in or destined for third countries, measures concerning directly facilities for the production of war materiel, as well as the manufacture of experimental models and technical research on war materiel, are prohibited, except as authorized under the terms of Section 3 below.



2. The categories of war materiel covered by the prohibitions of Section 1 above are defined in Annex I attached to the present Article.

This Annex may be modified by the Council on the recommendation of the Commissariat or on the Council's own motion, by a two-thirds majority.

3. The Commissariat shall lay down by regulation the procedural rules for the application of the present Article and for the granting of licenses for the production, import and export, and for measures concerning directly facilities for the production of war materiel, as well as for the manufacture of experimental models and for research relating to war materiel.

In the application of this Article the Commissariat shall comply with rules of international law prohibiting the employment of certain instruments of war.

4. The following provisions shall be applicable to the granting of licenses by the Commissariat:

a. The Commissariat shall not grant licenses for items listed in Annex II\* attached to this Article in strategically exposed areas, except by unanimous decision of the Council.

b. The Commissariat shall not authorize construction of new propellant plants for military purposes except in territories defined by agreement among the governments of the member States. The Commissariat shall make such licenses subject to the appointment by it of a permanent inspector to ensure adherence by the establishments in question to the provisions of this Article. The same procedure shall be applicable to short range guided missiles used for anti-aircraft defense, as these are defined in paragraph 4d of Annex II.

c. As concerns exports, the Commissariat shall grant licenses if it considers that they are consistent with the needs, the internal security and the international commitment, if any, of the Community.

d. In the case of the manufacture of experimental models and technical research concerning war materiel, licenses shall be granted so long as the Commissariat does not feel that such manufacture or research might endanger the internal security of the Community, and unless other directives are given by the Council, as provided in Section 2 of Article 39.

e. The Commissariat shall grant general licenses for the production, import, and export of war materiel required by armed forces of member States not comprising part of the European Defense Forces, and to forces of associated States for whom member States assume defense responsibility. The Commissariat shall nevertheless ensure that the beneficiaries of such licenses do not make use of them beyond their needs.

f. The Commissariat shall grant general licenses concerning products listed in Annex I, when these are destined for civilian purposes. The Commissariat shall nevertheless ensure that the beneficiaries of such licenses do not employ them for other than such civilian purposes.

5. The regulations provided for in Section 3 above shall be prepared by the Commissariat and submitted for approval by the Council by a two-thirds majority. They may be amended, on the proposal of

\*The English version of the French text of Annex II was not available for this print and is omitted.

the Commissariat or a member of the Council, by the Council by a two-thirds majority.

6. At the request of the Commissariat, the Court may decree the following penalties against persons or enterprises violating the provisions of this Article:

In the case of production, import and export of war materiel, penalties and fines may be imposed not exceeding 50 times the value of the products concerned. This maximum may be either doubled or raised up to the equivalent, in national currency, of one million U. S. Dollars in cases of recurrent or particularly serious offenses.

In the case of technical research, the manufacture of experimental models, and measures facilitating directly the production of war materiel, penalties not exceeding, in national currency, the equivalent of 100,000 U. S. Dollars may be imposed. This amount may be raised to the equivalent in national currency, of 1 million U. S. Dollars in cases of recurrent or particularly serious offenses.

\* \* \*

#### Annex I to Article 107

##### 1. *War Weapons*

- a) Portable firearms, with the exception of hunting weapons and calibres less than 7 mm.
- b) Machine guns
- c) Anti-tank weapons
- d) Artillery pieces and mortars
- e) Anti-aircraft weapons (D. C. A.)
- f) Smoke-screen, gas and flame producing apparatuses.

##### 2. *Munitions and rockets of all types for military use*

- a) Munitions for war weapons defined in Para 1 above and grenades
- b) Self-propelled weapons
- c) Torpedoes of all types
- d) Mines of all types
- e) Bombs of all types

##### 3. *Powder and explosives for military use, including substances primarily used for propulsion by rocket*

Exempted will be products principally for civilian use, notably: Pyrotechnical compounds; priming explosives: a) fulminate of mercury, b) nitride of lead, c) trinitroresorcinate of lead, d) tetrazene; chlorated explosives, nitrated explosives with dinitrotoluene or with dinitronaphtaline; nitrocelluloses; black powder; hydrogen peroxide with a concentration less than 99%; hydrate of hydogine with a concentration less than 30%.

##### 4. *Armored equipment*

- a) Tanks
- b) Armored vehicles
- c) Armored trains

5. Warships of all types
6. "Military" planes of all types
7. Atomic weapons
8. Biological weapons<sup>1</sup>
9. Chemical weapons<sup>1</sup>

(Definitions for items 7, 8, and 9 will be given in Annex II.)

10. Constituent parts which can be used only in the construction of one of the items enumerated in groups 1, 2, 4, 5, and 6 above.<sup>2</sup>

11. Machines which can be used only for the manufacture of one of the items enumerated in groups 1, 2, 4, 5, and 6 above.

\* \* \*

#### ARTICLE 107 BIS

The regulations provided for in Section 3 of Article 106 shall be submitted to the Council within three months after the entry into effect of the Treaty. In the interim, the Commissariat shall grant authorizations in appropriate cases.

#### ARTICLE 108

1. Without prejudice to the provisions of Article 114 below the Commissariat may, as concerns the war materials defined in the Annexes to Article 107, address itself directly to the enterprises in question for information necessary to the fulfillment of its mission; the interested governments shall be kept informed.

The Commissariat may cause its agents to proceed to necessary verifications.

2. At the request of the Commissariat, the Court, subject to the provisions of the Protocol concerning its Code, may levy against an enterprise which does not furnish information requested or which knowingly furnishes false information, fines not to exceed one percent of the plant's annual turnover and daily penalty payments not to exceed five percent of the average daily turnover per day of delay.

#### ARTICLE 109

In order to aid the Commissariat in the performance of the tasks provided for in Articles 101 and 102, a Consultative Committee shall be established. It shall be composed of at least 20 and, at the most, 34 members. It shall include, in particular, representatives of producers and of labor; the numbers of the producers' representatives and of the representatives of labor shall be equal.

The Committee shall include nationals of each of the member States.

The members of the Consultative Committee shall be appointed by the Council, by a two-thirds majority. They shall be designated in their personal capacities for a term of two years. No order or instruction from organizations which have nominated them shall be binding on them.

<sup>1</sup> The Commissariat may exempt from the requirement of authorizations chemical and biological substances the use of which is primarily civilian. If the Commissariat decides that it is unable to grant such exemptions, it shall limit the control which it exercises solely to the use of such substances.

<sup>2</sup> The production of models of, and the technical research concerning, the material defined in paragraphs 10 and 11 above are not subject to the appropriate provisions of Article 107.

The Consultative Committee shall designate from among its members its President and its executive bureau, for a period of one year. The Committee shall draw up its own internal regulations.

The compensation allowed members of the Consultative Committee shall be set by the Council on the proposal of the Commissariat.

#### ARTICLE 110

The Consultative Committee shall be consulted by the Commissariat concerning problems of an economic and social nature raised by the preparation or execution of the common armament, equipment, supply and infrastructure programs. The Commissariat shall submit to the Consultative Committee any information needed in the latter's deliberations.

The Consultative Committee shall be convened by its President upon the request of the Commissariat.

Minutes of the discussions of the Consultative Committee shall be transmitted to the Commissariat and the Council at the same time as are the Committee's formal opinions.

#### ARTICLE 111

In consultation with the governments of the member States, the Commissariat shall prepare plans for the mobilization of the economic resources of the member States.

### TITLE VI—GENERAL PROVISIONS

#### ARTICLE 112

The member States undertake to take all general or specific measures appropriate to ensure the carrying out of obligations imposed by decisions and recommendations of institutions of the Community; they undertake also to facilitate the accomplishment by the Community of its mission.

The member States undertake to refrain from acts incompatible with the provisions of the present Treaty.

#### ARTICLE 113

All the institutions and services of the Community and of the member States shall collaborate closely concerning questions of common interest.

They shall lend each other mutual aid in administrative and judicial matters in accordance with agreements to be made among them.

#### ARTICLE 114

1. The member States undertake to place at the disposal of the Commissariat all information necessary for the accomplishment of its Mission. The Commissariat may request the member States to cause necessary verifications to be made. Upon the request of the Commissariat, which shall be supported by a statement of reasons, its agents shall be permitted to participate in making these verifications.

The Council, by a two-thirds vote, may give general directives concerning the application of the preceding paragraph.

If a member State believes that the information requested from it by the Commissariat is not needed for the accomplishment of the latter's mission, it may, within ten days, request a ruling from the Court. The Court shall rule as a matter of urgency. While such a request is pending the information in question need not be made available.

2. The institutions of the Community, their staffs and their agents shall not divulge information which is in the nature of a professional or military secret.

Any violation of the provisions of the preceding paragraph may, if damage has resulted from it, be ground for a suit in the Court.

#### ARTICLE 115

Within the limits of its competence, agents of the Commissariat charged by it with supervisory missions shall enjoy, as against individuals or public or private enterprises on the territories of member States, to the extent necessary for the accomplishment of their mission, such rights and powers as are granted by the laws of such States to agents of comparable departments of the governments. Missions and the status of the agents charged with them shall be duly communicated to the State in question.

Officials of such State may, at the request of such State, or of the Commissariat, assist agents of the Commissariat in carrying out their mission.

#### ARTICLE 116

Under the terms of an annexed Protocol, the Community shall enjoy on the territories of the member States the privileges and immunities necessary to the accomplishment of its mission.

#### ARTICLE 117

If the Commissariat determines that a member State has failed to carry out an obligation imposed upon it by the present Treaty, it shall so inform that State and invite its comments; such comments shall be made within a period of one month.

If at the expiration of an additional one-month period there persists a difference of opinion between the Commissariat and the State concerned, either shall have recourse to the Court. The latter shall decide the case as a matter of urgency.

The Council shall be informed of the decision of the Court.

#### ARTICLE 118

The seat of the institutions of the Community shall be determined by agreement among the member States.

#### ARTICLE 119

Without prejudice to the provisions of Chapter V of the Military Protocol, the language or languages to be employed by the institutions

of the Community shall be determined by unanimous decision of the Council.

ARTICLE 120

1. The present Treaty is applicable to the European territories of the member States.

2. By decision of the Commissariat taken with the unanimous concurrence of the Council,

a) elements of the European Defense Forces may, with the agreement of the competent Supreme Commander responsible to the North Atlantic Treaty Organization, be stationed in territories, other than those defined in Section 1 of this Article, which are included in the area defined in Article 6 of the North Atlantic Treaty;

b) schools, training centers and other establishments of the Community may be installed in territories, other than those defined in Section 1 of this Article, which are included in the area defined in Section 2a of this Article, as well as in Africa north of the Tropic of Cancer.

3. Elements of the European Defense Forces, as well as schools, training centers and other establishments of the Community, may be stationed in territories other than those defined in Sections 1 and 2 of this Article by virtue of a unanimous decision to this effect taken by the Council after parliamentary approval, if and as required by the constitutional rules of each member State. This decision of the Council shall be taken after consultation with the North Atlantic Council and with the agreement of the competent Supreme Commander responsible to the North Atlantic Treaty Organization.

4. Member States are authorized to recruit for the needs of contingents furnished by them to the European Defense Forces in territories other than those defined in Section 1 of this Article which are subject to their jurisdiction or for which they assume international responsibility.

ARTICLE 121

The member States undertake not to enter into any international agreement incompatible with the present Treaty.

ARTICLE 122

The member States undertake not to permit any treaties, conventions or declarations existing among themselves with a view to settling differences concerning the interpretation or application of the present Treaty by means of a procedure other than that provided by the present Treaty to prevail over the present Treaty.

ARTICLE 123

1. In case of serious and urgent necessity, the Council shall assume, or confer upon institutions of the Community or other appropriate organizations, temporary powers necessary to meet the situation, within the limits of the general mission of the Community and with view to ensuring the achievement of its objectives; this decision shall be taken by unanimous vote.

A serious and urgent necessity may result either from the situations provided for in Section 3, Article 2 of the present Treaty, in the Treaty between the member States and the UK of the same date or in the Protocol concerning Guarantees between the European Defense Community and the North Atlantic Treaty Organization, or from a declaration to that effect adopted by unanimous vote of the Council.

2. The provisional measures taken pursuant to Section 1 of this Article shall cease to be effective on the date on which the state of emergency is declared by the Council, by two-thirds vote, to be at an end.

The normally competent institutions shall, in the manner provided for in this Treaty, decide concerning the maintenance of conditions resulting from these measures.

