

Official minutes of the debates at the Consultative Assembly of the Council of Europe (16–17 May 1952)

Caption: On 16 and 17 May 1952, the Consultative Assembly of the Council of Europe debates British proposals whereby the European Coal and Steel Community (ECSC), the future European Defence Community (EDC) and any other specialised European institutions which might be established would operate under the aegis of the Council of Europe (Eden Plan).

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THIRD MEETING OF THE MINISTERS' DEPUTIES

Informatory Noted on the discussion on the British Proposals

Meeting held at 10 a.m. on Friday 16th May 1952.

Certain Deputies, such as those of France and the Netherlands, considered that the questionnaire should be discussed at once. Others wished to make some further general remarks first.

The Italian Deputy made the following statement on behalf of his Government:

“The Italian Government has given careful consideration to the Questionnaire prepared by the Ministers’ Deputies in connection with the study of the British Proposal and also to the second Memorandum circulated at Paris by Her Majesty’s Representative.

While paying full tribute to the guiding principles of Mr. Eden’s Plan, this at the outset (perhaps by our own fault) appeared unclear and, in spite of the explanations provided by the Memorandum, does not appear much clearer even now.

The first thing that springs to our mind is that no mention is made, either in the British Plan or in the Memorandum of the High Authority of the Schuman Plan or of the Commissioners of the European Army. If it is recalled that these are the two fundamental institutions and the very backbone of the two Communities, it is difficult to understand how these Communities can fall within the framework of the Council of Europe without mention being made of the High Authority or of the Commissioners. Such silence on the two fundamental organs leads us to be puzzled by what is said in the British Memorandum on the Councils of Ministers. These have, in fact, been created in the two Communities as institutions intended to carry out their tasks not only side by side with but also dependent on the High Authority and the Commissioners, more particularly in the case of the Schuman Plan.

It is difficult for us to see how the Committee of Ministers could have any seat or Secretariat other than those of the High Authority, even though from time to time the Committee of Ministers might conceivably meet in other places.

If Mr. Eden’s Plan is to be taken as submitted and an attempt is made to give it practical application there is but one possible solution: since no mention is made of the High Authority or of the Commissioners, and since we consider it would be impossible to come to any decision as to the Councils of Ministers without reference to the Executive Organs, the only remaining possibility is that the two Assemblies should fall within the framework of the Strasbourg Assembly.

It is indeed not impossible, in spite of all the difficulties arising from the varying nature and task of these Assemblies and from the different numerical composition of national delegations, to provide for the Assemblies of the Communities coming under the same roof and sharing a common secretariat with the Consultative Assembly.

The logical conclusion to be drawn from the British Proposal would therefore be that of having the High Authority of the Schuman Plan together with its Council of Ministers, sitting for instance at Liège, the Commissioners of the European Army with their Council of Ministers, sitting at Fontainebleau, while all that would remain within the framework of the Council of Europe would be the two Assemblies sitting within the framework of the Consultative Assembly.

This would mean that certain Member States of the Communities of Six would have the privilege of offering hospitality to certain institutions of the Communities whereas other Member States would be deprived of

that honour. It would also mean that the Constituent Assembly of the Defence Community would have to carry on its work within the traditional frame of the Consultative Assembly, an attractive and respectable frame, but one which does not appear to us wholly favourable to the confederal development of the European idea unless something new occurs at Strasbourg which could make of that town the real capital of Europe.

The Italian Government is unable to reply to the Questionnaire in its present form since it does not appear to shed any new light on the Proposals made by Mr. Eden. By the fact that too close an analysis is made by means of a series of overdetailed questions, the Questionnaire, on the contrary, succeeds by blotting out the problem as a whole. I was told in Rome that the Questionnaire, in the drafting of which I had the honour to assist, only dilutes the spirit of the British Proposals.

The Italian Government accepts the basis of the British Proposals and we are quite willing to bring the two Communities within the framework of the Council of Europe. But if this object is to be attained we can see only one practical solution, — that of concentrating in the same place all the institutions of the European Communities except only the High Court of Justice.

A single seat (be it at Strasbourg, Saarbrücken or Luxembourg as you wish) would help to identify, in the eyes of public opinion, a European capital and afford a common territory to all the organs of the various institutions. We should see no objection to giving the various Assemblies a common roof and Secretariat.

We believe that if the Eden Plan could be made effective at Strasbourg or elsewhere, the European Assembly could function in the same building and with a single secretariat for the Consultative Assembly and the Assemblies of the Communities.

The High Authority, together with its secretariat and its Committee of Ministers, when it met, could be in the same town and in another building. In a third building could be the Commissioners for the European Army, together with their secretariat and Council of Ministers. Relations between the High Authority and the Assembly, as between the Commissioners and the Assembly, would be similar to those which exist in every capital between the Government and Parliament.

