

An account of the activities of the ECSC Special Council of Ministers from 8 September 1952 to 30 June 1954

Caption: The account of the activities of the European Coal and Steel Community (ECSC) Special Council of Ministers, from 8 September 1952 to 30 June 1954, sets out the composition, the operation and the powers of the Council, as well as its activities during the period between its 1st and 17th meeting.

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I. Composition, powers and operation of the Council and associated ministerial activities:

A. Composition and powers of the Council

The Council consists of representatives of the Member States. Each state delegates to it one member of its government.

The Presidency of the Council is held in turn by each Member State in the Council for a term of three months in the alphabetical order of the Member States.

In accordance with the powers assigned to it by the Treaty and the Annexes thereto, the Council, in the cases provided for and in the manner set out in the Treaty:

1. takes decisions, particularly regarding the composition of the other institutions and bodies of the Community and the status of their members;
2. gives assents, approvals or authorisations regarding the regulations, decisions or recommendations of the other institutions of the Community;
3. conducts consultations on draft regulations, decisions and recommendations of the High Authority.

The decisions, assents, authorisations and approvals of the Council require unanimity in some cases and a simple or qualified majority in others (a detailed table of the Council's powers is set out in Annex I).

The Council exercises its powers, in particular in order to harmonise the action of the High Authority and that of the governments, which are responsible for the general economic policies of their countries.

To this end, the Council and the High Authority exchange information and consult each other. At its 10th session, the Council agreed with the High Authority that, pursuant to Article 26 of the Treaty, at each meeting there would be an exchange of views between the Council and the High Authority, or at least a communication from the High Authority concerning the progress achieved in the general policy which it intends to pursue.

The Council may request the High Authority to examine any proposals and measures which it considers appropriate or necessary for the attainment of the common objectives.

At the request of one of the Member States or of the High Authority, the Court may annul the deliberations of the Council.

Only grounds arising from lack of competence or from the infringement of an essential procedural requirement may be invoked in support of such an appeal.

B. Operation of the Council

Meetings of the Council are convened by its President at the request of a Member State or of the High Authority.

Where the Council is consulted by the High Authority, it may consider the matter without necessarily taking a vote. The minutes of its proceedings are forwarded to the High Authority.

Wherever the Treaty requires that the assent of the Council be given, that assent is considered to have been given if the proposal submitted by the High Authority receives the approval:

— of an absolute majority of the representatives of the Member States, including the vote of the representative of one of the states which produce at least 20 % of the total value of the coal and steel output of the Community;

— or, in the case of an equal division of votes, and if the High Authority maintains its proposal after a second discussion, of the representatives of two Member States which each produce at least 20 % of the total value of the coal and steel output of the Community.

Wherever the present Treaty requires a unanimous decision or unanimous assent, such decision or assent is deemed to have been duly given if all the members of the Council vote in favour.

Decisions of the Council, other than those for which a qualified majority or unanimity is required, are taken by a vote of the majority of its members. This majority is considered to be attained if it represents an absolute majority of the representatives of the Member States, including the vote of the representative of one of the states which produce at least 20 % of the total value of the coal and steel output of the Community.

Where a vote is taken, any member of the Council may act on behalf of not more than one other member.

The Council deals with the Member States through its President.

Under Article 30 of the Treaty, at its first session the Council established its provisional Rules of Procedure. Within those Rules of Procedure, and in accordance with the final paragraph of Article 28 of the Treaty, the Council also established the procedure for publishing its acts.

C. Ministerial activities carried out within the Council by its members as representatives of their governments:

In addition to exercising the powers assigned to it by the Treaty as a Community institution, the Council acted as a framework for the ministerial activities which its members conducted as representatives of the governments of the Member States of the Community.

This practice was confirmed at the 13th session of the Council by a resolution of its members who, acting as the representatives of their governments, decided to meet within the Council in order to deal with matters which arise at the level of the European Coal and Steel Community but which are the responsibility of the Member States.

This procedure should ensure — in line with the task of harmonising the action of the High Authority and that of the governments of the Member States assigned to the Council by Article 26 of the Treaty — continuity and harmony of ministerial activities in the areas which are the responsibility of the Council as well as in those which are the responsibility of the Member States.

