

Memorandum on relations between the institutions envisaged in the Schuman Plan and the Council of Europe (14 August 1950)

Caption: In this memorandum, Jean Monnet considers the possibility of building interinstitutional relations between the Council of Europe and the institutions provided for under the Schuman Plan for the European Coal and Steel Community (ECSC).

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Since the birth of the Schuman Plan, and throughout the work that followed on the development of the plan, we have studied with meticulous attention both the form of those institutions whose existence seemed to be crucial to the implementation of the plan and the relations that might be established between those institutions and the Council of Europe.

Having overcome the difficulties that we encountered along the way, we believe that we have found a formula which makes it possible to achieve the desired result.

The purpose of this memorandum is to describe briefly:

I — the institutions which the six countries participating in the Paris Conference believe that it is essential to create in order to apply, in the coal and steel sector, the supranational principle that is the foundation stone of the Schuman Plan;

II — the difficulties posed by the current statute of the Council of Europe, which hinders any efforts to create an organic link between the institutions of the Schuman Plan and the Council of Europe;

III — specific suggestions as to how a direct association between the institutions of the Schuman Plan and the Council of Europe may be created during a transitional period; this transitional period would have to end once the Council of Europe had developed into a supranational body in form and substance.

The institutions required for the implementation of the Schuman Plan

Following the proposals tabled by France and the deliberations conducted at the Conference of the Six, it has emerged that the following institutions are essential if the Schuman Plan is to be implemented:

- 1 — a High Authority, composed of independent persons entrusted with a mandate that would be defined in a treaty to be ratified by the parliament of each participating country and exercising the precise and limited supranational powers delegated to them;
- 2 — a Common Assembly, comprising parliamentarians elected by the parliaments of the participating countries, which would meet every year to examine, on its own exclusive authority, the activities of the High Authority and to deliver its judgment on those activities, either approving them, which would grant a discharge to all the members of the High Authority, or expressing its disapproval, which would mean the replacement of all members of the High Authority in accordance with the principle of collective responsibility;
- 3 — a Special Council, comprising the ministers with direct responsibility for the economic policies of the various participating States, which would be entrusted with the task of reconciling the supranational activity of the High Authority with the needs of each individual country;
- 4 — finally, a Court of Justice, comprising independent persons, which would be responsible for interpreting the treaty.

The institutions of the Schuman Plan and the Council of Europe

We have reviewed these conclusions with the utmost attention in the light of the Statute of the Council of Europe and of the way in which it has been applied in practice in order to ascertain the means by which the new institutions required for the implementation of the Schuman Plan might be most usefully associated with the Council of Europe and might best help to reinforce its authority. In this, we have been guided by the fact that the underlying idea of the Schuman Plan is to establish a supranational regime in a limited but decisive area of economic life and that ultimate responsibility for the implementation of this plan must be

assigned to bodies comprising persons exercising collective sovereignty in the interests of the entire community rather than representatives of the various national governments.

In our review, we could not find a formula which would create an organic relationship between the High Authority and the Committee of Ministers of the Council of Europe. The relationship between the institutions envisaged for the implementation of the Schuman proposals, namely the High Authority and the Special Council of Ministers, is entirely unprecedented in that it links a supranational body with the ministers of governments that have accepted the Statute of the Council of Europe. The fact of the matter is that the present Statute of the Council of Europe would not permit the establishment of such a relationship, because the Committee of Ministers includes representatives of countries whose governments have not accepted the Schuman proposals and, hence, the assignment of sovereign powers to the supranational body envisaged in those proposals.

Accordingly, we must seek to identify the sort of relationship that might be established between the institutions envisaged in the Plan and the Consultative Assembly of the Council of Europe. Under the Statute of the Council of Europe, the Consultative Assembly is subordinate to the Committee of Ministers. The Assembly has only the power to make recommendations to the Committee. It would therefore be impossible to establish the Consultative Assembly as the body to which the High Authority reported and was ultimately accountable. The establishment of such a relationship would necessarily involve either completely rewriting the Statute of the Council of Europe or abandoning the principle of pooled sovereignty which is the very basis of the Schuman proposals.

Can a section of the Strasbourg Assembly be established as the responsible body?