If such a result cannot be obtained the Italian Government will be unable to accept a partial realisation of the Schuman Plan which would leave the Assemblies alone at Strasbourg and scatter the seats of the Communities to the four corners of Europe, for then we should lack any of the conditions favourable to the European idea as provided by a single centre. A common roof limited only to the Assemblies would end up by putting a brake on the federalist trend of the Assembly of the Defence Community, which would work in the same spirit as the Consultative Assembly, in a city where the new development for which we hope would not have come about. What we are trying to say is that our loyalty to the European idea is such that we are ready to abstain from asking that the seat of one of the new Authorities should be in Italy so long as all the other Member States of the Communities are prepared to do the same thing.

Were this possible, it would not be difficult to agree on practical solutions along the lines proposed by the United Kingdom. If however, the idea of the splitting up of the various organs of the Communities should prevail (in which case we should firmly maintain our request that the Assembly of the European Army be at Turin) the British Proposals would have little chance of making any practical headway.

While once more proclaiming our sympathy with and appreciation of the British proposals we must acknowledge the fact that they are now, so to speak, in a state of suspense since their success depends on a yet uncertain development such as the decision to be taken by the European Army Conference as to the seats of the various Authorities.”

[...]

The Greek Deputy thought it incumbent on the Member States of the Communities to formulate concrete proposals. He trusted that a positive result would be forthcoming and that the non-Member States of the

Communities would not be reduced to the role of mere observers.

The French Deputy thought that the really new thing about the British proposals was the fact that they were British. Not to press forward with them would be to retreat from the previous attitude of the Council which both in the Assembly and the Committee of Ministers as well as in the Protocol to the Coal and Steel Treaty had stressed the need for establishing strong links with the Specialised Authorities. The Deputies, moreover, had been instructed to examine — without committing the Ministers — the possibilities offered by the British proposals. He recalled a previous proposal for the provision of several categories of Members in the Council of Europe, some of whom might be bound by closer links than others. It would be useful to have a text already prepared by the time the Assembly came to consider the problem.

Finally, he did not think the point raised by Italy about the single seat should be considered decisive.

In the view of the Netherlands Deputy the main problem was whether the Council of Europe was capable of providing a framework for the restricted Communities or whether it was preferable to adhere to the form of liaison already provided for in the Protocol to the Coal and Steel Treaty.

At the request of the British Deputy, acting on the instructions of Mr. Eden, it was decided that the British Memorandum developing the latter's proposals and circulated to the Deputies before their second session should be distributed to the Consultative Assembly after deletion of the word "confidential" (Doc. CM/11 (52) 27).

The Belgian Deputy said he did not intend to make any statement of principle after M. van Zeeland's speech to the Committee of Ministers, and would confine himself to explaining his views on the concrete questions to which the British proposals might give rise.

The Irish Deputy announced that his Government would not make any detailed comment until the Six had agreed on the form of liaison to be established. He asked the meeting to confine itself to studying the practical problems involved in the Coal and Steel Community. He shared the views of the Swedish Deputy on the subject of the European Defence Community; his Government could not view favourably any decision whereby certain Members would be led to reconsider their position in respect of the Council of Europe.

The meeting rose at 12 noon. Next meeting: 4 p.m.

Meeting of 16th May, 1952, 4 p.m.

The Germany Deputy stated that his Government is in favour of close association between the Council of Europe and the Specialised Authorities. He recalls that Article 6 of the Protocol to the Coal and Steel Treaty already provides for a link between the Community and the Council of Europe. Probably the text of the Treaty on European Defence Community will contain a similar clause.

The United Kingdom Government's proposals, however, go further than Article 6 of the Protocol to the Coal and Steel Treaty. While agreeing with the observations of his colleague from the Netherlands, M. THIERFELDER stressed that the British proposals would meet with several difficulties of which the principle lies in the difference of character between the organs of the Council of Europe and those of the Communities. It was impossible to contemplate the merging of organs so completely different. He wondered if it would be possible to detach one or two of the organs of these Communities and incorporate them in the framework of the Council of Europe.

He also thought that the question of the situation of headquarters would be of primary importance. It was difficult to arrive at any conclusions on the United Kingdom proposals while the probable location of the organs of the Communities was unknown.

In his opinion it would be regrettable to postpone study of the United Kingdom proposals, but he wondered

whether postponement was not the most practical step to be taken for the moment.

The French Deputy declared that the observations made by his Italian colleague seemed less discouraging on second reading. While advocating a single headquarters for the organs of the Communities, the Italian Government did not intend to exclude the possibility of liaisons between the Council of Europe and the Communities even if the organs of the latter were widely separated geographically.

The Italian Deputy confirmed the interpretation given to his remarks by M. Seydoux. It was possible, in theory, to imagine the Assemblies established in one town and the other organs of the Communities elsewhere, but his Government did not consider that to be the best method.