D. Secretariat, Coordinating Committee and Technical Committees

In carrying out its activities, the Council is assisted by the Secretariat.

In order to prepare for its sessions, the Council is also assisted by the Coordinating Committee. The 2nd, 4th and 5th Council sessions had already been preceded by meetings of a committee responsible for preparing the deliberations of the Council. That committee was later replaced by the Coordinating Committee, which the Council decided to create at its 5th session.

In addition, at its very first session, the Council created various Technical Committees. After setting up the Coordinating Committee, the Council assigned to it the task of creating and convening Technical Committees as required. The Technical Committees which had been created by the Council itself and whose mandate had not yet expired when the Coordinating Committee was set up continued to function as subcommittees of the latter.

Like the Coordinating Committee, the Technical Committees did not deal solely with questions which had been brought before the Council as a Community institution: they also undertook the preparatory work for the ministerial activities carried out within the Council by its members as representatives of the six governments.

Three of these committees are standing committees:

1. the Committee on Trade Policy Questions,
2. the Technical Committee on Customs Questions,
3. the Committee responsible for receiving the reports of the President of the Council on the activities of the Committee of the Four Presidents.

Created by the Council at its first session under the name of the Committee of Experts to study questions arising in relation to Articles 14, 20 and 22 of the Convention (i.e. the Convention on the Transitional Provisions), the Technical Committee on Trade Policy Questions was given its current name at the 5th session of the Council. By means of a Council decision taken at its 8th session, the committee which, as a subcommittee of the Coordinating Committee, was normally convened by that Committee was authorised to meet, in emergencies, on its own initiative. The Technical Committee on Customs Questions was created, as a committee of the Council, by a decision taken by the Coordinating Committee at its first session.

All the other Technical Committees of the Council are ad hoc committees whose mandate expires when the task assigned to them has been completed. A list of these committees is set out in Annex II.

At its 9th session, the Council decided that its opinions would be drafted by the Secretariat, assisted by a drafting committee comprising one member from each of the delegations.

E. Sessions of the Council and meetings of the Coordinating Committee and the Technical Committees:

1. Sessions of the Council:

1st session	8, 9 and 10 September 1952
2nd session	1 and 2 December 1952
3rd session	23 December 1952
4th session	15 and 16 January 1953
5th session	2, 3 and 7 February 1953
6th session	6 March 1953
7th session	10 April 1953
8th session	24 April 1953
9th session	12 and 13 October 1953
10th session	7 and 8 December 1953
11th session	21 December 1953
12th session	27 February 1954
13th session	12 and 13 March 1954
14th session	9 and 10 April 1954
15th session	4 May 1954
16th session	24 May 1954
17th session	24 June 1954

2. Meetings of the Committee responsible for preparing the deliberations of the Council and meetings of the Coordinating Committee:

a. Meetings of the Committee responsible for preparing the deliberations of the Council:

1st meeting	19 and 20 November 1952
2nd meeting	9 January 1953
3rd meeting	30 January and 1 February 1953
4th meeting	3 February 1953
5th meeting	5 and 6 February 1953

b. Meetings of the Coordinating Committee:

1st meeting	5 March 1953
2nd meeting	17 April 1953
3rd meeting	23 April 1953
4th meeting	5 June 1953
5th meeting	10 July 1953
6th meeting	4 September 1953
7th meeting	1 and 2 October 1953
8th meeting	17 November 1953
9th meeting	30 November and 1 December 1953
10th meeting	17 and 18 December 1953
11th meeting	21 December 1953
12th meeting	26 January 1954
13th meeting	27 February 1954
14th meeting	8, 9 and 12 March 1954
15th meeting	2 and 3 April 1954
16th meeting	27 and 28 April 1954
17th meeting	4 May 1954
18th meeting	24 and 25 May 1954
19th meeting	16 June 1954
20th meeting	23 June 1954

3. Meetings of the standing Technical Committees:

a. Meetings of the Committee on Trade Policy Questions:

(formerly: Committee of Experts to study questions arising in relation to Articles 14, 20 and 22 of the Convention):

1st meeting	29 November 1952
2nd meeting	18 and 19 December 1952
3rd meeting	6 January 1953
4th meeting	22 January 1953
5th meeting	28 January 1953
6th meeting	17 and 18 March 1953
7th meeting	15 April 1953
8th meeting	20 April 1953
9th meeting	9 May 1953
10th meeting	20 May 1953
11th meeting	16 November 1953
12th meeting	30 November 1953
13th meeting	29 and 30 March 1954

b. Meetings of the Technical Committee on Customs Questions:

1st meeting	from 9 to 14 March 1954
2nd meeting	11 and 12 May 1954
3rd meeting	25 May 1954

c. Committee responsible for receiving the reports of the President of the Council on the activities of the Committee of the Four Presidents:

This Committee met on 16 and 17 March 1954.

