

Minutes of the first meeting of the ECSC Special Council of Ministers (Luxembourg, 8-10 September 1952)

Caption: Minutes of the first meeting of the Council, held in Luxembourg from 8 to 10 September 1952, in the version submitted to the Council on 22 September 1952 and approved unanimously at the second meeting of the Council held on 1 and 2 December 1952.

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Minutes of the first meeting of the Council, held in Luxembourg from 8 to 10 September 1952

I. Member States were represented in the Council as follows:

Dr Konrad Adenauer (Germany)
Chancellor and Minister for Foreign Affairs

Dr Ludger Westrick (Germany)
State Secretary representing the Minister for Economic Affairs

Mr Paul van Zeeland (Belgium)
Minister for Foreign Affairs

Mr Duvieusart (Belgium)
Minister for Economic Affairs

Mr Robert Schuman (France)
Minister for Foreign Affairs

Mr Louvel (France)
Minister for Trade and Industry

Mr Alcide De Gasperi (Italy)
President of the Council and Minister for Foreign Affairs

Mr Pietro Campilli (Italy)
Minister for Industry and Trade

Mr Joseph Bech (Luxembourg)
Minister for Foreign Affairs

Mr Michel Rasquin (Luxembourg)
Minister for Economic Affairs

Mr J. W. Beyen (Netherlands)
Minister for Foreign Affairs

Prof. J. Zijlstra (Netherlands)
Minister for Economic Affairs

II. Constitution of the Council

The Council was constituted at its meeting held at the Luxembourg Town Hall on 8 September 1952.

The Federal Chancellor Dr Adenauer took the office of President under Article 27 of the Treaty, as representative of the first country in the (French) alphabetical order of Member States.

The statements made by the President of the Council and the President of the High Authority are appended (Annexes Ia and Ib).

III. Opening of the meeting

The President opened the first meeting of the Council at 7 p.m. on 8 September 1952 and paid tribute to the late Minister, Count Sforza.

IV. Decision on the agenda

The Council adopted the following agenda:

1. Constitution of the Council
2. Rules of Procedure;
3. Secretariat;
4. Statute of Members of the High Authority and the Court;
5. Communication by the President of the High Authority on the High Authority's work to date, including preparations for the first meeting of the Common Assembly;
6. Communication by the President of the High Authority on the exchange of views between the Governments of the USA and the United Kingdom and the High Authority concerning the form which relations between the Community and those countries should take;
7. Other business:
 - (a) Questions of protocol.
 - (b) Relations with GATT;
 - (c) The Community's economic and trade relations with third countries;
 - (d) Relations of the High Authority with the Council and Member States;
 - (e) Proposals for the agenda of the 2nd meeting of the Council;
 - (f) Press release.

It was further decided that a conference of the foreign ministers of Member States would be held concurrently with the Council meeting, with the following agenda:

(1) European political authority, particularly:

- (a) Resolution 14 of the Consultative Assembly of the Council of Europe dated 30 May 1952;
- (b) British aide-mémoire of July 1952.

(2) Appointment of the Members of the Court;

(3) Other business.

The Council decided to invite all members of the High Authority to attend the deliberations on agenda items 5 and 6.

V. Deliberations of the Council

ad item (1) Constitution of the Council

See sub II of these Minutes. The President stated that the representative of Germany would hold the Presidency of the Council until 7 December 1952, handing over to the representative of Belgium on 8 December 1952.

ad item (2) Rules of Procedure

The Council adopted provisional Rules of Procedure based on a draft prepared by an ad hoc committee of the Council (Annex II).

ad item (3) Secretariat

The Council established its Secretariat and named Mr Christian Calmes (Luxembourg) as Secretary for a period of six months.

The Secretary set out his views on how the Secretariat should be organised. The Council thought that initial staffing levels should be kept to the minimum number strictly necessary.

ad item (4) Statute of Members of the High Authority and the Court

The Council had formed a Committee chaired by Mr Duvieusart to consider the issues raised by the Statute. Mr Duvieusart reported on the Committee's work and on his talks as rapporteur with a number of High Authority members.