The Committee proceeded to study the Questionnaire (Doc. CM/11 (52) 46 rev.).

Question 1. Should the Committee of Ministers and the Consultative Assembly of the Council of Europe, with appropriate powers and exercising powers as such, serve as the framework of:

- (a) the ministerial institutions, and
- (b) the parliamentary institutions of the Specialised Authorities?

The Belgian Deputy informed the Committee that the replies of the Belgian Government, which were not final in the case of several items of the Questionnaire, were based on consideration of the method advocated in the British supplementary memorandum. This defined two states:

- (1) The Council of Europe should draft a Protocol specifying the facilities to be offered to the Specialised Authorities.
- (2) Additional instruments should be drawn up and agreed by the Council of Europe and the Specialised Authorities who wish to avail themselves of these facilities.

The Belgian Government was in favour of this two-stage procedure. When the Communities should have made known, in the drafts of these additional instruments, the extent and manner of the links they wish to establish with the Council of Europe, the States not adhering to the Communities should then approve these instruments.

So long as this two-stage method were followed, Belgium would feel able to give an affirmative reply to the whole of the first question.

The French Deputy also gave an affirmative reply to the first question.

The Netherlands Deputy said that his Government's reply to question (1) was in the affirmative, on the understanding that the Six would have the opportunity of stating in a Protocol whether or not they were desirous of accepting the suggested links.

The Luxembourg Deputy gave, in principle, an affirmative reply to this question.

The German Deputy stated that he had no authority to reply in the affirmative as his Government was of opinion that the question had been expressed in too general terms; exception had been taken particularly to the words "serve as the framework".

The Italian Deputy stated that his Government wished to reserve its opinion on this question. Its reply would depend on the location of headquarters.

The Swedish Deputy said that his Government had certain hesitations in replying simply yes or no to the first question. He wondered if it would be very profitable to have an overlapping of seats and Secretariats between the Council of Europe and the Specialised Authorities.

It was obvious that if the Assemblies and the ministerial organs of the Communities were located anywhere but in Strasbourg their co-operation with the Council of Europe would be much less effective.

For the merging of the organs of the Council and the Communities to have any real value, precise arrangements for co-operation between the Six and the Fifteen would have to be made. These arrangements should be based on Article 6 of the Protocol to the Coal and Steel Treaty and the texts approved by the Committee of Ministers in connection with the Specialised Authorities. The organs of the Council should only be called into play in matters of relations between the Six and the Fifteen.

In his opinion it was difficult to give a definite reply to the first question before principles governing co-operation between the Council and the Communities had been worked out, i.e. before considering question (2).

The German Deputy supported his Swedish colleague and said that his reply to the first question would depend upon consideration of the second.

The Greek Deputy replied in the affirmative.

The Norwegian Deputy replied, in principle, in the affirmative.

The Danish Deputy declared himself able to give, in principle, an affirmative reply.

The Icelandic Deputy replied in the affirmative.

The Irish Deputy declared that he must reserve the attitude of his Government until concrete proposals should have been formulated on co-operation between the Council of Europe and the Communities.

Question 2. Is it possible, here and now, and prior to the setting up of the institutions of the restricted Communities, to establish general principles in this respect?

The Netherlands Deputy replied to this question in the affirmative, relying on the text relating to Specialised Authorities as far as principles of co-operation were concerned.

The Belgian Deputy thought it was not essential to await the setting up of the institutions of the restricted Communities in order to define the facilities envisaged in the British proposals. He therefore felt able to give an affirmative reply.

The French Deputy replied in the affirmative.

The Swedish Deputy felt there would be no difficulty in drawing up a text on co-operation between the Council and the Communities in cases where there existed a definitive treaty setting up a Specialised Authority, but he considered that the Communities should first be set up, or at least that the location of their organs should be finally decided, before drawing up texts on liaisons with the Council of Europe.

He reminded his listeners that the Communities would be, to a large extent, autonomous.

The Luxembourg Deputy replied in the affirmative.

The Italian Deputy felt he could give an affirmative reply on condition that there should be a single location for the headquarters of these Communities. Should the contrary be the case, his Government would find it difficult to co-operate in establishing modes of liaison between the Council of Europe and the Communities.

The German Deputy hesitated to reply in the affirmative. He wondered whether it was wise to decide at this stage on facilities to be offered to the Communities before it was known whether the latter would be able to accept them.

Question 3. Should the United Kingdom proposals be extended to include

(a) the judicial organs, and

(b) the executive organs of the Specialised Authorities?

The French Deputy: Yes to (a), on condition that there should be separate Courts; No to (b).

The Luxembourg Deputy: Yes to (a), separate Courts understood; No to (b).