4. Meetings of the ad hoc Technical Committees:

The total duration of meetings of the ad hoc Technical Committees was 66 days.

II. Activities of the Council during the period between the 1st and 17th sessions:

A. Decisions taken by the Council of Ministers:

1. Decisions taken by the Council of Ministers:

— At its 1st session:

1. Decision under Article 30 of the Treaty adopting provisional Rules of Procedure.

— At its 2nd session:

2. Decision under Article 18 of the Treaty determining the allowances of members of the Consultative Committee.

3. Decision under Article 29 of the Treaty provisionally determining the salary scales for Judges and Advocates General of the Court of Justice.

— At its 2nd, 3rd and 4th sessions:

4. Decision under Article 18 of the Treaty concerning the designation of organisations representing producers and workers and the allocation of seats on the Consultative Committee.

5. Decision under Article 18 of the Treaty concerning the appointment of the members of the Consultative Committee.

— At its 4th session:

6. Decision under Article 18 of the Treaty concerning the effective date of appointments of the members of the Consultative Committee.

7. Decision under Article 18 of the Treaty concerning the designation of persons invited to participate, on the basis of special status, in the work of the Consultative Committee.

8. Decision under Article 18 of the Treaty determining the allowances of persons invited to participate in the work of the Consultative Committee.

— At its 6th session:

9. Decision under Article 8 of the Convention on the Transitional Provisions, establishing the opening up of the

common market in steel.

— At its 10th session:

10. Decision under Article 78 of the Treaty concerning the appointment of an Auditor of the Community.

— At its 11th session:

11. Decision under Article 29 of the Treaty determining the salaries, allowances and pensions of the President and members of the High Authority.

— At its 13th session:

12. Decision under Article 18 of the Treaty concerning the replacement of a member of the Consultative Committee who had resigned.

— At its 14th session:

13. Decision under Article 8 of the Convention on the Transitional Provisions, and under Annex III to and Article 81 of the Treaty, establishing the opening up of the common market in special steels.

14. Decision under Article 18 of the Treaty concerning the replacement of a member of the Consultative Committee who had resigned.

15. Decision under Article 78 of the Treaty provisionally determining the remuneration of the Auditor.

— At its 16th and 17th sessions:

16. Decision under Article 14 of the Convention on the Transitional Provisions, adopting the 'FIRST MANDATE' given to the High Authority with a view to its negotiations with third countries and laying down certain general guidelines for those negotiations.

— At its 17th session:

17. Decision under Article 8 of the Convention on the Transitional Provisions concerning the opening up of the common market in special steels.

18. Decision under Article 29 of the Treaty and Articles 5, 13 and 15 of the Protocol on the Statute of the Court of Justice, determining the salaries, allowances and pensions of the President, Judges, Advocates General and Registrar of the Court of Justice.

2. Decisions for which the Council initiated the preparatory work:

— At its 9th, 13th, 14th, 15th and 16th sessions:

1. Instructions under Article 14 of the Convention on the Transitional Provisions, to be given to the High Authority for negotiations with the governments of third countries, and in particular with the British Government, on all aspects of economic and trade relations between the Community and those countries involving coal and steel.

— At its 15th session:

2. Determination, in accordance with the Rules of Procedure of the Council, of the conditions in which the Council is invited to issue opinions, hold consultations and take decisions.

— At its 17th session:

3. Implementing regulation, pursuant to Article 3 of the Council Decision of 21 December 1953 determining the salaries, allowances and pensions of the President and members of the High Authority, concerning the insurance of members of the High Authority against accidents occurring in the exercise of their duties.

