

# Contrary draft opinion presented by the Group of Heads of Enterprise (December 1951)


**Caption:** In December 1951, the French Economic Council rejects, by 73 votes out of 160, the contrary draft opinion delivered by the group of heads of enterprise and declares its support for the ratification of the Schuman Plan.

**Source:** Bulletin du Conseil National du Patronat Français. 20.12.1951, n° 75; 5e année. Paris: Conseil National du Patronat Français. "Contre-projet d'avis présenté par le groupe des chefs d'entreprise (Décembre 1951)", p. 5-6.

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## Contrary draft opinion presented by the Group of Heads of Enterprise to the Economic Council (December 1951)

THE ECONOMIC COUNCIL,

Having heard the report presented by Mr André Philip on behalf of the Committee on Economic Affairs and the Plan.

*Whereas*

The success of the generous idea launched by Mr Schuman on 9 May 1950 is a decisive contribution to the development of European unity,

*Whereas*

While the principles of the Schuman Plan may meet with general acceptance, the text of the draft Treaty currently submitted for ratification includes errors and shortcomings which it is in the interest of all to make good,

*Is of the opinion*

That, in order to ensure the very success and viability of the European Coal and Steel Community and, at the same time, avoid the most serious threats to the French economy, the following conditions must be met before the Treaty is ratified.

These conditions relate to:

- undertakings to be given by the French Government;
- adjustments to be made to the Treaty;
- changes to be made in the Convention on the Transitional Provisions.

### **A. — Undertakings to be secured from the French Government**

1. Assurance for the French coal and steel industries, for all French transport (in particular inland waterway transport) undertakings and for all enterprises affected by these forms of production that they will be able in due time to pursue and implement, in anticipation of the effects of the Plan, the capital investment required to place these industries on an equal footing with their competitors, and measures to reduce the financial burdens on these industries so that they may take on the challenge of the single market without being unduly disadvantaged.
2. Easing of the tax burden by which the French firms in question are disproportionately affected.
3. Government agreement to authorise and facilitate the coordinated negotiation by French producers and consumers of long-term commercial supply contracts either within the Community or on third-country markets.
4. Government support for the acquisition by French interests of equity holdings in the German collieries in order to ensure the supply of coke to the French economy.
5. Vigorous action to achieve the effective break-up of cartels and combinations in the German coal and

steel industries.

## **B. — Adjustment of the Treaty**

1. Attendance of a representative of the Council of Ministers at the deliberations of the High Authority so that, prior to a decision of the High Authority and where the representative deems it necessary, a discussion in the Council may be initiated and the joint consultations provided for under the Treaty taken up.

2. Extension of the role of the industrial associations of producers and consumers and delegation by the High Authority of powers to these organisations for the implementation of its directives under its supervision — *in accordance with the arrangements advocated by the European Movement at the Conference of Westminster.*

3. Replacement of the principle of *ex ante* proscription of agreements between industrial interests by the principle of *ex-post* rejection of agreements which are found in their formulation or application to be contrary to the general aims of the Treaty:

— Relaxation of Article 65 so as to withdraw from the High Authority its discretionary power to prohibit specialisation agreements.

4. Appointment by the President of the International Court of Justice in The Hague of three members of the Court of Justice having administrative, judicial, economic and social competence;

— Possibility for the Court to rule on grounds of equity in cases where a State, a group of undertakings or an undertaking has suffered damage and to ensure equitable redress for such damage, notwithstanding the restrictive provisions of Article 34;

— Possibility for any injured party to seek redress before the Court of Justice.

5. Allocation of seats on the Consultative Committee similar to that in the Assembly;

— Committee to be consulted in all cases involving decisions concerning the general economy of the Member States;

— Publication of the debates and opinions of the Committee;

— Committee to be convened at the request of one quarter of its members.

6. Measures to prohibit the High Authority itself from exercising technical, financial or banking activities relating to its financing operations, these activities being the exclusive province of bodies with the relevant expertise within the Member States.

7. General harmonisation of transport rates prior to the establishment of the common market and supervision by the High Authority of the rates thus harmonised.

8. Protection of our iron ore reserves from premature exhaustion by means of the power accorded to the French Government to limit extraction rates.

9. Introduction of a general safeguard clause enabling a government to assess whether action by the Community compromises the standard of living on its territory and to take any measures derogating from Article 4 in order to end the damage suffered.

10. Linkage between the opening up of markets in the overseas territories and the granting of certain commercial advantages to those territories.

## C. — Adjustment of the Convention on the Transitional Provisions

1. Conversion of the preparatory period (provided for in paragraph 8 of the Convention) into a probationary period and extension of that period *in accordance with the same arrangements as those adopted, with the agreement of the Economic Council, for the Franco-Italian customs union treaty, with a minimum duration of five years.*
2. Unanimous decision of the governments to end the probationary period when they deem the results of the tasks completed by the High Authority during that period to be satisfactory, having regard to the general principles of the Treaty and the operational needs of the common market.
3. Tangible demonstration of the will to establish the single market by means of a moderate but immediate reduction of customs tariffs on coal and steel, followed by a progressive annual reduction by a maximum of 20 % during the probationary period in line with the results achieved in the harmonisation of production conditions.
4. Effective possibility for the revision of the Treaty at the end of the probationary period on the initiative of one of the Member States or of the High Authority.

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The Economic Council regards these conditions as indispensable, on the one hand, for the satisfactory operation of the Schuman Plan and, on the other hand, for the expansion of the French coal and steel industries and of the French economy as a whole.

Accordingly, it recommends:

1. That the Government initiate procedures appropriate to the achievement of these conditions, whether they be:

— internal measures the prior implementation of which is necessary for the definitive pooling of the French coal and steel industries under favourable conditions;

— undertakings given jointly by the signatory governments with the aim of supplementing, interpreting and specifying certain provisions of the Treaty;

— finally, action to extend the framework of the negotiations in progress in order to secure the requisite amendment of certain articles of the Treaty.

2. That the French Parliament:

— consider, with account being taken of the concerns set out above, whether the French Government, by means of the various procedures listed above and implemented prior to the opening of the debate on ratification, has secured results allowing the future of the French economy to be committed;

— not authorise the ratification of the Treaty of 18 April 1951 until such consideration has shown that the conditions set out above have been met or action has been taken in respect of them such that they are certain to be met.