3. The present article does not affect the placing in action of the European Defense Forces for the purpose of meeting an aggression.

#### ARTICLE 124

In any case not provided for in the present Treaty in which a decision or recommendation of the Commissariat appears necessary to ensure the proper functioning of the Community and the realization of its purposes within the limits of its general mission, such decision or recommendation may be taken with the unanimous concurrence of the Council.

If the Commissariat fails to take the initiative, the matter may be referred to the Council by one of the member States. The Council may by unanimous vote require the Commissariat to make such decision or recommendation. If the Commissariat fails to take action pursuant to such decision of the Council within the time limit set therein, the Council shall be empowered to take such measures itself by a simple majority.

#### ARTICLE 125

If unforeseen difficulties which are brought out by experience in the application of the present Treaty require an adaptation of the rules concerning the exercise by the Commissariat of the powers which are conferred upon it, appropriate modifications may be made in such powers by unanimous decision of the Council provided that such modifications do not bring into question the provisions of Article 2 or modify the relationship among the powers of the Commissariat and of the other institutions of the Community.

#### ARTICLE 126

The Government of each member State and the Commissariat may propose amendments to the present Treaty. Such proposals shall be submitted to the Council. If the Council, acting by a two-thirds majority, approves, a conference of representatives of the Governments of the member States shall be immediately convoked by the President of the Council, with a view to agreeing to any modifications to be made in the provisions of the Treaty.

Such amendments shall enter into force after having been ratified by all the member States in conformity with their respective constitutional processes.

## ARTICLE 127

As used in the present Treaty, the words "the present Treaty" shall mean the provisions of this Treaty and those of the Military Protocol, of the Protocol concerning Jurisdiction, of the Protocol concerning Military Criminal Law, of the Financial Protocol, of the Protocol concerning the Remuneration of Civil and Military Personnel and their Pension Rights, of the Protocol concerning the Grand Duchy of Luxembourg, of the Protocol concerning Relations between the European Defense Community and the North Atlantic Treaty Organization and of the Protocol concerning Guarantees between the European Defense Community and the North Atlantic Treaty Organization.

## ARTICLE 128

The present Treaty is concluded for a period of 50 years from the date of its entry into effect.

If, before the establishment of a European federation or confederation, the North Atlantic Treaty should cease to be in effect or there should be an essential modification in the membership of the North Atlantic Treaty Organization, the High Contracting Parties shall examine together the new situation which shall thus have arisen.

## ARTICLE 129

Any European State may request to accede to the present Treaty. The Council, after having obtained the opinion of the Commissariat, shall act by unanimous vote, and shall also fix the terms of accession by unanimous vote. Accession shall become effective on the day on which the instrument of accession is received by the Government acting as depository of the Treaty.

## ARTICLE 130

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

As soon as it shall have assumed its functions, the Council shall establish authentic texts of the present Treaty in the languages other than that of the original. In the case of discrepancies, the text of the original shall govern.

## ARTICLE 131

The present Treaty shall be ratified and its provisions applied in accordance with the constitutional rules of each member State. The instruments of ratification shall be deposited in the archives of the Government of the French Republic, which shall notify the Governments of the other member States when the instruments have been so deposited.



## ARTICLE 132

The present Treaty shall enter into effect on the date of the deposit of the instrument of ratification of the last signatory nation to accomplish that formality.

In the event that all the instruments of ratification have not been deposited within a period of six months following the signature of the present Treaty, the governments of the States which have made such deposit shall consult among themselves on the measures to be taken.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have affixed their signatures at the end of the present Treaty and have thereto affixed their seals.

DONE at Paris the twenty-seventh day of May one thousand nine hundred fifty-two.

ADENAUER  
PAUL VAN ZEELAND  
SCHUMAN  
DE GASPERI  
BECH  
STIKKER

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MILITARY PROTOCOL

Desirous of assuring application of Articles 9 and 15 of the Treaty, the member States of the European Defense Community have agreed to the following:

*Chapter I—Basic Units*

## ARTICLE 1—LAND FORCES

1. The basic unit, which shall be of homogeneous nationality, is the "Groupement" in which the action of the various elements comprising the land forces shall be combined on an organizational level.

2. Three principal types of Groupements are defined hereinafter:

- a. Infantry Groupement
- b. Armored Groupement
- c. Mechanized Groupement

Their general structure and their total complement are shown in Tables 1 (A), 1 (B), and 1 (C) below.

3. The Groupements and Brigades of the "Mountain" type already in existence shall retain their present form. The other types of single-nationality Groupements which it will be necessary to form for operational requirements shall be defined by a decision of the Commissariat.

In the event that the complement of these latter Groupements exceeds that of the types defined above, the complement figure shall be subject to the unanimous approval of the Council.

TABLE 1 (A)

*General Structure and Total Complement of the Infantry Groupement Command Command*

1 Groupement General Staff and 1 Headquarters Company	
<i>Arms</i>	
1 Reconnaissance squadron	
3 Infantry regiments of 3-battalion strength each	
1 Tank battalion <sup>1</sup>	
1 Groupement artillery motorized in 5 groups <sup>1</sup>	
3 "light" howitzer groups	
1 "medium" howitzer group	
1 anti-aircraft artillery group	
1 motorized engineering battalion	
1 Signal Company	
<i>Services</i>	
1 Equipment Company	
1 Supply Company	
1 Medical battalion	
Military police and traffic guides	
Personnel staff (Company-cadres)	
<i>Total Complement of Infantry Group</i>	
Maximum peacetime complement.....	13,000 <sup>2</sup>
Wartime complement.....	15,600

<sup>1</sup> "Battalion" or "Regiment": for all units of the armed forces and the Cavalry, the terminology adopted will take national traditions into account; in the case of the Artillery, "Group" corresponds to the U. S. term "Battalion."

<sup>2</sup> Not including cover units.

TABLE 1 (B)

*General Structure and Total Complement of Armored Groupement*

<i>Command</i>	
1 Groupement General Staff and 1 Headquarters Company	
3 Sub-Groupement General Staffs	
<i>Arms</i>	
1 Reconnaissance battalion	
4 Tank battalions	
4 Infantry battalions forming a corps (if possible, mechanized "tout-terrain". Otherwise, and at the minimum, 2 mechanized battalions and 2 battalions carried as "tout-terrain").	
1 Groupement Artillery (self-propelled) in 5 groups: <sup>1</sup>	
3 "light" howitzer groups	
1 "medium" howitzer group	
1 anti-aircraft artillery group	
1 Mechanized Engineering Battalion	
1 Signal Company (reinforced)	
<i>Services</i>	
1 Equipment Battalion	
1 Supply Battalion	
1 Medical Battalion	
Military Police and traffic guides (reinforced)	
Personnel staff (Company-cadres)	
<i>Total Complement of Armored Group</i>	
Maximum peacetime complement.....	12,700 <sup>2</sup>
Wartime complement.....	14,600

<sup>1</sup> See Table 1 (A).

<sup>2</sup> Not including cover units.

TABLE 1 (C)

*General Structure and Total Complement of Mechanized Groupement**Command*

- 1 Groupement General Staff and 1 Headquarters Company
- 3 Sub-Groupement General Staffs

*Arms*

- 1 Reconnaissance battalion<sup>1</sup>
- 3 Tank battalions<sup>1</sup>
- 6 Infantry battalions forming a corps (carried as "tout-terrain")
- 1 Groupement Artillery, motorized in 5 groups (same type as Artillery of Infantry Groupement)<sup>1</sup>
- 1 Motorized Engineering Battalion
- 1 Signal Company (reinforced)

*Services*

- 1 Equipment Battalion
- 1 Supply Company
- 1 Medical battalion
- Military police and traffic guides
- Personnel staff (Company-cadres)

*Total Complement of Mechanized Group*

Maximum peacetime complement.....	12,700 <sup>2</sup>
Wartime complement.....	14,700

<sup>1</sup> See Table 1 (A).<sup>2</sup> Not including cover units.

## ARTICLE 2—AIR FORCES

1. The European Air Forces shall comprise a single type of basic Unit of uniform structure. Only the personnel and equipment shall vary according to the speciality of the Unit.

The basic Unit shall be as mobile as possible.

2. Each Unit, commanded by a Chief assisted by a General Staff, shall include the following three Groups:

A combat Group composed in principle of three identical squadrons and constituting the operational element of the Unit;

A technical Group composed of a maintenance squadron and a supply squadron, the purpose of which is to ensure the upkeep, repair (second echelon) and supply requirements of the Unit;

A general purpose Group ("Groupe des moyens generaux") to serve the general housekeeping requirements of the Unit at an air base.

3. The personnel complement and the equipment are shown in the following table.

*Table on Air Force Personnel Complement and Equipment of Basic Units*

1. The average complement of the basic Unit shall be as follows:

Maximum peacetime complement.....	1,300 men <sup>1</sup>
Wartime complement.....	2,000 men

2. The equipment of the basic Units shall be as follows:

Tactical pursuit.....	} 75 planes (25 planes per squadron)
Interceptors.....	
All weather pursuit.....	26 planes (12 planes per squadron)
Reconnaissance.....	54 planes (18 planes per squadron)
Light bombers.....	} 48 planes (16 planes per squadron)
Transports.....	

<sup>1</sup> Barring special necessities justifying a modification of this complement.

## ARTICLE 3—NAVAL FORCES

The Naval Forces shall be organized in groupements of homogeneous nationality, broken down into subordinate elements (groups, flotillas, fleets, etc.) and corresponding to one operational sector or one tactical mission.

## ARTICLE 4

Insofar as the general lines of their organization and their personnel complement are concerned, the types of basic Units of the European Defense Forces may be modified only in accordance with the provisions of Article 44 of the Treaty.

The provisions included in the present Chapter in no way prejudice the details of the future organization, and necessary adjustments may be made by a decision of the Commissariat at the time of establishment of the rules of application.

*Chapter II—General Organization and Formation of the European Defense Forces*

## ARTICLE 5

The EDF shall be organized into :

- Central institutions
- Territorial military commands
- Troop commands

## ARTICLE 6

The *central institutions* of the Commissariat shall be established as soon as the Treaty becomes effective. They shall carry out the build-up operations progressively in such a way that these operations shall not entail any diminution in effectiveness as regards either the Forces assigned to the Community or those remaining under national authority.

In this connection, the central Headquarters shall, as of the date of entry into effect of the Treaty, assign to each of the member States a Deputy who shall have the responsibility of directing the build-up of the contingent furnished by that State, according to the instructions and under the supervision of the Commissariat. This Deputy shall be a citizen of the country in question and shall have at his disposal a detachment of the Central Headquarters which shall be integrated according to command, instruction and liaison requirements.

## ARTICLE 7

1. A European territorial military organization shall be constituted by this Deputy, through creation, where none exists, of a territorial military system and by adaptation where one exists.

This organization shall have European Territorial Military Regions as its basis and the boundaries of these Regions shall be fixed and modified by the Commissariat with the concurrence of the Council by unanimous vote.

The Deputy of the Central Headquarters shall have at his disposal the Commands of these Regions, together with the facilities of the

detachment from the Central Headquarters, to set up the contingents for which he is responsible.

2. The European territorial military organization thus constituted shall, at the same time that it contributes to formation of contingents, be responsible for fulfilling the needs of European and national forces. It shall operate, also, as needed, for the benefit of NATO forces. Finally, it shall cooperate with services the competence of which remains national.

This organization shall be integrated according to the type of troops that they serve.

While of European status, it is submitted to two authorities, that is, to the Commissariat and to the appropriate government departments. As concerns the latter, the Deputy of Central European Headquarters shall be subject to their orders in matters within their competence.

Internal police forces may use the services of the European Military Territorial Organization.

#### ARTICLE 8

The Member States shall, as of the date of entry into effect of the Treaty, and to the extent that they do not already have such organizations, establish the services and institutions necessary for the accomplishment of their obligations under the Treaty.

The Minister responsible for matters which remain national in each Member State or charged with European Defense Affairs shall have at his disposal the Deputy of the Central European Headquarters and the European Territorial Commands for the exercise of his functions.

#### ARTICLE 9

1. *European Troop Commands*, that is, *integrated* Commands shall be formed:

Some of them as soon as the Treaty becomes effective, to command formations already existing and prepare the integration of other formations;

Others within a very short period of time, so that they can, while they are being organized, perform functions of supervision in the preparation of units which will subsequently incorporate.

2. *Transfer of units* to Troop Commands shall take place when these Commands having been formed and being in condition to perform their functions, the elementary units have attained a degree of preparation permitting them to be grouped in Large Units.

In each case the Commissariat shall decide on the transfer.