B. Approvals and assents of the Council required by the Treaty on decisions taken by the other institutions of the Community:

— At its 13th session:

1. Approval under Articles 20 and 28 of the Protocol on the Statute of the Court of Justice, of the Additional Rules of Procedure of the Court concerning the rights and obligations of agents and advocates, the powers of the Court with regard to defaulting witnesses, and letters rogatory.

2. Assent under Article 53 of the Treaty concerning the introduction by the High Authority of a financial mechanism for the compulsory equalisation of imported ferrous scrap.

— At its 14th session:

3. Assent under Article 55 of the Treaty concerning the financial participation of the High Authority in the construction of workers' housing.

— At its 15th session:

4. Assent under Article 66 (3) of the Treaty on the subject of a draft regulation of the High Authority concerning exemption from prior authorisation.

— At its 16th session:

5. Assent under Article 66 of the Treaty concerning a draft decision of the High Authority supplementing its Decision No 25/54 of 6 May 1954 laying down the implementing regulation for Article 66(3) of the Treaty concerning exemption from prior authorisation.

C. Consultations of the Council of Ministers required by the Treaty on decisions taken by the High Authority:

— At its 3rd session:

1. Consultation under Article 50 of the Treaty concerning the determination of the mode of assessment and collection of levies.

— At its 5th session:

2. Consultation under Article 61 of the Treaty on the advisability of fixing maximum prices for coal, iron ore and ferrous scrap, and on the price level to be determined.

3. Consultation under Article 60 of the Treaty concerning the definition of the practices prohibited by Article 60(1), subparagraph 1, of the Treaty.

— At its 5th and 6th sessions:

4. Consultation under Article 53 of the Treaty on the advisability of authorising the creation of a financial mechanism for the equalisation of imported ferrous scrap.

— At its 6th session:

5. Consultation under Article 11 of the Convention on the Transitional Provisions on the reduction of the special charges affecting the German coal industries.

6. Consultation under Article 11 of the Convention on the Transitional Provisions on the reduction of subsidies for French non-mining agglomerating undertakings.

— At its 8th session:

7. Consultation under Article 29 of the Convention on the Transitional Provisions on the fixing of technical criteria for the application of safeguard measures.

8. Consultation under Article 60 of the Treaty concerning a draft decision applicable with effect from the opening of the common market for steel and defining the practices prohibited by Article 60(1), subparagraph 1, of the Treaty.

9. Consultation under Article 61 of the Treaty on the advisability of fixing maximum prices for steel and on the price level to be determined.

— At its 10th session:

10. Consultation under Article 53 of the Treaty concerning an extension of Decision No 33/53 of the High Authority of 19 May 1953 authorising an agreement on the importing of ferrous scrap from third countries and the creation of an equalisation fund for imported ferrous scrap.

— At its 11th session:

11. Consultation under Article 60(1) of the Treaty concerning an amendment to Decision No 30/53 of the High Authority of 2 May 1953 defining the practices prohibited by Article 60(1), subparagraph 1, of the Treaty.

12. Consultation under Article 61 of the Treaty on the advisability of retaining in the common market, after 1 January 1954, maximum prices for ferrous scrap and on the price level to be determined.

— At its 13th session:

13. Consultation under Article 61 of the Treaty on the advisability of retaining in the common market, after 1 April 1954, maximum prices for coal and on the price level to be determined.

14. Consultation under Article 11 of the Convention on the Transitional Provisions on the dates and conditions for the withdrawal of aids or subsidies to and special charges on the coal industry.

15. Consultation under Article 53 of the Treaty on the advisability of authorising the creation of an equalisation fund for imported ferrous scrap.

— At its 14th and 15th sessions:

16. Consultation under Article 66 of the Treaty concerning the definition of what constitutes control of an undertaking.

17. Consultation under Article 66 of the Treaty on a regulation concerning the information needed for the application of Article 66(4) of the Treaty.

— At its 17th session:

18. Consultation under Article 50(2) of the Treaty on a draft decision repealing paragraph 3 of Article I of Decision No 2–52 of the High Authority of 23 December 1952.

D. Information exchanges and reciprocal consultations carried out by the Council with the High Authority under Article 26 of the Treaty:

— At its 3rd session:

1. Exchange of views on the amount of, and the implementing rules for, the levies for which provision is made in Articles 49 and 50 of the Treaty.