It seemed to him that item (b) was not clear. In the light of the United Kingdom proposals, it should have been worded as follows: "Should the executive power of the Council of Europe serve as a framework for the executive organs of the restricted Communities?" It would then have been realised that there was no point in the question, seeing that the Council of Europe has no executive power other than that on the governmental and non-supranational level, of the Committee of Ministers already mentioned in the first question.

The Belgian Deputy: Yes to (a). He made no reply to (b), but concurred with the observations of his Luxembourg colleague. In this connection he recalled that the executive organs of the Coal and Steel Community and of the E.D.C. did not possess similar powers.

He suggested that no mention should be made in the Protocol of "ministerial institutions" but that the Communities should be left to specify in the supplementary instruments the facilities they would require.

The Italian Deputy: Yes to (a). He agreed with his Luxembourg colleague that the question (b) was not clearly expressed, but his Government would favour the extension of the United Kingdom proposals so as to bring about close cooperation with the executive organs of the Communities.

The Netherlands Deputy replied negatively to (a) and (b). He could have replied affirmatively only if the organs of the Council of Europe corresponded with the executive organs of the Communities. As regards merging the judicial organs he could not see what Court in the Council of Europe would serve as a link.

The German Deputy gave a negative reply to (a) and (b) for the same reasons as his Netherlands colleague.

The Greek Deputy replied affirmatively, in principle, whilst having some regard to the Luxembourg delegate's observations.

The United Kingdom Deputy stated that his Government's reply would concur with whatever might be agreed upon by the Six.

Question 4. Should certain general principles applicable for all the Specialised Authorities be laid down?

The CHAIRMAN observed that the Swedish reply was given by the Swedish delegation at the previous meeting.

The French delegate thought that the Council of Europe might include several different categories of Members, some more closely linked than others. This would permit certain countries to abstain from discussions on defence. It would then become possible to define common principles, bearing in mind not so much the Communities to be associated with the Council of Europe as these different categories of

Members. With this qualification, and taking into account the Preamble of the Questionnaire, he gave an affirmative reply.

The Italian delegate concurred with the foregoing. He expressed the wish that a general formula might be found which might overcome certain understandable scruples. He understood, furthermore, that the Coal and Steel Community and the E.D.C. might have a single Assembly, which would make it difficult to separate their functions.

The Greek, German and Netherlands delegates agreed with the French delegate.

The Belgian delegate thought it would be valuable to specify a method and general principles. In his opinion the United Kingdom proposal should become a legal framework applicable to the largest possible number of cases which may be foreseen.

The Swedish delegate, although appreciative of his colleagues' regard for the special position of his country, repeated that the question of the E.D.C. should be postponed for the time being, as study of the problem of the Coal and Steel Community might lead to a preliminary organisation which could be applied to other purposes.

Question 5.

(a) Will it be necessary to amend the Statute of the Council of Europe?

(b) If so, to what extent can existing texts serve as the basis for a Protocol to the Statute?

The French delegate pointed out that if a decision were taken to put the British proposals into effect, it would certainly be necessary to amend certain provisions of the Statute (for example Article 14 concerning the Committee of Ministers). It then became obvious to the Committee that no valid reply could be given to these questions until more light had been thrown on the whole problem and the text had been thoroughly examined.

The United Kingdom delegate, after the discussions on general questions, was of opinion that the time had come for taking stock of the situation. No further progress could be made at present and it would be useless, in view of the serious differences which had become evident, to proceed to discuss the details of question (6). Mr. Eden's proposals were only a basis for discussion, and he himself did not anticipate that negotiations might progress rapidly.

The immediate objective of the delegates should therefore be to report to the Committee of Ministers on progress made, pointing out the difficulties encountered. There are three kinds of divergences. Some States find it difficult to commit themselves as regards general principles, others think it more prudent to spread these difficulties over a period of time (Sweden); others would make their attitude dependent upon some previous decision (e.g. Italian insistence on a single location of headquarters). The delegates accepted the proposal made by the United Kingdom delegate that a draft Report to the Ministers should be drawn up. This draft will be distributed at the end of the next meeting and studied at the meeting on Monday, 19th May. The text of the Questionnaire will be attached to the Report.

The meeting was adjourned at 7 p.m. The next meeting will take place on 17th May at 10 a.m.

Meeting held on Saturday, 17th May at 10 a.m.

The Turkish Deputy, on behalf of his Government, presented a few preliminary observations of a general nature on the Questionnaire. To questions 1 and 3 he replied in the affirmative, but considered it premature for the time being to reply to questions 2 and 4, raising general principles of organisation.

He added that the Turkish Government had also discerned in the British Proposals some risk of watertight compartments being created in the Council of Europe. He would prefer countries not party to the restricted Communities to have full right of access to meetings of the Six at all levels, without however, being entitled to vote. The British Proposal must not lead to the partitioning of the Council of Europe.