#### ARTICLE 10

The period of time allotted for the formation of the forces at the end of which the mission of the Deputy from Central Headquarters ends shall be fixed by decision of the Commissariat. It shall not exceed eighteen months from the date of entry into effect of the Treaty except with the unanimous concurrence of the Council.

The final organization of the Territorial Commands to be then put into effect in the European Defense Community shall be determined, before the expiration of the period of time mentioned in the preceding

paragraph, by decision of the Commissariat taken with the concurrence of the Council, the latter being given by two-thirds majority vote.

### *Chapter III—Personnel*

#### ARTICLE 11

The Commissariat shall elaborate the texts relative to the recruiting and organization of personnel of the European Defense Force within the framework of the general principles defined below.

Until such time as these texts go into effect, the pertinent legislation and regulations of the member States shall remain in effect.

#### SECTION I—RECRUITMENT

##### ARTICLE 12—GENERAL CONSIDERATIONS

1. All male citizens of the member States shall be subject to military service unless physically, mentally or morally unfit, and except as provided in the Constitutions or laws of the member States.

2. Decisions on the length of service shall be taken by unanimous vote of the Council.

In all the member states, the period of active service shall be fixed at a minimum of eighteen months. This minimum can be changed by unanimous vote of the Council.

The same conditions as for active service shall apply for regulatory services in the reserves.

3. The operations for building up and supplying the Armed Forces shall comprise the following:

- the census and classification of citizens of military age;
- the call to active service;
- enlistment and re-enlistment of personnel serving on a long-term basis;
- administration of reserves.

These three categories of operations shall be divided between the national organizations and the Commissariat.

4. The European Defense Forces shall be recruited as follows:

- By total or partial conscription of age groups;
- By enlistments (on a long-term basis or by voluntary anticipation of conscription) and by re-enlistments.

5. In the event that the numbers of citizens fit for military service exceeds the requirements of the Armed Forces, the necessary reduction shall be made by means of exemptions based on social, economic and professional considerations appropriate in each member State, although such action shall not impair the military effectiveness of the contingents.

Citizens exempted from active service shall remain subject to the other military obligations of their age class.

##### ARTICLES 13—CALL TO ACTIVE DUTY

1. The census lists shall be drawn up by the competent services, on the basis of the principles previously laid down.

2. The persons whose names are on the census lists shall appear before a review board which shall determine their aptitude for service.

3. These persons shall be called to active duty in various numbers over a period of time depending upon requirements and on the basis of their dates of birth, in the year in which they reach the age specified for entry into military service.

Temporary deferments may be granted up to a certain age for social, economic and professional reasons appropriate in each member State as well as for residence abroad, provided the military effectiveness of the contingents is not impaired thereby.

#### ARTICLE 14—RECRUITMENT OF OFFICERS AND NON-COMMISSIONED OFFICERS

1. The detailed methods for the recruitment of Officers and Non-Commissioned Officers shall be drawn up by the Commissariat.

The general conditions to be fulfilled for acceding to each of these categories are given below:

2. *Active Officers* are recruited from among the following:

Candidates fulfilling the required conditions of aptitude who have completed the legal period of troop service.

Non-commissioned Officers;

Reserve officers admitted to active cadres.

3. *Reserve officers* are recruited from among the following:

Candidates having shown sufficient aptitude following the appropriate training courses either during the period of service or during periods in the reserves;

Active officers who have resigned or retired.

4. *Active non-commissioned officers* are recruited from among the candidates showing sufficient aptitude:

During the period of enlistment or reenlistment, in the case of volunteers;

During the period of required military service, in the case of conscripts.

They may become career non-commissioned officers.

5. *Reserve non-commissioned officers* are recruited from among the candidates showing sufficient aptitude:

During or at the end of their required military service, in the case of conscripts;

During the period of enlistment or reenlistment or at the end of this period, in the case of volunteers;

During periods in the reserves, in the case of personnel having been released from active duty.

#### SECTION II—DISCIPLINE

##### ARTICLE 15

As provided under the provisions of Article 78 of the Treaty, a single body of General Regulations on Discipline shall be drawn up, applicable to the entire European Defense Force. National regulations shall remain in effect until the common regulations are approved. These common regulations shall be drawn up as rapidly as possible and shall be applied simultaneously to all contingents.

## ARTICLE 16

1. Members of the European Defense Force shall conduct themselves in a manner befitting the high mission with which they are entrusted. They shall respect civil laws and regulations and local customs.

They shall abstain from any act tending to offend the religious convictions of others.

All appropriate measures shall be taken to enable them to practice their religion.

2. Members of the European Defense Force have the same obligations toward the Community and its command echelons as military personnel of national armies normally have toward their Government and their own command. The most important of these duties are :

loyalty to the Community ;

obedience to the laws and regulations of this Community ;

obedience to the European military leaders, regardless of nationality.

## ARTICLE 17

1. Incorporation of units into the European Defense Force shall be marked by a solemn demonstration of allegiance to the Community in which the traditions of each contingent shall be taken into account.

2. The members of the European Defense Force shall render honor to the flags, standards, and banners of the European Defense Force and of the member states, as well as to the European emblem.

## ARTICLE 18

The subordinate shall obey his superiors for the good of the service to the extent connected with observance of the law, customs of war, the execution of military regulations; he may appeal any measures considered irregular or any punishment which he deems unjustified under the rules laid down in the General Regulations on Discipline, and subject to the provisions of the Military Code of Justice.

## ARTICLE 19

The superior must always set an example for his subordinates both in his respect for discipline and his observance of the regulations.

The superior should extend the benefit of his experience to his subordinates, should have their material and moral interests at heart, and should avoid any measures which might offend their dignity.

He shall be expected to leave to each subordinate the greatest possible initiative and shall not interfere in the exercise of command of subordinate authorities.

## ARTICLE 20

A standard regulation shall be drawn up relative to the nature of rewards and punishments, the definition of infractions, and the determination of the rights of each person in such matters.



## SECTION III—RANK AND ASSIGNMENT

## ARTICLE 21—GENERAL CONSIDERATIONS

1. The basic texts relative to rank and assignment shall cover the following in particular:

- lists of cadre quotas (“tableaux d’encadrement”),
- rules for advancement,
- rules assuring a career service to professionals,
- principles of administration and management of personnel.

The Commission shall prescribe the methods of applying the above texts.

2. The number of ranks is fixed as follows:

- 4 for enlisted men,
- 5 for non-commissioned officers,
- 3 for junior officers,
- 3 for senior officers,
- 4 for general officers.

## ARTICLE 22—PROVISIONS GUARANTEEING RANK AND ASSIGNMENT

1. Members of the European Defense Force may not lose their rank or assignment or be struck from Army rosters except for specified reasons.

2. Appropriate provisions shall be included in the General Regulations on Discipline and the Military Code of Justice.

These provisions shall be based on the following general considerations:

- a) loss of rank may be decided only by judgment of a Tribunal or by way of disciplinary punishment under certain conditions;
- b) temporary suspension from assignment as a disciplinary measure or for any other serious reason may occur only in strictly defined cases;
- c) the striking of personnel from Army rosters is possible only in the following cases:
  - resignation, within the provisions of the regulations in effect;
  - attainment of the age limit or the end of the service period;
  - physical disability, professional incompetence, grave misdemeanor or habitual misconduct;
  - conviction by a legally recognized court.
- d) In the case of officers and non-commissioned officers, measures affecting rank or assignment pursuant to a disciplinary measure may be taken only after the report of a Board of Inquiry.

## ARTICLE 23—OFFICERS

1. Advancement shall be governed by the basic texts drawn up by the Commissariat within the framework of the provisions of Article 31 of the Treaty.

Officers will compete among themselves for advancement within their own contingent, up to and including the rank of General of Division.

2. Appointments to the command of a basic unit; to the rank of general officer, with command over units of different nationality; and to certain higher position in the Commissariat as determined by the Council, shall be conferred by the Commissariat with unanimous concurrence of the Council.

3. All other appointments are conferred by the Commissariat, taking account of the recommendations of the commands concerned.

Decisions on appointments below the rank of colonel may be delegated to corps commanders.

4. The list of appointments to each rank shall be determined by the tables of organization.

5. The over-all distribution of appointments in integrated units shall be in conformity with the tables of organization for the member States.

#### ARTICLE 24—NON-COMMISSIONED OFFICERS AND MEN

*Advancement:* Advancement of non-commissioned officers and men shall take place within each contingent in conformity with the general instructions issued by the Commissariat.

*Assignment:* Similarly, the Commissariat shall specify in its instructions the general rules for assignment of non-commissioned officers.

#### ARTICLE 25—DETACHMENT OF PERSONNEL

Personnel of the European Defense Force may be detached individually from this Force for missions outside the Defense Community. For the duration of the period of detachment, the Community shall be relieved of responsibility for their upkeep, and shall no longer have direct authority over them, but shall continue to maintain their service records with those of their original organization according to rules to be determined.

### *Chapter IV—Principles Concerning Standardization of Doctrines and Methods; Schools*

#### ARTICLE 26—STANDARDIZATION OF DOCTRINES AND METHODS

1. In conformity with Article 73 of the Treaty, the training and the conditioning of the European Defense Force shall be carried out on the basis of a common doctrine and uniform methods, drawn up in cooperation with the appropriate N. A. T. O. organizations and according to its directives.

2. This doctrine and these methods will be the subject of common regulations applicable to all contingents comprising the European Defense Force.

#### ARTICLE 27—SCHOOLS

1. The following shall be created as soon as the Treaty goes into effect:

Courses for General Officers and General Staff Officers;  
 Courses for Officers called to the following Commands:  
     Land forces: Basic unit and Regiment  
     Air forces: Equivalent units

Courses for School Commanders and their principal staff instructors;

Courses for liaison officers of at least bilingual ability;

Courses for interpreters;

Courses for training certain cadres and specialists essential to the European Defense Community as a whole (Signal, Radar, Air support, Air and Anti-Aircraft Defense, Amphibious Operations, etc.).

These courses shall be organized by the Commission and placed under its direct responsibility. They shall be on an inter-service basis whenever this may prove necessary.

2. As soon as possible and in accordance with the needs of the Community, all Schools in existence on the effective date of the Treaty shall become European, with the exception of those which are necessary for the formation and training of armed forces which remain national by virtue of the Treaty.

Schools to be created by the Community shall be European from the date of their establishment.

All such schools shall be subject to the following general rules:

development of the spirit of European cooperation;

inspection by the appropriate organizations of the Commissariat;

synchronized formation and training phases in order to achieve similar training results, with the programs being drawn up according to the directives issued by the Commissariat;

organization of joint instruction periods to be developed to the fullest extent possible;

intensive teaching of languages.

Advanced training schools shall be integrated.

Officer training schools and service schools shall also be integrated. They may, however, consist of sections of a single nationality to facilitate instruction.

On a transitional basis, and for as brief a period as possible, officer training schools and service schools shall operate under the jurisdiction and the responsibility of the Commissariat, the direction of such schools being integrated and the teaching staffs and students of a single nationality if found desirable. In this latter case, such training shall take place in the country of origin.

Schools for the formation of certain categories of non-commissioned officers and specialists shall be subject to the same regulations as the officer training schools and the service schools.

3. The organization of schools and teaching establishments in the European Naval Force shall be effected within the general framework of the principles defined above, taking into account the special characteristics of this Force.

4. As concerns countries with more than one official language, the application of the measures in the present Chapter shall be subject to the provisions of Article 74 of the Treaty.

#### *Chapter V—Use of Languages.*

##### ARTICLE 28

1. Every member of the European Defense Forces shall employ his national language, subject to the provisions of this chapter.

2. Measures shall be taken to promote, within the European Defense Community, the study of the various national languages of the member States, in accordance with rules to be determined when the curriculum of the European schools is established.

3. In the event that knowledge of an auxiliary language shall be rendered necessary by practical considerations, such auxiliary language shall be taught in the basic schools in a manner to be determined by the Commissariat with the unanimous concurrence of the Council.

#### ARTICLE 29

1. By "reference language" is meant the language which shall prevail in case of misunderstanding or difficulty.

The reference language shall be the language of the authority from which issue the orders, instructions, etc. For all training commands, the reference language shall be that of the command. French shall be the reference language of the Commissariat.

2. Communications made to a subordinate echelon shall be in the language of that echelon; in principle, such communications should also be made in the reference language.

3. Communications made to a higher echelon shall be in the language of the echelon in which the communications originated.

4. Communications between echelons not in the same chain of command shall be in the language of one or the other of them, as may prove most practical.

In case of difficulty, the common auxiliary language shall be used.