He said that when President Schuman informed the members of their appointment by the six Governments, Mr Schuman notified the High Authority Members of the conditions governing their salaries and allowances as agreed by the Conference of Ministers in Paris. Since the Members of the High Authority had accepted their appointments on the basis of these notifications, they were entitled to regard the details given as definitive.

Under these conditions

the salaries referred to in Article 29 of the Treaty were set as follows, in units of account of the European Payments Union and per annum:

President of the High Authority	15 000
Vice-President of the High Authority	14 000
Members of the High Authority	12 000
President of the Court	15 000
Judge of the Court	12 000
Advocates-general of the Court	12 000

Members of the High Authority and the Court were entitled:

(a) on taking up their duties and on ceasing to hold office to an installation allowance and a resettlement allowance equal to one third of their annual salary;

(b) during their period of office to a residence allowance equal to 15 % of their basic salary, and to a representation allowance equal to 10 % of their basic salary (20 % for the President of the High Authority and the President of the Court).

The rapporteur suggested that the Council adhere to these conditions.

He also said that the above notifications had stipulated that if the members of the High Authority were to resign as a body under the terms of Article 24(3) of the Treaty they were entitled, for the remainder of their period of office but for no longer than three years, to a special allowance equal to a percentage of their salary (which had not yet been determined).

The rapporteur suggested that this percentage be set at 50% of annual salary.

He thought too that this special allowance should be payable not only in the case of a resignation *en bloc* as envisaged in Article 24 of the Treaty but also where members' period of office came to an end normally or where an individual member resigned on grounds of conscience, for example. These two cases needed to be clarified by a committee with a mandate to consider all pension-related issues.

On the subject of pensions the rapporteur looked at the various possibilities, suggesting that the pension should be 5 % of salary for every year of service and that pensionable age should be 65 years.

Transitional arrangements might be set for members joining the High Authority after age 60, for example. In that case the pension might be set at 10 % of salary for every year of service.

The principles outlined in the German draft on surviving dependants' entitlements could be accepted when the final version of the Statute was drawn up. The same applied to the rules on invalidity.

Mr Duvieusart thought that the proposals for members of the High Authority should not necessarily apply to servants of the Community institutions, since the parameters were different.

The representative of Germany, mentioning the intention to place the emoluments paid to judges on the same footing as those paid to members of the High Authority, said that provision should be made for increasing the emoluments paid to judges if the Court's workload increased as a result of new communities being established.

The Council endorsed Mr Duvieusart's report and decided to set up a committee of representatives of the six Member States, to draft a final Statute based on the principles outlined by the rapporteur.

ad item (5) Communication by the President of the High Authority on its work to date, including preparations for the first meeting of the Common Assembly;

and

ad item (6) Communication by the President of the High Authority on the exchange of views between the Governments of the United States and the United Kingdom and the High Authority concerning the form which relations between the Community and those countries should take.

All members of the High Authority and the President of the Court attended the meeting when these agenda items were being dealt with.

President Monnet explained the mission of the High Authority. He commented on measures already taken on organisational matters and emphasised the importance of close contacts with all interested parties.

Moving on to the talks held with the Governments of the United Kingdom and the USA, he told the Council that that these countries had sent envoys to the headquarters of the High Authority.

President Monnet then spoke about preparations for the first meeting of the Common Assembly and talks held to that end specifically with the Secretariat of the Council of Europe.

He then moved on to the economic remit of the High Authority, dealing particularly with the following issues:

(a) Formation of the Consultative Committee

The High Authority was waiting for information to be supplied by Governments by 10 October and suggested that government experts should contact with the High Authority.

(b) Distribution of coal

The High Authority was studying the situation and appropriate methods.

(c) Elimination of discriminatory practices in transport

The High Authority asked Governments to send in, by 20 September, their nominations for members of the Committee of Experts provided for in the Treaty.

(d) Most-favoured-nation clause

(a) GATT

The High Authority wanted the Conference of Foreign Affairs Ministers to nominate someone of note, suitable to conduct negotiations with GATT on behalf of all the Member States.