One suggestion which has been considered is that the reports from the High Authority might be submitted to the entire Strasbourg Assembly but might be voted on only by the representatives of the six participating countries, constituted as a section of the Assembly.

For this procedure to fulfil the aims of the Schuman proposal, the Statute of the Council of Europe would still have to be revised, for the present Statute would not permit a section of the Consultative Assembly to possess more extensive powers in any area than the Assembly itself; such a section would only be able to submit reports to the Committee of Ministers. Even if this point were amended in the Statute, the consequences of such an amendment might jeopardise the general goals and the development of the Council of Europe.

The growing prestige of the Consultative Assembly derives not only from the quality of its members but also from the fact that, like all parliamentary assemblies, its debates are not academic and inconsequential but give rise to recommendations for which each member must express his responsibility by casting a vote.

If the above suggestion were adopted, most of the delegates would be placed in a position in which they might take part in a debate but might not exercise the inherent responsibility of parliamentarians by casting a vote. The entire Assembly would discuss motions, but only one part of it would vote on them. It is impossible to imagine any procedure that could more seriously undermine the position of a parliamentary assembly.

The proposed solution

In spite of all these difficulties, we remain resolved to find satisfactory forms of relationship between the institutions that are essential to the implementation of the Schuman proposals and the Strasbourg institutions, since each set of institutions is conducive to the development of the other.

Given the nature of the two institutional systems, the basis for a genuine and constructive relationship between them might be found in a procedure whereby the President of the Common Assembly and a representative of the High Authority, the bodies envisaged in the Schuman Plan, would present annually to the Consultative Assembly of the Council of Europe the conclusions adopted in the debates of the Common

Assembly and the report submitted by the High Authority.

The debate which then ensued would conclude with the adoption by the Consultative Assembly of any recommendation that it saw fit to make, in accordance with its own Statute.

Moreover, we wish to cement the relationship between the two sets of institutions by ensuring that all or some of the parliamentary representatives are members of both the Common Assembly and the Consultative Assembly. The new experience of supranational institutions exercising sovereign powers in a way that has never been achieved hitherto will thus contribute directly to the strengthening and development of the Council of Europe.

We have made these suggestions with a view to forging an immediate link between the institutions on which the implementation of the Schuman Plan depends and the Council of Europe, particularly its Consultative Assembly.

But we believe that the powers of the Strasbourg Assembly should be further extended in the future.

In the first place, as we are proposing for the Schuman Plan, all activities of an international character in Europe, such as the creation of Benelux or the activities of the Organisation for European Economic Cooperation (OEEC), must be the subject of annual reports which are discussed by the Strasbourg Assembly, because it is self-evident that the Assembly should, by definition, be familiar with all issues affecting the community of European nations.

Secondly, the forms of relationship that are established between the Strasbourg Assembly and the Common Assembly envisaged in the Schuman Plan should be regarded as transitional arrangements; they must be transitional because of the Statute of the Council of Europe itself, although the Statute is open to amendment once the development of the new European institutions prompts the Council of Europe to broaden the role of its Strasbourg institutions.

In the future, events may cause the institutions of the Schuman Plan and those of the Council of Europe to forge even closer relations, especially if there are any changes in the two factors that compelled us to envisage new institutions for the implementation of the Schuman Plan, namely:

— the fact that a number of the countries represented in the Council of Europe have not yet seen fit to assign part of their sovereignty to common supranational institutions, and

— the fact that, under the present Statute of the Council of Europe, the Consultative Assembly cannot perform the functions of the assembly through which the High Authority would be accountable to the parliaments and peoples of the participating nations.

The governments of the countries taking part in the Conference of the Six at the present time have continually and unanimously called on the members of the Council of Europe, particularly the United Kingdom, to join them in their initiative and to agree to cede part of their sovereignty.

If this invitation were to be accepted, and if the Statute of the Council of Europe, following the course that it would have to take at all events in response to the dictates of the process of constructing one Europe, were to lead to the creation of an assembly with real sovereign powers, the institutions of the Schuman Plan could then be merged with those of the Council of Europe.

Until then, the two sets of institutions may contribute together to the creation of a united Europe, whose institutions would differ in form in accordance with their respective requirements and functions; these institutions must be united among themselves, not in the sense of rigidly imposed uniformity but within a

broad community of shared aspirations and objectives in pursuit of a common goal.