5. The auxiliary language shall be considered as an alternative language to be used obligatorily for all procedural communications (radio, codes, passwords, etc.) or in case of difficulties in use of the other languages.

### FINANCIAL PROTOCOL

The High Contracting parties,

Desirous of completing and defining the procedures for applying the financial provisions of the Treaty instituting the European Defense Community,

Have agreed as follows:

#### TITLE I—PREPARATION OF THE COMMON BUDGET

##### ARTICLE 1

The Commissariat prepares the budget. For this purpose there will be a Finance Administration empowered to establish the estimate of receipts and to centralize the expenditures proposed by the responsible services and which can be modified with the agreement of the latter. This Administration shall, at the proper time, give notice of the procedures and the dates on which expenditure estimates must be submitted. These estimates must be supported by appropriate documentation.

The Financial Controller shall give his opinion on the draft budget.

## TITLE II—CONTENT OF THE COMMON BUDGET

## ARTICLE 2

The common Budget may include an ordinary section and an extraordinary section, the latter being characterized by either the extraordinary nature of the expenditure or the extraordinary nature of the receipt.

## ARTICLE 3

Expenditures entered in the common Budget shall be classified according to the principal services of the Community and according to the nature of the expenditure.

Within these classifications, expenditures shall be grouped in chapters and each chapter shall include only expenditures of the same nature. If necessary, chapters may be subdivided into articles.

## ARTICLE 4

The draft Budget must give all information needed to appraise the amount and the purpose of the expenditure. To the extent that it is not contrary to military secrecy, such information shall be given in budgetary documents which are made public.

## ARTICLE 5

The common Budget shall cover all of the receipts and expenditures of the Community without there being any offsetting of a receipt by an expenditure or vice versa. The Budget shall not show attribution of a receipt to an expenditure, with the possible exception of the extraordinary section.

## ARTICLE 6

For the execution of the common armament, equipment, supply and infrastructure programs extending over several years, the budget carries the authorizations and estimates necessary for the whole program in the form of program authorizations as well as in the form of payment authorizations for the cash expenditures of this program within the year in question.

## ARTICLE 7

An annexed document is included in the Budget which shall indicate the countries in which in principle the different expenditures are to be made.

## ARTICLE 8

In application of Article 89 of the Treaty, the Commissariat may, with the agreement of the Financial Controller, shift budgetary credits to take care of expenditures less than 10,000 accounting units and which do not entail commitments on the part of the Community covering several fiscal years.

## ARTICLE 9

There can be inscribed in the receipts and expenditures of the Budget sums which are not destined for the payment of the expenditures of the Community itself. These sums, which only transit the common budget, are recorded in a special section.

The Community, which does not exercise any control whatsoever over the use of these sums and which does not have the obligation for their financing, is discharged of all responsibility involved in the transit by remitting the sums to the recipients.

## ARTICLE 9 BIS

The Council shall conduct the negotiations concerning support costs which are provided for in the Treaty signed at Bonn on 26 May 1952. The Council may, by unanimous vote, delegate this function to the Commissariat. Decisions to be taken as a result of these negotiations shall be taken by unanimous vote.

## ARTICLE 10

The payment credits which are not utilized at the end of the year shall be annulled unless there was provision for the possibility of a carryover at the time the Budget was voted.

If there is a deficit at the close of the fiscal year, a budgetary credit shall of necessity be provided, either in the current Budget or in exceptional cases in the budget following the current budget, in order to cover such a deficit.

If there is a surplus, it shall be paid into a reserve fund. The total of this reserve fund shall not exceed  $\frac{1}{10}$  of the total of the highest budget during the last five years. Use of the assets of the reserve fund shall be decided within the framework of the Budget.

## TITLE III—EXECUTION OF THE COMMON BUDGET

## ARTICLE 11

The Budget shall be executed in accordance with the principle of the separation of the functions of authorizing payments and disbursement. Appropriations shall be administered and payment orders issued by officials attached to the various services of the Community. Actual payment of expenditures and receipt of money shall be handled by accountants who receive their instructions directly from the Finance Administration and who are responsible for their administration.

## ARTICLE 12

The President of the Commissariat shall be the principal agent authorizing payments for the Budget. He may, on the advice of the Finance Administration, delegate his powers to other members of the Commissariat and to the various service chiefs of the central administration or of the lower services. These deputies can administer funds only within the limits of the powers entrusted to them. The services administering funds shall periodically notify the Finance Administration of the situation of their commitments.

## ARTICLE 13

Aside from the limits set for their handling of funds, the administrators can authorize expenditures only within the limits of the monthly authorizations which they are granted by the Finance Administration. These authorizations shall be determined on the basis of on the one hand requirements, and on the other hand of cash availabilities. The administrators may be held personally responsible for any excess of authorizations arising from their management.

## ARTICLE 14

The sole fact that a receipt or an expenditure has been entered in the Budget shall not create rights or obligations vis-a-vis third parties. Any debt or claim can result only from a decision of the proper administrative authority.

## ARTICLE 15

The Council shall unanimously approve every decision of the Commissariat which entails the acknowledgment of a debt by the Community or which limits the free disposal of the assets of the Community.

## ARTICLE 16

The recovery of the claims of the Community shall be handled by the Finance Administration. The Commissariat is empowered, in case of necessity, to grant an extension (except in the special case of contributions). It may, with the consent of the Financial Controller, for an amount limited to 5,000 accounting units grant remission of debts; in case of amounts over 5,000 accounting units a Council decision is necessary.

## ARTICLE 17

All purchases, sales or exchange of property shall be covered by a special regulation of the Commissariat.

## ARTICLE 18

The Commissariat is empowered, in the name of the Community, to place all contracts covering expenditures provided for in the Budget, in conformity with the methods set forth in this Budget. The procedures for letting contracts will be prescribed in a special regulation of the Commissariat. The contracts let within the Community shall normally be payable in the currency of the member State concerned.

The Commissariat shall also be empowered to place contracts covering expenditures not provided for in the Budget, on condition that they amount to less than 10,000 accounting units and that it does not increase the total volume of the Budget. It shall give an accounting at the next meeting of the Council. If the contract exceeds 10,000 accounting units a decision of the Council, by a two-thirds majority, shall be required.

## ARTICLE 19

All payments shall presuppose the presentation of documents in proof of the service performed. It shall be the responsibility of the Finance Administration, in agreement with the accounting organizations, to define the nature of such documentary evidence.

## ARTICLE 20

In the cases and within the limits authorized by the Finance Administration, funds may be placed at the disposal of certain of the services which shall have the responsibility of subsequently justifying the use of these funds. The renewal of these advances shall be subordinated to the justification of the use of previous advances.

## TITLE IV—CURRENT CONTROLS OF THE EXECUTION OF THE COMMON BUDGET

## ARTICLE 21

Current controls on the execution of the common budget, aside from the powers of the Financial Controller himself, shall be carried out by the services of the Commissariat and the other institutions of the Community.

## ARTICLE 22

The Financial Controller shall have a dual mission: *He shall give opinions.* In this connection, all budgetary documents, all draft statutes, and armament equipment, supply and infrastructure plans to be covered by budgetary expenditures shall be submitted to him for his opinion.

*He shall check on the regularity of expenditures.* In this connection, all expenditure commitments as well as payment orders in the measure necessary to the effectiveness of his control shall first be submitted to him for his signature. Disbursing agents shall refuse to honor orders to pay which have not been submitted for his signature.

The Financial Controller shall have the right to ask the services for any explanation which he may consider desirable in the exercise of his mission. He may check on documents and make spot checks. He shall be informed by the Finance Administration of any situation which concerns the administration of the Budget as well as the Treasury and in particular the monthly allocation of funds.

The Financial Controller shall manage his own services so as to collaborate as closely as possible with the functioning of the services of the Community and so as not to entail a delay in their operations.

## ARTICLE 23

The head of each service or section, depending on the requirements, shall see that funds are administered in accordance with the methods foreseen by the budget and order the most economical conditions with the assistance of an administrative and financial section for which



the necessary operating civil or military regulations shall be established in agreement with the Finance Administration.

He shall see to the enforcement of financial directives and specifically the preparation and routing of any provisional statements or reports which may be considered necessary. Whenever it shall appear desirable the head of the administrative and financial section may be delegated the authority to authorize payments.

## TITLE V—TREASURY

### ARTICLE 24

The Community shall try to avoid any sizable transfer of cash by carrying out its operations through checking accounts. It shall open accounts in national central banks and shall also make use of the postal check services in existence on the territory of the member States. Under exceptional circumstances, it may enlist the assistance of private banking institutions.

### ARTICLE 25

The Community shall inform each State of the contribution for which it is liable. Payment shall be made in national currency. The account of the Community shall be credited on the due date. In the case of delay in payment, the rate of exchange to be applied in converting into national currency the common currencies in which the budget is established shall be the rate in force on the day when the account of the Community is credited and not the due date. In cases where contributions are voluntarily paid before the due date, the rate of exchange to be applied shall be that of the due date, the anticipated payment having only the character of a non-legal payment on account.

### ARTICLE 26

Any delay beyond three days in the payment of a contribution shall entail payment of 10 percent interest, counting from the due date. Moreover, the delinquent State shall be required to assume the additional expenditures which its delay in payment has caused the Community, particularly the interest on funds to which the Community should have had recourse.

### ARTICLE 27

In case of necessity, the Community shall require the States to grant it an advance equal at the most to the amount of the following monthly contribution. The State making the loan shall receive interest which shall not be more than that State pays its own creditors for operations of this nature.

### ARTICLE 28

The Community shall avoid all financial operations not justified by absolute necessity. It shall not perform any arbitrage in the placement of its assets. Such placements are made in short-term Treasury

bills of the national treasuries. To the extent that the Community may wish to make deposits in private banks, it shall reach an agreement with the competent monetary authorities of the State in question on the maximum amount of these deposits. The Community shall not place money with a non-member State nor engage in placements with member States which necessitate arbitrage of exchange except with the unanimous consent of the Council.

## TITLE VI—TRANSFERS AND ARBITRAGE

### ARTICLE 29

In executing the common Budget, the Commissariat shall use for payments in the monetary zone of a member State at least 85 percent of the contribution paid by that State. At the request of the State in question or of the Commissariat, this percentage may be reduced. If agreement cannot be reached between the Commissariat and the State in question as to this reduction, the question, at the request of one or the other of the parties, shall be brought before the Council of Ministers which shall decide by unanimous vote.

### ARTICLE 30

The Commissariat, in the execution of the common Budget, shall limit the amount of payments in the monetary zone of a member State to a sum equal at the most to 115 percent of the contribution paid by that State. At the request of the State in question or of the Commissariat, the amount of expenditures in national currency may be raised to more than 115 percent of the contribution of that State. If agreement cannot be reached between the Commissariat and the State in question as to this increase, the question, at the request of one or the other of the parties, shall be brought before the Council which shall decide by unanimous vote.

The Community shall procure the sums in national currency which are in excess of the contribution of the State in question either through arbitrage of the currency of the member State or arbitrage of the currency of non-member States in conformity with Articles 31 and 32 below.

### ARTICLE 31

Within the limit of sums which, under the terms of Article 29 above, may be utilized outside of the monetary zone of a member State, the Commissariat may freely engage in arbitrage between the currency of member States and that of non-member States which are linked by a multilateral payments system. Within the limits provided above, and contingent on Article 32 below, the Commissariat may, in agreement with the Governments in question, carry out arbitrage between the currency of member States and the currency of third countries which do not participate in this multilateral payments system. If agreement cannot be reached, the question shall be brought before the Council of Ministers either by the Commissariat or by a member State and the Council shall decide by unanimous vote.

## ARTICLE 32

Any arbitrage involving either assignment to the Community by a member State of U. S. dollars or freely-convertible currency against delivery of currency of a member State, or acquisition by the Community of currency of a member State against delivery of U. S. dollars or freely-convertible currency, shall be subject to agreement of the Council of Ministers by unanimous vote.

## ARTICLE 33

Transfers among member States necessary to the execution of the payments of the Community shall be considered as current payments.

## ARTICLE 34

In the preparation and execution of the Budget, the Commissariat shall limit commitments in currency of a member State or currency of a non-member State to the available funds resulting from the application of the preceding articles.

It shall make allowance for the indirect charges in foreign exchange arising for a member State as a result of the activities of the Community within its territory.

## ARTICLE 35

In order to avoid disturbances in the balance of payments of member States, the Commissariat shall make a careful choice of arbitrated currencies in the light of the economic and financial situation of the participating countries. It shall take the necessary steps to spread out the necessary transfers over the year in question.