(b) Non-members of GATT

The High Authority suggested convening a committee of experts, made up of delegates from the six Governments, to examine this question.

(e) Economic and trade relations with the United Kingdom

A member of the High Authority would contact the Member State Governments with a view to the drafting of instructions to be agreed unanimously by the Council in accordance with Article 14 of the Convention on the Transitional Provisions.

(f) Elimination of discriminatory practices

The High Authority planned to convene a Committee of Experts made up of delegates from the six Governments to study these complex issues.

(g) Concentrations

The High Authority would need to ask Governments for information providing it with an adequate picture of the situation in the common market.

(h) General review of the plan for the Assembly's future

President Monnet said that further development of the High Authority, its organisation and activities, would depend on the plan for the Assembly's future.

The High Authority's review would draw on the full range of specialists available in the Governments, companies and organisations concerned.

(i) Levies

The High Authority was certain that this was a particularly delicate issue. It would be consulting the Council as to the most suitable collection method.

In conclusion President Monnet said that he would be laying a document on the work programme before the Council.

The Council President thanked the President of the High Authority for his statement and took note of the High Authority's expressed desire to work with the Council. That desire was reciprocated.

The Council was aware of the scale and importance of the tasks facing the High Authority in the economic and political arenas.

Finally the President welcomed the President of the Court, who was sitting in on the debate, emphasising the importance of the Court.

ad item (7) Other business

(a) Questions of protocol

The Council decided to form a Committee comprising one delegate from the protocol section of each Member State's Foreign Ministry. This Committee would study the protocol issues and report to the Council at the next meeting.

(b) Relations with GATT

The Council decided to ask Ambassador Suetens (Belgium) to represent the common interests of Member States in their dealings with GATT.

(c) Economic and trade relations with third countries

The Council decided to form a Committee of Experts from the six Member States to study issues arising in connection with Articles 14 and 20 of the Convention on Transitional Provisions. The Governments would forward the experts' names to the Council Secretariat as soon as possible.

(d) High Authority's relations with the Council and Member States

The Council decided to ask the Secretary to contact the High Authority in order to have appropriate solutions laid before the Council in due course.

(e) Proposals for the agenda of the second meeting of the Council

Members of the Council would forward proposals to the Secretary as swiftly as possible.

VI. The President then moved on to the items to be covered by the Foreign Ministers of the Member States.

ad item 1: European political authority

The Council adopted the resolution (Annex III) of a drafting committee chaired by the Dutch Foreign Minister, Mr Beyen. This was based on the Franco-Italian proposal and took account of Resolution 14 of the Consultative Assembly of the Council of Europe and the British aide-mémoires of July and September 1952.

ad item 2: Appointment of the Members of the Court

No decision had been taken.

ad item 3: Other business

Mr Schuman reported to the Council on the talks which had taken place following the decisions reached at the Paris Conference between France and Germany on the status of the Saarland.

A first meeting had been held on 25 July, with three subsequent meetings in August. Both sides had tried hard to identify ways of securing a positive outcome. To that end they had discussed the political, psychological and technical aspects of the matter.

Mr Schuman and Dr Adenauer had held personal talks in Luxembourg on 10 September to review progress on the talks. They had reached the firm conclusion that there were no obstacles that could not be overcome. Obviously some issues, notably economic issues, still needed to be clarified.

Mr Schuman ended by asking for moral support from the Council.

Chancellor Adenauer assured him that he had it.

Mr De Gasperi thanked the two Foreign Ministers for their hard work in resolving an issue of such importance to Europe and asked them to continue their endeavours in the same spirit.

VII. Press release

The Council adopted the text of a press release (Annex IV).

VIII. Closure of the meeting

The President thanked the Luxembourg Government for all its help in hosting the Council's first meeting.

On behalf of his colleagues, Mr Schuman thanked the President for his skilful chairmanship of the meeting.

The President closed the meeting at noon on 10 September 1952.

Luxembourg, ...[date]...

President

Provisional Secretary

Secretary