

Negotiations on the ECSC Treaty

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The beginning of the negotiations

The French Foreign Minister, Robert Schuman, knew that he had to act quickly if he were to take advantage of the pro-European fervour triggered by his declaration of 9 May 1950. On 20 June 1950, he organised a conference in Paris instructed to draw up a draft treaty establishing a coal and steel community.

Schuman was adamant that the concept of a single supranational organisation – the only institution referred to in the declaration – must be included in the draft treaty just as it stood. Before opening the negotiations on technical procedures, he therefore called on the countries involved to declare their support for a supranational authority called ‘The High Authority’.

The German, Italian, Belgian, Netherlands and Luxembourg Governments accepted this recommendation, although the Netherlands Government did express certain reservations about the role of the High Authority, at least as it was envisaged by Jean Monnet. The British political powers still resolutely rejected the supranational principle, thereby ruling out Great Britain’s direct participation for the time being.

Multilateral negotiations

On 20 June 1950, France, Germany, Italy, Belgium, the Netherlands and Luxembourg opened negotiations in Paris. The French Government negotiated the organisation and operation of the future European Coal and Steel Community with its partners. The negotiators, chaired by Jean Monnet, began by addressing institutional questions and appeals procedures. The delegates from the three Benelux countries demanded a treaty that clearly spelled out the technical powers to be entrusted – for a fixed time period – to the High Authority, as some of them feared that it would interfere in sensitive national areas. They subsequently suggested that political institutions should be created to counterbalance the High Authority’s powers. The concept of an intergovernmental body – the Special Council of Ministers – was adopted. A Common Assembly was established to represent the peoples of the Member States. Proposals were also put forward for the establishment of a Court of Justice to settle disputes.

Economic considerations were largely taken into account during the talks on the future Community’s powers and responsibilities. The negotiators therefore aimed to ensure that the Community was properly equipped to dismantle the heavy industry cartels in Germany. These discussions once again involved a debate about the Community’s degree of supranationality. Once the bulk of the problems had been resolved, the Treaty establishing the ECSC was initialled by the six delegations on 19 March 1951.

All that remained now was for the ministers to solve some practical, yet extremely delicate, questions concerning the seat of the High Authority, the appointment procedure for the Members of the High Authority, the allocation of seats in the Common Assembly and the weighting of votes in the Council of Ministers. The High Authority consisted of nine Members, one of whom was co-opted – selected by common accord by the governments for a period of six years. The Assembly, which exercised supervisory powers, was made up of 78 delegates from the national parliaments, while each Member State had a representative in the Council of Ministers. The Court of Justice consisted of 7 judges appointed by the governments to ensure the compliance with and application of the Treaty. The Six signed the Treaty in Paris on 18 April 1951 for a period of fifty years.