## ARTICLE 36

In cases where the transfers and arbitrages could not continue to be carried out through the European Payments Union the provisions of the present Protocol relative to these transfers and arbitrages shall be reexamined by the Council which shall unanimously decide on the new provisions to be adopted.

## TITLE VII—FOREIGN AID

## ARTICLE 37

All division of foreign aid by way of exchanging freely convertible currencies against the local currency of the member States which is contained in an aid agreement foreseen in Article 98 of the Treaty shall be subject to a special approval of the Council by a unanimous vote in application of Article 32 above.

## ARTICLE 38

Foreign financial aid is considered as a receipt separate from the contributions of the member States and is not subject to the provisions of Articles 29, 30, 34 and 35 above.

## TITLE VIII—BOOKKEEPING

## ARTICLE 39

The Finance Administration shall, in conformity with the provisions of the financial regulation and in agreement with the control authorities, decide on the accounting regulations which will make it possible to record all of the operations of the Community, to follow the execution of the Budget, and to prepare the rendering and verification of the accounts of administration.

## TITLE IX—GENERAL PROVISIONS

## ARTICLE 40

The Council by unanimous vote shall approve a Financial regulation which shall embody, complete and define the provisions of the present Protocol. Eventually this regulation will be prepared by the Commissariat.

## ARTICLE 41

The provisions of the present Protocol which complete and define the application of the articles of the Treaty can be amended by a unanimous vote of the Council.

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PROTOCOL RELATIVE TO THE GRAND DUCHY OF  
LUXEMBOURG:

The High Contracting Parties,

Taking into account the fact that it is not possible for the Grand Duchy of Luxembourg, because of its demographic situation, to place a basic unit of homogeneous nationality at the disposal of the Community,

Agree that the volume of Luxembourg military forces, their organization, and the arrangements for their eventual integration and for their use will be established by an agreement to be concluded between the Community and the Grand Duchy, with the agreement of the competent Supreme Commander responsible to the North Atlantic Treaty Organization.

This agreement shall also fix the length of active service in the Luxembourg forces, taking account of the conditions of their use and of all other factors specially relating to the demographic and industrial structure of the Grand Duchy.

To the extent necessary to establish, and give effect to, the provisions of this agreement, the latter shall take effect notwithstanding contrary provisions of the Treaty.

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PROTOCOL CONCERNING RELATIONS BETWEEN THE  
EUROPEAN DEFENSE COMMUNITY AND THE NORTH  
ATLANTIC TREATY ORGANIZATION

The member States of the European Defense Community,

Desirous that relations between the North Atlantic Treaty Organization and the European Defense Community maintain the

greatest flexibility and avoid to the greatest extent possible the overlapping of responsibilities and functions,

Agree as follows:

1. Mutual consultations shall take place between the North Atlantic Council and the Council of the European Defense Community on questions concerning the common objectives of the two organizations, and the two Councils shall hold joint meetings whenever one or the other deems it desirable.

Whenever one of the parties to the North Atlantic Treaty or one of the parties to the Treaty establishing the European Defense Community shall consider that the territorial integrity, the political independence or the security of one of them is threatened, or that the existence or integrity of the North Atlantic Treaty Organization or of the European Defense Community is threatened, a joint meeting shall be held upon the request of such party in order to study measures to be taken to deal with the situation.

2. With a view to ensuring close coordination on the technical level, each Organization shall communicate to the other appropriate information, and a permanent contact shall be established between the staffs of the European Defense Community Commissariat and of the civilian agencies of the North Atlantic Treaty Organization.

3. As soon as the European Defense Forces shall have been placed under the command of a Commander responsible to the North Atlantic Treaty Organization, members of the European Defense Forces shall become members of such Commander's Headquarters and of appropriate subordinate Headquarters. Commanders responsible to the North Atlantic Treaty Organization shall ensure all necessary liaison between the European Defense Forces and the other military agencies of the North Atlantic Treaty Organization.

4. The Council of the European Defense Community and the North Atlantic Council may by common agreement adjust the foregoing arrangements governing relationships.

5. The present protocol shall enter into effect at the same time as the Treaty establishing the European Defense Community, of which it shall form an integral part.

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### SPECIAL PROTOCOL

The Governments of the signatory States of the Treaty establishing the European Defense Community, signed this day, agree to consult together with a view to reaching an agreement which shall form the basis for the decision of the Council of Ministers of the Community provided for in Article 12, paragraph 2 of the Military Protocol annexed to the said Treaty.

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### SPECIAL PROTOCOL

The Governments of the signatory States of the Treaty establishing the European Defense Community, signed this day, agree to take all appropriate measures to facilitate the adherence of the Community as such to international Conventions relating to the laws of war.

TREATY BETWEEN THE UNITED KINGDOM AND THE  
MEMBER STATES OF THE EUROPEAN DEFENSE COM-  
MUNITY

The President of the Federal Republic of Germany, His Majesty the King of the Belgians, the President of the French Republic, the President of the Italian Republic, Her Royal Highness the Grand Duchess of Luxembourg, Her Majesty the Queen of the Low Countries, Her Majesty the Queen of Great Britain, Northern Ireland and the British Territories beyond the Seas,

Desirous, in the interests of Western European defense, to extend to the relations between the United Kingdom and the member States of the European Defense Community, established by the Treaty signed at Paris on 27 May 1952, the guarantees of assistance against aggression, provided in Article IV of the Treaty signed at Brussels on March 17, 1948,  
have designated as plenipotentiaries -----

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who, having exchanged their full powers and found them in good and due form, have agreed as follows:

ARTICLE I

If, at any time while the United Kingdom is a party to the North Atlantic Treaty, any other Party to the present Treaty which shall at that moment be a member of the European Defense Community, or the European Defense Forces, should be the object of an armed attack in Europe, the United Kingdom shall, in accordance with Article 51 of the United Nations Charter, afford the party or the defense forces so attacked, all the military and other aid and assistance in its power.

ARTICLE II

As long as Article I of the present Treaty remains in effect, if the United Kingdom or its armed forces should be the object of an armed attack in Europe, the other Parties to the present Treaty which at the time shall be members of the European Defense Community, and the European Defense Forces, shall afford the United Kingdom and its forces all the military and other aid and assistance in their power.

ARTICLE III

The present Treaty shall be ratified and its provisions executed in accordance with the constitutional rules of each contributing State. The instruments of ratification shall be deposited with the Government of the United Kingdom which shall inform the Governments of the other signatory States of each deposit. The Treaty shall become effective as soon as all of the signatory States shall have deposited their instruments of ratification and the Council of the European Defense Community shall have notified the Government of the United Kingdom that the Treaty establishing the European Defense Community has entered into effect.

## ARTICLE IV

The present Treaty, both the English and French texts of which shall be official texts, shall be deposited in the archives of the Government of the United Kingdom, which shall transmit a certified true copy to the Government of each of the other signatory States.

Signed at Paris on 27 May 1952.

ADDITIONAL PROTOCOL ANNEXED TO THE TREATY ESTABLISHING THE EUROPEAN DEFENSE COMMUNITY, CONCERNING GUARANTIES OF ASSISTANCE FROM THE MEMBER STATES OF THE COMMUNITY TO THE STATES PARTIES TO THE NORTH ATLANTIC TREATY.

The member States of the European Defense Community, Convinced that the creation of the European Defense Community, established by the Treaty signed in Paris on May 27, 1952, will strengthen the North Atlantic Community and the integrated defense of the North Atlantic area, and will promote a closer association of the countries of Western Europe, Agree as follows:

## ARTICLE I.

Any armed attack

(i) on the territory of one or more of the Parties to the North Atlantic Treaty in the area defined in Article 6 (i) of the said Treaty, or (ii) on the land, naval or air forces of any of the Parties to the North Atlantic Treaty when in the area described in Article 6 (ii) of that Treaty, shall be considered an armed attack against all the member States of the European Defense Community and against the European Defense Forces.

In the event of such an armed attack, the member States of the European Defense Community, in respect of themselves and of the European Defense Forces, shall have the same obligations towards the Parties to the North Atlantic Treaty as those Parties undertake towards the members of the European Defense Community and the European Defense Forces, in virtue of the Protocol between the parties to the North Atlantic Treaty referred to in Article 2 below.

The expression, "States Parties to the North Atlantic Treaty" shall mean parties to the said Treaty at the time of entry into effect of the present Protocol.

## ARTICLE II.

The present Protocol shall enter into effect at the same time as the Protocol between the States parties to the North Atlantic Treaty, which extends reciprocal guarantees to the member States of the European Defense Community and to the European Defense Forces.

## ARTICLE III.

The present Protocol shall remain in effect for so long as the Treaty signed at Paris on May 27, 1952, establishing the European Defense Community, and the North Atlantic Treaty, supplemented by the Protocol referred to in Article II above, remain in effect.

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**COMMON DECLARATION BY THE FOREIGN MINISTERS**

The governments represented at the Conference of Foreign Ministers in Paris,

Aware of the essential importance of Article 5 of the Treaty establishing the European Defense Community,

In view of Article 128 (new numbering) of the said Treaty, providing that such Treaty is concluded for a period of 50 years following the date of its entry into effect,

Express the wish that the provisions concerning the duration of the North Atlantic Treaty be adopted to those of the said Article 128.

Consider it desirable that the necessary initiative to this end be taken by the States parties to the North Atlantic Treaty which are participating in this Conference.

These governments agree to take such initiative.

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**CONDITIONS OF REMUNERATION AND PENSION RIGHTS  
OF THE CIVIL AND MILITARY PERSONNEL EMPLOYED  
BY THE COMMUNITY**

The High Contracting Parties,

Desirous of setting forth the conditions of remuneration and pension rights of the civil and military personnel employed by the Community,

have agreed as follows:

ARTICLE (1) The military personnel of the European Defense Community, hereafter called the Community, are subject to a single pay scale based on a common statute carrying identical length of service provisions and a uniform hierarchy scale without prejudice to the application of national fiscal, family and social legislation.

ART. (2) The pay allotted to the military personnel of the Community shall not have the exclusive character of remuneration for services rendered. It shall be designed also to assure to the recipients a standard of living compatible with their functions by means of a series of allowances in kind and in cash which shall be adapted to the particular nature of military functions.

ART. (3) The constituent elements of the pay system shall be the following:

a basic salary with an increase for certain ranks; this basic salary is uniform for a given rank and a given length of service whatever the nationality of origin;

if necessary, a variable residential or quarters allowance designed to adapt the basic salary to the economic conditions pre-



vailing in each of the member States where the military personnel of the Community shall exercise their functions;

a separation indemnity for military personnel exercising their functions in a State other than their State of origin.

ART. (4) In addition, the military personnel of the Community shall receive personal equipment according to special dispositions for each rank; food shall be provided for all draftees and in certain circumstances for other personnel. Medical care and pharmaceutical assistance, indemnities for special obligations, representation allowances, and certain transportation facilities shall be provided as well.

ART. (5) The Community shall endeavor to provide lodging for its military personnel in return for a deduction from the basic salary.

The military personnel on official duty outside their State of origin who do not receive lodging from the Community shall receive a complimentary separation indemnity.

In the regions where rents are exceptionally high, military personnel shall receive a forfeitary allocation designed to cover this supplementary expenditure.

ART. (6) The fundamental principles defined above as well as the procedures for their application shall be incorporated into a regulation which shall be prepared by the Commissariat and approved by a unanimous vote of the Council in the month following the entry into force of the Treaty.

This regulation may be modified at a later date by the same procedure.

ART. (7) If the application of the principles defined above shall cause differences in the pecuniary situation of the military personnel of certain contingents arising from their services outside their State of origin, the appropriate national authority of which such personnel are the citizens can take, during a transitional period, all dispositions necessary to remedy this possible prejudice.

If the Council by unanimous vote shall decide that this additional remuneration compromises contributions to the common budget, the State concerned shall so handle such additional remuneration as to ensure that the interests of the Community are not prejudiced.

ART. (8) The Commissariat will prepare the statute and the provisions concerning the remuneration of the civil personnel of the Community which shall be approved by a unanimous vote of the Council. The labor legislation in force either in the State of residence or in the State of origin of the interested persons is not necessarily applicable.

ART. (9) A regulation of the European Defense Community concerning pensions and seeking the application of the principle of uniformity of rights shall be established by the Commissariat with the unanimous concurrence of the Council.

Until the entry into effect of such regulation, the personnel of the Community shall continue to be governed by the legislation of their states of origin. Service with the Community shall be computed together with service rendered to such States.

The case of States which do not have legislation on pensions shall be settled by the Council in agreement with the government concerned.

AGREEMENT PROVIDED FOR IN ARTICLE 107 (PARA-  
GRAPH 4-B)

The territory provided for in paragraph 4b of Article 107 of the Treaty is the territory situated to the west of the red line inscribed on the map annexed hereto.

