

Bundesrat resolution on the Treaty establishing the ECSC (1 February 1952)

Caption: On 1 February 1952, the Bundesrat expresses its support for the ratification of the Schuman Plan.

Source: Bulletin des Presse- und Informationsamtes der Bundesregierung. Hrsg. Presse- und Informationsamt der Bundesregierung. 05.02.1952, Nr. 15. Bonn: Deutscher Bundesverlag. "Entschließung des Bundesrates (1. Februar 1952)", p. 136.

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Last updated: 05/07/2016

Bundesrat resolution (1 February 1952)

adopted:

I.

By its decision of 27 June 1951 (BR.-Drucksache No 470/51 — Beschluß), the *Bundesrat*

1. expressed its opinion on the preconditions for passing the ratification law;
2. made recommendations for negotiations on supplementary agreements;
3. requested that the Federal Government make vigorous endeavours to find a satisfactory solution to the implementation of Law No 27;
4. advised the Federal Government to seek a joint social policy declaration by the Treaty partners and
5. also called for legislative guarantees of the *Bundesrat*'s participation in the German authorities' decision-making in the framework of the Schuman Plan.

II.

The *Bundesrat* notes that the Federal Government has not yet managed to fulfil all the requirements that the *Bundesrat* deemed necessary prior to ratification of the Treaty, with special regard to Law No 27, consideration of the investment needs of German steel producers and the regulation of German coal sales.

III.

The *Bundesrat* emphatically endorses the supplementary decision to No 1 taken at the *Bundestag* session of 11 January 1952 on a draft law on the Treaty establishing the European Coal and Steel Community.

IV.

The Federal Government is requested, furthermore, to make it clear that upon signature of the Agreement amending the Agreement on prohibited and restricted industries of 3 April 1951, the Allied High Commission and the Military Security Board will end all production and capacity controls in the iron and steel industry, and that this may not be made conditional on the High Authority taking over any functions whatsoever.

V.

Lastly, the Federal Government is requested, in the event that the treaties annexed to the General Treaty contain provisions in relation to Law No 27, to endeavour to ensure that when the Treaty establishing the European Coal and Steel Community enters into force those provisions do not constitute an obstacle to a merger, admissible under this Treaty, of undertakings in German coal-mining and iron and steel industries.

VI.

The *Bundesrat* takes note of the declaration by the Federal Chancellor that the Federal Government has accepted as legitimate the *Bundesrat*'s wish to participate in the German authorities' decision-making in the framework of the Schuman Plan, and is accordingly prepared to keep a subcommittee of the *Bundesrat*'s Foreign Affairs Committee regularly informed of the stages in the further development and implementation of the Treaty and to give a particular hearing to individual countries on questions of particular concern to them. Moreover, the *Bundesrat* expresses the wish that when the laws implementing the Schuman Plan are

drafted, the *Bundesrat* will be given the legislative guarantees of participation called for in Point 5 of its decision of 27 June 1951 (BR.-Drucks. No 470/51 — Beschluß). The *Bundesrat* expects that until this matter has been regulated by law, adequate account will be taken of its wish to participate and that it will be duly informed and heard as assured by the Federal Chancellor.

VII.

The Federal Government is requested to clarify that Berlin (West) is included in the Treaty establishing the European Coal and Steel Community.

Some doubt has also arisen in the *Bundesrat* as to whether, in the event of German reunification, the other Member States of the European Coal and Steel Community will be obliged to extend the rights and obligations under that Community to the whole of Germany in order to adjust to the changed situation. The Federal Government is requested to clarify that there is such an obligation on the part of the other Member States of the European Coal and Steel Community.

VIII.

The following findings further increase the *Bundesrat's* doubts. The *Bundesrat* notes that the French Government has very recently adopted, or is intending to adopt, a range of far-reaching measures in relation to the Saarland that conflict with the declaration it made in the letter of 18 April 1951 to the Federal Chancellor. It has, for instance, set up 'diplomatic representations' in Saarbrücken and Paris. Moreover, according to a statement made to the press by deputy French High Commissioner Bérard, representatives of the Saar Government are to be attached to various French foreign missions.

Those measures, which were moreover adopted without consulting the Federal Republic, are contrary to the status of the Saarland, which remains a part of Germany. Furthermore, they anticipate a definitive settlement of the Saar question in the coming Peace Treaty.

Moreover, the *Bundesrat* notes, in accordance with the *Bundestag's* Supplementary Decision No II of 11 January 1952, that political freedom continues to be restricted to such an intolerable degree in the Saarland that free elections, the freedom to form parties and the freedom to express a spoken or written opinion are not given.

The *Bundesrat* requests that Federal Government pursue even more vigorously its endeavours to protect Germany's rights in relation to the Saarland, and to restore the civil rights and liberties of the population of the Saar.