2. Exchange of views on the collection during the 1952–1953 financial year of the levies for which provision is made in Articles 49 and 50 of the Treaty.

— At its 3rd, 4th, 5th and 6th sessions:

3. Information exchange and reciprocal consultations on the conditions for the creation of the common market for coal, iron ore and ferrous scrap and on all the measures to be taken at the time of its establishment.

— At its 5th session:

4. Exchange of views on the advisability, as regards ferrous scrap, of applying Article 59 of and Annex II to the Treaty and Article 2(2), third subparagraph, of the Convention on the Transitional Provisions.

— At its 5th and 6th sessions:

5. Exchange of views on the introduction by the High Authority of a financial mechanism for the equalisation of imported ferrous scrap.

6. Exchange of views on maximum prices for coal and the system for fixing them.

— At its 7th session:

7. Information exchange and reciprocal consultations on the conditions for the completion of the common market in steel and on all the measures to be taken at the time of its establishment.

— At its 9th session:

8. Exchange of views and resolution adopted by the Council on the possible application of the provisions of Article 59(5) of the Treaty.

9. Exchange of views on the problems in the long-term funding of investments and on developments in the international economic situation.

10. Exchange of views on the present position of stocks of coal and iron ore and possible measures to be taken.
11. Exchange of views on developments in iron and steel industry orders and steel prices, with particular regard to:
 - a. the situation of steel users in the Community compared with the situation of their competitors in third countries;
 - b. the advisability of monitoring the application of the rules laid down in the Treaty and the decisions of the High Authority as regards steel price quotation;
 - c. the advisability of limiting alignment discounts under Article 60(2) of the Treaty;
 - d. the number of basing points.
12. Exchange of views on the possible revision of the rules currently applicable concerning the sale conditions applied by iron and steel undertakings, in particular as regards the advertising of sale conditions.
13. Exchange of views on developments in the ferrous scrap market and the possible measures to be taken on prices, exports and imports, the operation of the institutions currently existing in this area and the special position of the Italian market.

— At its 9th, 10th and 14th sessions:

14. Examination of Member States' general policies on expansion and investment with a view to stabilising or influencing general consumption, in particular consumption of the public services, and harmonising it with the programmes of the High Authority, under the following resolution adopted at the end of the 9th session:

I. Anxious to ensure the continuous development of the Community and the expansion of their national economies and the raising of living standards, the Six Governments agree to examine, as of now, together with the High Authority, their general policies on expansion and investment with a view to stabilising or influencing general consumption, in particular consumption of the public services, and with the aim of harmonising this general development with the programmes of the High Authority.

II. They agree to meet again in Council as soon as possible so that the High Authority may inform the Governments of the general policy which it intends to pursue for the coal and steel industries and the actions on specific points which it considers essential in order to implement the investment programmes of the six countries and of the High Authority and in order to enable the Community to contribute as much as possible to the development of Member States' economies.

III. They also agree to study and regularly monitor the economic situation, together with the High Authority.'

— At its 10th session:

15. Information exchange on the policy which the High Authority intends to pursue regarding investments.

16. Information exchange on the general policy which the High Authority intends to pursue regarding coal and steel.

— At its 11th session:

17. Exchange of views on the advisability of fixing minimum and maximum prices for steel exports and on the price level to be determined.

18. Information exchange on the general policy which the High Authority intends to pursue.

— At its 14th session:

19. Exchange of views on all the High Authority's transport programmes.

20. Exchange of views on the advisability of using funds accruing from levies for the financial participation of the High Authority in comparative tests of blast-furnace coke and running tests of high-pressure blast furnaces.

21. Exchange of views on the financing of the Community's coal stocks.

22. Exchange of views on the harmonisation of wages and welfare charges.

23. Exchange of views on the amendment envisaged by the High Authority and the Consultative Committee to Decision No 31/53 of the High Authority concerning the conditions of sale applied by undertakings in the steel industry.

— At its 15th session:

24. Information exchange on the loan contracted by the High Authority with the Government of the United States of America.