This line follows the German-Dutch frontier up to the Rhine, the course of the Rhine to Cologne, passes to the east of Troisdorf, rejoins the Rhine at Bonn, follows the Rhine until Mainz, passes to the east of Darmstadt, rejoins the Necker at Heidelberg, follows the Necker until Esslingen, passes through Ulm, and rejoins the eastern extremity of the lake of Constance.

Signed at Paris, May 27, 1952.

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PROTOCOL CONCERNING THE INTERIM COMMITTEE

The delegations which participated in drawing up the Treaty shall continue to meet as an Interim Committee during the period between the date of signature of the Treaty and the date when the institutions of the European Defense Community begin to function.

Within the Interim Committee they shall consider problems which concern the Community and the measures which the signatory Governments might be required to take before said institutions begin to function.

The Interim Committee shall, on the basis of the Treaty and the annexed Protocols and Conventions, draft the texts which are to be put into force at the same time as the Treaty in order to make it possible for the institutions of the Community to begin to function as soon as the Treaty is ratified.

In addition, it shall collect all of the information needed to facilitate performance by the Commissariat of the most urgent tasks for which it is responsible.

The Interim Committee shall be able to appoint *ad hoc* working groups and on a temporary basis to call on the experts necessary to carry out their mandate.

The work of the Interim Committee may consist only of preparatory studies and plans which shall not commit the Governments and shall not entail any measures of execution.

## JURISDICTIONAL PROTOCOL

## TITLE I—REPARATION OF DAMAGES

*Chapter I—Responsibility*

## ARTICLE 1

The Community shall make reparation for the damage caused by the dereliction of its services.

## ARTICLE 2

1. The Community, even when not at fault, shall be responsible for damage caused within the buildings and installations under its charge, without prejudice to the possible responsibility of the owner of such property, who remains liable in conformity with national law.

In this case, the responsibility of the Community may be evaded or lessened only to the extent that such damage is proved to be the fault of the victim or of a third party or is the result of an act of God.

2. The Community shall be responsible under the same conditions with reference to any of its activities which especially endanger third parties.

3. Until such time as there is established common legislation on civil responsibility as regards damage caused to third parties in matters of transportation, the regulations set forth above shall be applied by the competent organizations of the Community, in such a way as to achieve the utmost harmony among the principles of the national legislation of the member States, to the extent that this is in keeping with respect of the above regulations.

## ARTICLE 3

When the operation of the services of the Community or the buildings and installations under its charge subject third parties to an exceptionally serious risk, the responsibility of the Community may be evaded or lessened only to the extent that it is proved that the damage is due to the fault of the victim.

## ARTICLE 4

The Community shall be responsible for that damage caused to roads or public installations, as a result of utilization thereof by its Forces or its Services which exceeds appreciably either by its nature or by its extent the damage resulting from ordinary utilization of the above facilities.

## ARTICLE 5

Unless otherwise stipulated, the Community shall make reparation for damage caused to property placed at its disposal, by virtue of an agreement with one of the member States of the Community or with an agency of these States.

## ARTICLE 6

The Community shall make reparation for the damages caused by the fault of its agents in the exercise of their functions.

Agents shall not be responsible toward third parties as a result of such acts.

#### ARTICLE 7

Agents of the Community shall be personally responsible toward third parties, according to the applicable local law and before the competent jurisdiction under common law, for damage for which they are at fault and which is committed outside the exercise of their functions.

In case of dispute on the point of whether the act causing damage was performed during the exercise of functions, the case shall be brought before the territorially competent court, which shall give final decision on this point, unless such case is covered under the conditions provided in Article 13 below.

Notwithstanding the provisions of paragraph 1 of the present Article, an indemnity may be granted voluntarily by the Community to the injured party, taking into account all the circumstances of the case, particularly the conduct and behavior of the victim. The decisions taken by virtue of the present paragraph may not be appealed.

#### ARTICLE 8

When a particularly serious act committed by one of its agents has caused the Community direct damage or when by such act the responsibility of the Community is involved in accordance with the provisions of the present Chapter, such agent may be condemned to make reparation for all or part of the damage caused the Community by his act.

#### ARTICLE 9

Each member State shall refrain from demanding an indemnity of the Community in the event that a member of its armed forces forming part of the Community suffers bodily injury in line of his duty.

### *Chapter II—Procedure*

#### ARTICLE 10

1. Without prejudice to the provisions of Article 16 below, claims for indemnity shall be submitted to local Indemnity Commissions, of which the number, the territorial jurisdiction and the procedures shall be fixed by regulations drawn up by the Commissariat.

2. These Commissions shall be composed of:

a President appointed by the Commissariat or by the authority to which the latter shall have delegated its powers for this purpose, from among persons having all the necessary qualifications for legal competence in such matters and possessing the nationality of the receiving State;

a member appointed by the Commissariat from among the citizens of member States other than those of the receiving State;

a member of the European Forces appointed by the locally competent European military authority.

3. The Commission shall examine the claims for indemnity and proceed with any investigations, verifications, and appraisals which may seem necessary. Within the limits of the powers delegated to him by the general instructions of the Commissariat, the President shall strive to promote an amicable settlement with the claimant.

If an amicable settlement is not reached, the Commission shall determine the indemnity due the claimant. The decision of the Commission shall be taken by majority vote. Reasons for the decision shall be given.

The Commission may decide that an advance on account of the indemnity shall be paid to the claimant, notwithstanding any recourse to appeal.

#### ARTICLE 11

The decision of the Commission may be appealed by the claimant within two months after notification of such decision or by the Commissariat as soon as such decision has been pronounced. Appeal on a point of law may be filed within the period specified by the provisions governing procedure before the Court.

Without prejudice to the provisional measures provided for in paragraph 3 of Article 10 above, the decisions of the Commission shall become final prior to the expiration of the appeal period only if the claimant and the Commissariat forego the exercise of their right of appeal. Appeal shall be a stay of judgment.

#### ARTICLE 12

Appeal shall be filed before a regional section of the Court composed of one of the judges of this jurisdiction, who shall preside, assisted by four magistrates of the Community. The latter shall be of the nationality of the receiving State. In certain categories of cases, the regional court may consist of only three judges.

Decisions of the Council, taken at the request of the President of the Court and after consultation with the Commissariat, shall fix the number and the territorial jurisdiction of the sections as well as the conditions under which these sections may eventually be called upon to sit in several localities under their jurisdiction.

The regional sections shall examine the case, complete the judicial inquiry if necessary, and make final judgment.

#### ARTICLE 13

When a case involves questions of principle, it may be referred to the Court either by the [regional] or by its President after consultation with the assessors whenever the amount of the claim exceeds three thousand United States dollars. When the amount of the claim does not exceed three thousand United States dollars, the Commissariat may, when the case involves questions of principle, file an appeal before the Court in the interest of law against the decision of the regional section; this last decision shall be a final decision binding on all parties.

For judging the cases with which it is seized by virtue of the provisions of the preceding paragraph, the Court shall include the judges who preside over the regional sections.

## ARTICLE 14

Claims based on Articles 1, 2, 3, 5 and 8 will not be accepted unless submitted within a period of five years from the date on which the act giving rise to such claims occurred. Such shall also be the case with claims of every nature based on the provisions of the present Title, as regards litigation between the Community and the member States or the territorial collectivities of these States.

In the case of claims resulting from injury to persons and damage to property caused by traffic accidents, however, the period shall be three years.

## ARTICLE 15

The decisions of the Court, the decisions of the regional sections, and the final decisions of local Indemnity Commissions shall be carried into effect under the conditions specified in Article 66 of the Treaty.

## ARTICLE 16

Only the Court shall be competent to rule on matters involving litigation of every nature between the Community and the member States or territorial collectivities of these States relative to application of the provisions of the present Title.

*Chapter III—Special Provision*

## ARTICLE 17

The Community shall be responsible for damage caused by the maneuvers or exercises conducted by the European Defense Forces, as well as the damages caused by their billeting.

The conditions for reporting and estimating such damages and the periods within which claims must be submitted shall be specified in regulations issued by the Commissariat with the agreement of the Council, acting by a two-thirds majority vote, after consultation with the governments of interested member States.

## TITLE II—PENAL PROVISIONS

*Chapter I—Penal Provisions*

## ARTICLE 18

Upon the entry into effect of the Treaty, the member States shall transfer to the European Defense Community their powers to mete out punishment for the penal offenses which may be committed by the members of the European Defense Forces.

## ARTICLE 19

Punishment for such penal offenses shall be provided for as soon as possible by common legislation drawn up in conformity with the constitutional regulations of each member State and which shall in addition include the regulations governing judiciary organization and procedure.

*Chapter II—Transitional Provisions*

## ARTICLE 20

Until such time as the common legislation referred to in Article 19 above goes into effect, the provisions of the following Articles shall be applicable on a transitional basis.

## ARTICLE 21

The jurisdictional powers of the Community shall be ensured under the following conditions by judicial bodies exercising a European function.

## ARTICLE 22

The judicial bodies referred to in Article 21 above shall be:

1. The Court, which shall rule on the following under the conditions referred to in Article 30 below:

- a) Cases involving conflicts of jurisdiction;
- b) Questions of law concerning the interpretation of the Treaty, the annexed protocols and their supplementary provisions;

- c) All other cases which shall fall within its competence, particularly as concerns the punishment of certain offenses committed by the persons specified in Article 18 above and constituting grave injury to the interests of the Community.

2. Tribunals, which may be:

European tribunals of national composition which shall be subordinate to a regional section of the Court as regards final appeal;

national tribunals acting by delegation of the Community, in the case where the interested member State deems such a procedure necessary for constitutional reasons or for reasons relating to the general structure of judicial organization.

## ARTICLE 23

The organization and the procedure of the tribunals referred to in Article 22 above, including the modifications to be made in the organization and the procedure of the regional sections of the Court in so far as they rule over penal cases, shall be regulated by the national legislation of the interested member States. These regulations shall be applied as European law with regard to European tribunals.

## ARTICLE 24

Without prejudice to the provisions of paragraph 3 of Article 30 below, the persons referred to in Article 18 shall be tried by the European tribunals of their nationality or by their national tribunals acting by delegation of the Community respectively, as provided for in paragraph 2 of Article 22 above.

## ARTICLE 25

Without prejudice to the exceptions provided for in the present Protocol, dependents residing at posts outside the territory of the State of origin shall be subject to the normally competent jurisdiction of the receiving State.

The exceptions referred to in the preceding paragraph shall be determined in conformity with the constitutional regulations of each of the member States.

## ARTICLE 26

1. The persons referred to in Article 18 of the present Protocol shall remain subject solely to the law of their State of origin, without prejudice to the exception provided for in the present Protocol as concerns local law.

2. Exceptions shall be determined in consideration of the following:

a) The strictly territorial nature of the application of certain regulations, especially as regards road traffic, hunting and fishing;

b) The interests of the receiving State and its inhabitants; this shall be the case in particular as concerns acts which are prejudicial to this State or are committed against its inhabitants, when the law of the State of origin does not recognize these acts as offenses or when it punishes such acts with penalties much less severe than those provided under local law.

3. For the enforcement of the law of the receiving State, a system whereby a correspondence will be established among the various penalties provided under the respective laws of the member States shall be drawn up.

## ARTICLE 27

The right of pardon as regards the penalties pronounced by the judicial bodies provided for in Article 22 above against members of the European Defense Forces shall be exercised by the competent authorities of the State of origin.

## ARTICLE 28

1. The carrying out of penalties entailing deprivation of freedom shall be ensured by the authorities of the State of origin of the member of the European Defense Forces.

2. In the case of penalties entailing deprivation of freedom for a period of less than six months, however, the carrying out of such penalties may be ensured in accordance with the conditions to be set forth in the Convention provided for in Article 30 below.

## ARTICLE 29

1. In the legislation of each of the member States, the provisions punishing offenses which constitute injury to national armed forces, their installations or their members shall be applicable to acts of the same nature committed against the European Defense Forces or their members.



2. In addition, the Government of each of the member States shall submit to the legislative authority such bills as it may deem necessary for ensuring within the territory of such State the security and protection of the European Defense Forces, their installations, equipment, property, and official records and documents, as well as the punishment of violations of such legislation.

