

Interview with Hubert Ehring: the influence of the international context on the Val Duchesse negotiations (Uccle, 25 October 2006)

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[Étienne Deschamps] In your opinion, did the international political climate, during the years 1955–1956 and even early 1957, have an influence on the course of the negotiations, and, if so, how far?

[Hubert Ehring] Well, it certainly had an impact on political evolution during that period. It was a result of the fear that the group of national parliaments that were favourable to ratification of the Treaty might not continue to be so. It was therefore the prospect of potentially dangerous national elections that obliged us at a certain moment to speed up work significantly. We then decided to increase the number of meetings, so in addition to holding them from 10 until 1 and from 4 until 7, we met from 10 until 1 at night. But even so, we did not complete our work during this period.

In Rome, the Treaty was not completely finished. It still contained empty pages when it was signed, because even then a final agreement on a particular text had not been arrived at. They were not important texts. They belonged rather to the category of Protocols, Privileges and Immunities, not internal documents. Nevertheless, we continued work just as we had before the signing in order to fill these pages. In addition, and this we were not able to recuperate following the signing, the work done by the Drafting Group ensuring compatibility between the different chapters of the Treaty had not been completed at all.

One incompatibility which remained is where the Treaty provides for harmonisation of professional rules solely in the case of the independent professions. Another incompatibility occurs where the Treaty makes an exception in support of the protection of industrial and commercial property only where the free movement of goods is concerned, but not for services where it is no less justified than it is for merchandise. A third concerns public decency. An exception in support of the protection of public decency is foreseen only for the free movement of goods, and does not occur in other chapters.

Going by the letter of the Treaty, a Member State may therefore oppose the importation of an amoral book, but not the entry to its territory of a person providing services that are contrary to public decency, whether visiting or immigrating there definitively. Praxis has disregarded these incompatibilities, but nonetheless all this would not have escaped the Drafting Group had it been able to continue its work.