E. Other subjects dealt with by the Council:

— At its 1st and 2nd sessions:

1. Issues concerning formal precedences in the Community

— At its 5th, 6th, 7th and 10th sessions:

2. Protest submitted by certain workers' organisations concerning the composition of the Consultative Committee.

— At its 6th, 14th and 15th sessions:

3. Attendance by representatives of the Council at the meetings of the Common Assembly and its committees.

— At its 9th and 13th sessions:

4. Task of the Community's Auditor and organisation of his work.

— At its 10th session:

5. Communication from the President of the Council on the activities of the Community's Committee of the Four Presidents.

— At its 11th session:

6. Communication from the High Authority on progress in the work of the Select Committee to examine the effect on the coal and steel industries of provisions concerning turnover taxes.

7. Request from the Council to the High Authority, under Article 26(3) of the Treaty, asking it to examine the problem of marginal coal mining in the Community.

— At its 13th session:

8. Request from the Fédération des Relamineurs des Pays de la Communauté (Federation of rerolling mills in Community countries) concerning the allocation of a seat on the Consultative Committee when the latter is replaced and also the admission to the meetings of that Committee of delegates from the Federation acting as experts.

— At its 14th session:

9. Consideration of various aspects of the problem raised by a request for information, submitted on 10 February 1954 by the Secretariat of the Common Assembly, concerning the current situation in the Community with regard to special steels.

— At its 14th and 15th sessions:

10. Resolution No 31 of the Consultative Assembly of the Council of Europe concerning closer cooperation between the Institutions of the European Coal and Steel Community and the Council of Europe and adoption of a position on that resolution.

F. Activities carried out within the Council by Council members as representatives of their governments:

— At its 1st session:

1. Drafting of a questionnaire to be submitted to the ad hoc Assembly concerning the creation of a European Political Community.

— At its 2nd session:

2. Appointment of members of the Court and of an Advocate General.

3. Consideration of the problem of financing the ad hoc Assembly.

— At its 2nd, 4th and 5th sessions:

4. Organisation of the negotiations with GATT, for which provision is made in Article 20 of the Convention on the Transitional Provisions, with a view to obtaining a derogation from the most-favoured-nation clause.

— At its 4th session:

5. Appointment of a second Advocate General of the Court of Justice.

— At its 4th and 6th sessions:

6. Notification under Article 21 of the Convention on the Transitional Provisions, given to the OEEC with a view to obtaining exemptions from the non-discrimination rule.

— At its 4th, 7th, 14th and 15th sessions:

7. Consideration of the administrative measures required for the waiver of customs duties and quantitative restrictions (drafting of a certificate of free circulation and a common nomenclature, etc.).

— At its 6th and 13th sessions:

8. Exchange of views, in the context of the cooperation for which provision is made in Article 57 of the Treaty, on the advisability of restricting exports of ferrous scrap to third countries.

— At its 7th, 14th and 15th sessions:

9. Consideration of the level of customs duties to be imposed on third countries, the question of suspended customs duties and the establishment of a tariff quota for special steels outside the Benelux quota.

— At its 8th and 9th sessions:

10. Consideration of the conditions for the Community's representation at the OEEC and cooperation between Member States and the High Authority regarding the OEEC.

— At its 9th session:

11. Drafting of a clause, to be inserted in trade agreements, regarding derogations from the most-favoured-nation clause.

12. Consideration of the costs and additional administrative formalities constituting a barrier to trade within the common market.

— At its 10th session:

13. Exchange of views on the advisability of a communication, to be sent by the Member States to the governments of third countries with which trade agreements are negotiated, including undertakings regarding coal and steel.

— At its 10th and 14th sessions:

14. Exchange of views on the fulfilment of the obligations entered into by the Member States of the Community at the 8th session of the GATT contracting parties with regard to the negotiations to be conducted with third countries in accordance with Article 14 of the Convention on the Transitional Provisions.

— At its 11th session:

15. Consideration of the response to be given to the action taken by the United States of America vis-à-vis certain countries of the Community regarding price agreements for steel exports.

— At its 13th session:

16. Organisation of the ministerial activities of member governments at the level of the European Coal and Steel Community and resolution to continue such activities within the Council, with particular regard to the measures implementing Article 69 of the Treaty, transport questions and questions concerning tax and finance.

— At its 14th session:

17. Exchange of views on the proposals submitted by the Committee of Experts for which provision is made in

Article 10 of the Convention on the Transitional Provisions.

— At its 17th session:

18. Consideration of several problems concerning exports of ferrous scrap to third countries.