#### ARTICLE 30

A special Convention shall stipulate:

1) The organization of the Court, its operating procedure, including the use of languages, and its regulations of jurisdiction, within the limits specified in paragraph 1 of Article 22 above. The principle of absolute equality of the juridical regulations applied by each of the member States, whether such regulations be European or national, shall be respected for the settlement of the conflicts referred to in sub-paragraph 1a of Article 22 above:

2) The provisions necessary for ensuring an effective protection of the interests of the Community as concerns penal matters;

3) The cases in which the right of jurisdiction referred to in Article 24 of the present Protocol may be waived;

4) The exceptions referred to in Article 25. These exceptions shall be determined on the basis of the following principles:

Dependents shall be subject to the jurisdiction of judicial bodies exerting a European function when the offense is committed against the Community, the person or the property of a member of the European Defense Forces. In this case, the judicial body competent to judge the dependent shall be that body which, under the terms of Article 22, would be competent to judge the head of the family, the member of the military forces or of the civil personnel.

In every case, the authorities which shall have competence may waive their right of jurisdiction; they shall examine with the greatest consideration any request which is received prior to such time as the tribunal trying the case has pronounced its verdict and which would result in the defendant being led before a tribunal other than that which would normally be competent.

Minors, as defined by the penal code of their State of origin, shall in every case be referred to the normally competent judicial bodies of their State of origin.

In every case, the competent authorities shall notify one another of their decisions and shall keep one another informed of the subsequent action taken in all affairs;

5) The exceptions referred to in Article 26;

6) The conditions under which the organizations of the Community may institute law suits;

7) The conditions for judicial mutual aid;

8) The judicial competence of the military police and of the police of the receiving State and the conditions for their mutual aid;

9) All other provisions which might prove necessary to placing the present Protocol into effect.

### TITLE III—TRANSITIONAL PROVISIONS RELATIVE TO BELGIUM

In view of the obstacles of a constitutional nature which at this time prevent total application of the provisions of the present Protocol to Belgium, the following provisions are applicable:

#### ARTICLE 31

In exception to the provisions of the present Protocol and on a transitional basis, as concerns offenses committed within the territory of the Belgian State by members of the European Defense Forces originating from said State, the right of jurisdiction shall be limited solely to the Belgian courts and tribunals, which shall rule by virtue of the power vested in them and in conformity with Belgian law, as regards the penal code applicable as well as the procedure and the means of ordinary and extraordinary appeal.

#### ARTICLE 32

In exception to the provisions of the present Protocol and on a transitional basis, in the case of damage caused on Belgian territory, the victim who does not accept the decision of the local Indemnity Commission and does not see fit to appeal to the regional Section of the Court as provided for in Article 11 above, may, within a period of three months after notification of such decision, institute before the competent Belgian court a civil lawsuit against the Belgian State, which shall be required to make reparation for the damages in so far as its responsibility would be engaged if such damages had been caused by the operation of its own services.

In the latter case, the Belgian State, which will have been condemned to pay an indemnity, may bring suit for reimbursement against the Community before the Court of Justice, which shall rule in accordance with the terms of the present Protocol.

### TITLE IV—DEFINITIONS

#### ARTICLE 33

a) The “members of the European Defense Forces” shall include the members of the military element and the members of the civil element.

b) By “civil element” is meant the non-military personnel incorporated in the services of the European Defense Forces under the conditions fixed by the competent authorities of the Community.

c) By “dependent” is meant the spouse of a member of the military element or the civil element, their minor children and, exceptionally, their parents or descendants in direct line who habitually make their residence with such member and who are authorized by the qualified authorities of the Community to accompany the head of the family.

d) By “State of origin” is meant the member State on which the members of the military element or the civil element depended before becoming part of the European Defense Forces.

e) By “receiving State” is meant the member State within the territory of which the members of the military element or the civil element of the European Defense Forces are stationed or are in transit.

## ARTICLE 34

The special Convention referred to in Article 30 above shall set forth the conditions for application of the present Protocol. It shall form part of the jurisdictional statute provided for in Article 67 of the Treaty.

CONVENTION RELATIVE TO THE STATUS OF EUROPEAN  
DEFENSE FORCES AND THE TAX AND COMMERCIAL  
REGIME OF THE EUROPEAN DEFENSE COMMUNITY

## TITLE I—PUBLIC SECURITY

## ARTICLE 1

The members of the European Defense Forces shall be required to respect the laws in force and to refrain from all political activity within the territory of the receiving State.

This requirement shall not interfere with the exercise of political rights, in accordance with the provisions of the internal laws of the State of origin, and under conditions compatible with the status of member of the European Forces.

The Authorities of the European Defense Forces shall ensure that these provisions are complied with and shall take the measures necessary for this purpose. At the request of the competent authorities of the receiving State, they may, in particular, order the immediate transfer of a member of the European Defense Forces who has not respected the requirement set forth in the first paragraph of the present Article, without prejudice to the possible application of disciplinary measures in case the conduct of the party concerned was or would be such as to disturb law and order in the receiving State.

## ARTICLE 2

1. Without prejudice to the provisions of paragraph 2 of the present Article, the members of the European Defense Forces shall be exempt from passport and visa formalities as well as regulations relative to the registration and the control of foreigners.

2. Only the following documents shall be required of members of the European Defense Forces. They shall be presented upon demand:

a) Personal identity card of a standard type but of a different color for military and civil personnel, issued by the qualified authorities of the European Defense Forces, bearing a photograph and the full name, the date and the place of birth, the nationality, the arm or service, the rank or assignment, and, if appropriate, the serial number of the holder.

b) Individual or collective permit, issued by the qualified authorities of the European Defense Forces and indicating the name of the person or unit in question and the purpose of the mission or travel.

The headings on the documents mentioned in paragraphs a) and b) above shall be printed in German, French, Italian, and Dutch.

3. The qualified authorities of the European Defense Forces shall, insofar as possible and using standard procedures, inform the authori-

ties of the interested receiving State of the full names, the date and place of birth, and the nationality of the members of the civil element who would have occasion to enter the territory of said receiving State.

#### ARTICLE 3

Dependents residing with members of the European Defense Forces and authorized by the qualified authorities of these Forces to accompany the head of the family must be in possession of a passport issued by the State of origin. Indication of their status as well as the authorization issued to them shall be entered in the passport by the above-mentioned. They shall be exempt from visa formalities and every facility shall be granted them by the receiving State as concerns their obligations under regulations governing residence within the territory of this State.

With these exceptions, dependents shall be subject to the laws of the receiving State as concerns foreigners. However, if a member State or the Commissariat deems that the authorities of the receiving State are making abusive use of the exercise of the laws of this State or are applying such laws in a manner contrary to the essential interests of the Community, they may bring the matter before the Council; the latter may request the receiving State to review the measures or decisions taken, which their State shall then do in taking the interests of the Community fully into account.

#### ARTICLE 4

1. Without prejudice to the possible application of the laws of the receiving State as concerns foreigners, the authorities of the European Defense Forces shall be required to ensure the repatriation of members of the European Defense Forces from the territory of a receiving State as soon as they cease to be in the service of these Forces.

2. The authorities of the European Defense Forces shall immediately inform the authorities of the receiving State of any illegal absence exceeding six days.

3. The periods during which a member of the European Defense Forces is present within the territory of one of the member States solely by reason of his status as member of these Forces shall not be considered as periods of residence toward acquisition of the right to permanent residence or domicile or as entailing a change of domicile.

The same shall be true for the dependents referred to in Article 3 above.

#### ARTICLE 5

Regularly constituted military units or formations shall have the right of police in all camps, establishments or other installations occupied by them by virtue of an agreement with the receiving State for ensuring the maintenance of order and security in these installations. For this purpose, the police of the receiving State may operate within the installations of the Community with the agreement of the qualified authorities of the Community and in cooperation with the elements of the Community.

The use of the abovementioned military police outside these installations shall be subordinated to an agreement with the authorities of the receiving State and shall take place in liaison with these authorities.

## ARTICLE 6

1. The member States shall consider as valid, without requiring examination, fee or tax, a driving license issued by one among them to a member of the European Defense Forces, or a military driving license issued by the qualified authorities of the European Defense Forces.

2. In the case of internal navigation, certificates testifying to boat-handling ability shall be subject to the general regulations in force in the receiving State. The issuance of a navigation certificate may be the subject of a special convention.

## ARTICLE 7

1. The regulations on road traffic in force in the receiving State shall apply to the European Defense Forces, except where such national legislation is modified upon the advice of the Commissariat in order to take into account the characteristics of certain vehicles or certain military requirements.

2. The competent authorities of the Community shall provide for the registration of all vehicles belonging to the Community, and for the affixing on these vehicles of a registration plate of a uniform type bearing a number and a distinctive marking. The presence of the plate on the vehicle and the possession by the driver of the corresponding registration certificate shall permit travel within the territory of each of the member States.

The competent authorities of the Community shall ensure that the vehicles registered and placed in circulation comply with the regulations in force in the various member States in which they shall have occasion to be used. They shall ensure that the vehicles placed in circulation are inspected and are in proper working order.

## ARTICLE 8

The competent authorities of the Community shall provide for the registry of the aircraft belonging to the Community as well as for the affixing on such aircraft of a distinctive emblem of a uniform type and individualized markings.

These authorities shall ensure that the aircraft registered and placed in service comply with the regulations in force in the member States. Upon the advice of the Commissariat, the member States shall take the necessary measures for ensuring the uniformity of these regulations, particularly as concerns control over the state of navigability and the fitness for flight of aircraft.

The flight certificates of military flying personnel on service at airfields belonging to the European Defense Forces shall be issued or validated, depending upon the case, by the competent authorities of the Community.

The regulations on aerial navigation in force in the receiving State shall apply to the European Defense Forces, except where modifications shall be made in each national legislation because of military necessities upon the advice of the Commissariat and taking into account international conventions.

## ARTICLE 9

The authorities of the European Defense Forces shall draw up regulations on the wearing of the uniform, and these regulations shall be reported to the competent authorities of the member States. Regularly constituted military units and formations shall appear in uniform when they wish to cross frontiers.

## ARTICLE 10

The authorities of the European Defense Forces shall draw up regulations on the wearing and possession of arms by the members of these Forces, and these regulations shall be reported to the competent authorities of the member States.

## ARTICLE 11

The competent authorities of the European Defense Forces shall give friendly consideration to the requests which the authorities of the receiving State may make as concerns the application of the provisions of Articles 9 and 10 above.

## TITLE II—PUBLIC SERVICES AND MILITARY INSTALLATIONS

## ARTICLE 12

The European Defense Forces may benefit from the public services within the territory of the member States, particularly as concerns the following:

- a) Postal and telecommunications services;
- b) Land, sea and air transport;
- c) Electricity, gas, and water supply;
- d) Sanitary services.

The public services referred to in b) above shall include facilities pertaining to the use of public services and, as the case may be, the use of their installations.

The competent authorities of the Community shall notify the competent authorities of the receiving State of their requirements as regards such services.

## ARTICLE 13

Public services shall be furnished under the conditions fixed by special agreements between the Community and the authorities or organizations designated by the receiving State.

The public services furnished the European Defense Forces shall be paid for by the Community on the basis of the regulations and rates in effect in the receiving State. In the absence of a regulation or rate corresponding to the service furnished, such service shall be paid for under the terms set forth in a special agreement between the competent authorities of the receiving State and the Community. Special agreements between the competent authorities of the receiving State and the Community may eventually stipulate conditions and rates different from those resulting from the provisions in force in the receiving State.

## ARTICLE 14

On an exceptional basis, certain installations of public services may be placed at the exclusive disposal of the European Defense Forces by special agreement between the competent authorities of the receiving State and the Community.

## ARTICLE 15

Cooperation between the services contributing to the security of aerial navigation and the meteorological service of the receiving State, on the one hand, and the corresponding services of the Community, on the other, shall be the subject of special agreements between the competent authorities of the receiving State and the Community.

## ARTICLE 16

For railway transportation of members of the European Defense Forces, the competent authorities of the receiving State shall grant, under the conditions to be fixed by special agreements and subject to reimbursement by the Community, the reductions or exemptions in fares which would be requested by the Community. Under the conditions set forth in the special agreements, account shall be taken for such reimbursement of the increase in traffic due to the reductions or exemptions in fares.

For highway transportation of the persons referred to in the preceding paragraph and without prejudice to the rate terms which may be freely agreed to by the transporters, reductions in fares may be granted upon the request of the Community and under the technical and financial conditions to be fixed by special agreement concluded with the competent authorities of the receiving State to the extent that these authorities would be legally able to obtain such conditions from certain transporters. The financial agreements shall provide for reimbursement by the Community, under conditions similar to those indicated in the preceding paragraph, unless the competent authorities of the receiving State agree to conditions more favorable to the Community.

## ARTICLE 17

When the means placed at the disposal of the European Defense Forces as concerns public services are judged insufficient to meet the requirements of these Forces, the competent authorities of the receiving State and of the Community shall seek the bases of an agreement for satisfying these requirements, taking into account the provisions of Articles 3 and 102 of the Treaty. This agreement shall cover the choice of means (either, and preferably, adjustment of the use of public services or the use of their installations, or modification, reinforcement or expansion of existing installations, or, if necessary, creation of special installations) as well as the location and technical characteristics of the new installations.

## ARTICLE 18

1. In order to facilitate the conclusion of the agreement referred to in Article 17 above, the competent authorities of the receiving State

or those of the Community may call a meeting of a Mixed Commission composed of qualified experts.

If an agreement is not reached within a reasonable period of time, the Commission shall formulate a recommendation which the receiving State may refer to the Council within a period of one month from such notification; however, such recommendation may not serve to hamper the normal operation of the public services of the receiving State. The receiving State must comply with the recommendation of the Commission if this recommendation is confirmed by a two-thirds majority vote of the Council.

2. The privilege which the member States enjoy by virtue of Article 56 of the Treaty is not affected by the above provisions.

#### ARTICLE 19

The modification, reinforcement or expansion of existing installations, as well as the creation of special installations, shall be carried out under the conditions set forth below.

The expenditures pertaining to such operations are, in principle, borne by the Community. However, in case these operations shall also serve to satisfy the requirements of the receiving State itself, these expenditures shall be shared by the Community and the receiving State according to proportions to be fixed by special agreement. This agreement may provide for advances of funds from the Community to the receiving State.

The installations, as well as the land on which they are located, are the property of the receiving State.

Work on such installations shall be carried out by the receiving State.

#### ARTICLE 20

The receiving State shall ensure the operation and the maintenance of the existing installations which have been modified, reinforced or expanded, as well as the special installations created in accordance with the provisions of Articles 17, 18 and 19 above.

The operating and maintenance expenditures shall be borne by the receiving State, without prejudice to the application of Article 14 above.

The services furnished the European Defense Forces by means of these installations shall be paid for under the conditions stipulated in Article 13 above.

#### ARTICLE 21

1. The competent authorities of the Community shall notify the competent authorities of the receiving State of their requirements as concerns installations of a military nature, which are to be used exclusively by the European Defense Forces.

The competent authorities of the receiving State and of the Community shall seek the bases of an agreement for satisfying these requirements, taking into account the provisions of Articles 3 and 102 of the Treaty. This agreement shall cover the choice of means (modification of existing installations or, if necessary, creation of new installations). In the case of new installations, the agreement shall



also cover their location and their technical characteristics; in this respect, the agreement may contain specific exceptions to national legislation and regulations, justified by military necessities though in keeping with considerations of public security.

In order to facilitate the conclusion of the above-mentioned agreement, the competent authorities of the receiving State or those of the Community may call a meeting of a Mixed Commission composed of qualified experts.

If an agreement is not reached within a reasonable period of time, the Commission shall take a decision which the receiving State may refer to the Council within a period of one month from such notification. However, this decision shall not serve to compel the receiving State to make exceptions to its legislation and to its national regulations or to its international commitments; this decision shall also be in keeping with considerations of public security.

The receiving State shall comply with the decision of the Commission if this decision is confirmed by a two-thirds majority vote of the Council.

2. The privilege which the member States enjoy by virtue of Article 56 of the Treaty is not affected by the above provisions.

#### ARTICLE 22

Installations such as those referred to in Article 21 above, which are the property of the receiving State, shall be placed at the disposal of the Community free of charge in the maintenance condition in which they are found. The Community shall pay the taxes and fees pertaining to such installations to the extent that it is not exempt from such taxes and fees under the provisions in effect. The maintenance and possibly the repairing of such installations shall be ensured by the Community under the conditions set forth in Article 25 below.

If the Community wishes to make any transformations in these installations, it shall obtain the authorization of the owner State. Work on such installations shall be carried out under the conditions stipulated in Article 25 below.

#### ARTICLE 23

If the receiving State places at the disposal of the Community installations such as those referred to in Article 21 above, which are not its property, the expenditures which it must bear as a consequence of this fact are fully reimbursed to it by the Community.

#### ARTICLE 24

If the creation of new installations, such as those referred to in Article 21 above, necessitates the purchase of real estate, such property shall be purchased by the Community at its expense. However, the receiving State may decide to purchase such property itself at its expense; in this case, such property is then placed at the disposal of the Community under the conditions specified in Article 22 above.

At the request of the Community, the receiving State shall employ the most effective procedures at its disposal for the purchase of such property.

## ARTICLE 25

In the construction of new installations, such as those referred to in Article 21 above, the work shall be carried out either by the Community under the conditions provided for in Article 104 of the Treaty or, after agreement, by the receiving State. In both cases, the expenditure is borne by the Community.

The maintenance of the installations shall be assured under the same conditions.

## ARTICLE 26

When the Community no longer has need of an installation created by it on land belonging to it or belonging to the receiving State, it shall determine the condition in which such installation shall be left in making therein only those transformations required by military necessities.

In case this installation is constructed on land belonging to the receiving State, the increase or decrease in the value of the installation shall be estimated and the corresponding financial settlement made.

In case the Community is owner of the land, the receiving State may exert a right of eminent domain on the property to be disposed of.

## ARTICLE 27

1. The civil labor necessary for carrying out the tasks of the European Defense Community within the frontiers of each receiving State shall, insofar as possible, be placed at the disposal of the Community through the channel of the competent authorities charged with the employment of workers of this State.

2. The European Defense Community shall have the status of employer of this civil labor. In particular, it may conclude collective bargaining contracts. Hiring and working conditions of civil labor shall be governed by the laws of the receiving State.

In no case shall the labor employed by the Community have the status of member of the military or civil elements.

## ARTICLE 28

The agreements concluded between the competent authorities of the receiving State and of the Community as concerns the satisfaction of the requirements of the Forces shall take into account the rights applicable to and the obligations incumbent upon other Forces stationed on the territory of such State, in order to assure the requirements of the European Defense Forces under conditions which will not jeopardize the interests of the Community.

## TITLE II—TAX AND COMMERCIAL REGIME OF THE COMMUNITY

*Chapter I—Tax and Customs Regime Taxes on Sales and Consumption*

## ARTICLE 29

The goods acquired on the territory of the member States by the European Defense Community, hereafter referred to as the Community, as well as the supplies and other services furnished to the

Community by enterprises situated on the territory of a member State shall be subject to the duties and taxes applicable in the country in question. These operations shall be considered neither as exports nor as imports from the tax or commercial point of view.

## ARTICLE 30

The transportation of goods acquired by the Community in the conditions foreseen by Article 29 of the present Convention from the territory of one member State to the territory of another member State shall not be considered by the State of origin as an export, nor by the State of destination as an import. Such transportation shall not give rise to the payment or refund of duties or taxes in force in the countries in question at the time of exportation or importation. Such transportation shall not be subjected to restrictions arising from laws concerning the commercial relations between the member States.

## ARTICLE 31

The goods acquired by the Community in a non-member State shall be subject, at the time of their entry into the territory of the Community, to the duties and taxes applicable on the territory of the member State on which final customs clearance will take place. Their subsequent circulation on the territory of the member States shall be governed by Article 30 above.

Notwithstanding the provisions of the preceding paragraph, there shall be established a list of specifically military matériel for which there shall be provided, at the time of its final customs clearance, exemption from customs duties on purchases in a non-member State, but not from indirect taxes or compensatory duties for indirect taxes.

## ARTICLE 32

Upon the recommendation of the Commissariat, made by the latter after consultation with the governments of the States concerned, the provisions of Articles 29 and 31 of this Convention may be revised by unanimous decision of the Council with a view to attaining uniformization and alleviation of taxes and customs duties payable on purchases made by the Community.

## ARTICLE 33

The goods furnished free of charge to the Community by means of foreign aid shall not be subjected to any duties or taxes either at the time of entry or when circulating on the territory of the member States.

The Commissariat is authorized to insert in the foreign aid agreements described in Article 99 of the Treaty establishing the European Defense Community tax exemption clauses for purchases financed by foreign aid and made in the interests of defense on the territory of the member States, which are analogous to those contained or to be contained in bilateral agreements between the member States and the State which furnishes foreign aid.

At the request of a member State the Council of Ministers of the Community shall examine the possibility of an appropriate Compen-

sation in the case where the application of the preceding provisions results in an unequal burden for any member State.

#### ARTICLE 34

If the application of the provisions of Articles 29 to 31 above to certain products taxed at a particularly high rate gives rise to substantial difficulties in the economy or finances of a member State, the Council, at the request of that State, shall take the necessary remedial measures. Aside from other appropriate measures, the Council may suspend application of the tax regime defined above.

#### ARTICLE 35

The preceding provisions do not imply the suppression of frontier controls; however the member States shall simplify the necessary formalities to the extent possible.

#### ARTICLE 36

Goods brought onto the territory of a member State, which have profited from the provisions of Articles 29 to 31 above, may be transferred by the Community, with or without payment, only with the authorization of the State concerned and in the circumstances to be determined by agreement between the Community and such State.

#### ARTICLE 37

At the request of a member State the regime provided for in the above articles may, by unanimous decision of the Council, be revised or completed by a system of compensating for tax receipts, as the economic and financial relations of the member States evolve as a result of the existence of the Community. Such a revision shall in any case be studied when the burden-sharing method provided for in Article 94 of the Treaty establishing the Community comes into effect.

#### ARTICLE 38

The personnel of the Community shall be subject to the consumption and sales taxes applicable in the State where they are stationed. They shall also be subject to customs duties on imports or exports except as otherwise provided for in the case of official travel.

### *Chapter II—Other Taxes*

#### ARTICLE 39

The Community shall be exempted from payment of all taxes on income and capital except for:

- a) taxes on the assets of the Community which are not directly utilized for its normal activity;
- b) taxes on profit or income on the assets covered in subparagraph (a) above as well as on agriculture, industrial or business income.
- c) Taxes representing payment for public services.

## ARTICLE 40

In principle, the Community shall not benefit from any exemption from any other taxes, except for exemptions provided for by agreement between the Community and the member States.

## ARTICLE 41

1. The fact that persons paid by the Community exercise their official functions in a member State other than their country of residence at the time they enter the service of the Community shall not result in a change in their domicile for purposes of income, capital, or gift and inheritance taxes. These provisions shall also be applicable to wives or husbands and children of minor age of the persons concerned.

In the country of stationing such persons shall be exempted only from taxes on income received from the Community.

Upon recommendation of the Commissariat, the Council may, by unanimous vote, determine the categories of officials of high rank of the institutions of the Community who shall, in limited numbers, be exempted in their state of origin from all taxes on income and emoluments received from the Community; these exemptions may entail an imposition on such officials of taxes for the benefit of the Community in a manner also to be decided upon by unanimous vote of the Council.

2. In the application of inheritance duties, property belonging to persons described in paragraph 1 of the present article and situated on the territory of the country of stationing shall be considered as being in the country of domicile.

## ARTICLE 42

At the request of a member State and according to the procedures which that State establishes, the Community shall retain for the profit of such State the taxes due on the salaries and other payments received from the Community by the individuals concerned.

*Chapter III—General Provisions*

## ARTICLE 43

The tax regime for canteens and military restaurants shall be the subject of special agreements between the Community and the State where such establishments are located.

## ARTICLE 44

The Community shall furnish all useful assistance in the tax and customs fields to the member States which shall so request.

## ARTICLE 45

The details of application of the general principles enunciated in this Convention shall be established by a special tax agreement which shall recapitulate, complete and elaborate upon the provisions of this

Convention. This agreement shall be drafted by the Commissariat and approved by the Council by unanimous vote. The details of application of this Convention may also, if necessary, be established by agreements between the Community and the member States.

#### TITLE IV—FINAL DISPOSITIONS

##### ARTICLE 46

The definitions contained under Title IV of the Jurisdictional Protocol annexed to the Treaty instituting the European Defense Community shall apply to the present Convention.

##### ARTICLE 47

The regulations of the Treaty defining the operation of the institutions of the Community shall apply as concerns their intervention such as it is provided for under the present Convention.

In particular, recourse to the Court is open within the framework of the present Convention in the cases and in the conditions where such recourse would be open under the terms of the Treaty.

##### ARTICLE 48

Any State which shall be party to the Treaty under the conditions provided for in Article 129 of said Treaty, shall be party to the present Convention.

##### ARTICLE 49

The present Convention shall be ratified, the instruments of ratification shall be deposited with the Government of the French Republic which shall notify such deposit to the Governments of the other member States.

##### ARTICLES 50

The present Convention will enter into effect at the same time as the Treaty establishing the European Defense Community.