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THE FIRST TREATIES

The disastrous effects of the Second World War and the constant threat of an East-West confrontation meant that Franco-German reconciliation had become a top priority. The decision to pool the coal and steel industries of six European countries, brought into force by the Treaty of Paris in 1951, marked the first step towards European integration. The Treaties of Rome of 1957 strengthened the foundations of this integration, as well as the notion of a common future for the six European countries involved.

LEGAL BASIS

- The Treaty establishing the European Coal and Steel Community (ECSC)^[1], or Treaty of Paris, was signed on 18 April 1951 and came into force on 25 July 1952. For the first time, six European States agreed to work towards integration. This Treaty laid the foundations of the Community by setting up an executive known as the ‘High Authority’, a Parliamentary Assembly, a Council of Ministers, a Court of Justice and a Consultative Committee. The ECSC Treaty expired on 23 July 2002 at the end of the 50-year validity period laid down in Article 97 thereof. In accordance with the Protocol (No 37) annexed to the Treaties (the Treaty on European Union and the Treaty on the Functioning of the European Union), the net worth of the ECSC’s assets at the time of its dissolution was assigned to the Research Fund for Coal and Steel to finance research by Member States in sectors relating to the coal and steel industry.
- The Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC, otherwise known as ‘Euratom’), or the Treaties of Rome, were signed on 25 March 1957 and came into force on 1 January 1958. Unlike the ECSC Treaty, the Treaties of Rome were concluded ‘for an unlimited period’ (Article 240 of the EEC Treaty and Article 208 of the EAEC Treaty), which conferred quasi-constitutional status on them.
- The six founding countries were Belgium, France, Germany, Italy, Luxembourg and the Netherlands.

[1]Treaty establishing the European Coal and Steel Community, ECSC Treaty, available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=legisum:xy0022>



OBJECTIVES

- The founders of the ECSC were clear about their intentions for the Treaty, namely that it was merely the first step towards a ‘European Federation’. The common coal and steel market was to be an experiment which could gradually be extended to other economic spheres, culminating in a political Europe.
- The aim of the European Economic Community was to establish a common market based on the four freedoms of movement (goods, persons, capital and services).
- The aim of Euratom was to coordinate the supply of fissile materials and the research programmes initiated or being prepared by Member States on the peaceful use of nuclear energy.
- The preambles to the three Treaties reveal a unity of purpose behind the creation of the Communities, namely the conviction that the States of Europe must work together to build a common future as this alone will enable them to control their destiny.

MAIN PRINCIPLES

The European Communities (the ECSC, EEC and Euratom) were born of the desire for a united Europe, an idea which gradually took shape as a direct response to the events that had shattered the continent. In the wake of the Second World War, the strategic industries, in particular the steel industry, needed reorganising. The future of Europe, threatened by East-West confrontation, lay in Franco-German reconciliation.

1. The appeal made by Robert Schuman, the French Foreign Minister, on 9 May 1950 can be regarded as the starting point for European integration. At that time, the choice of coal and steel was highly symbolic: in the early 1950s, coal and steel were vital industries and the basis of a country’s power. In addition to the clear economic benefits, the pooling of French and German resources was intended to mark the end of the rivalry between the two countries. On 9 May 1950, Robert Schuman declared: ‘Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity.’ It was on the basis of that principle that France, Italy, Germany and the Benelux countries (Belgium, the Netherlands and Luxembourg) signed the Treaty of Paris, which concentrated predominantly on ensuring:

- Free movement of goods and free access to sources of production;
- Permanent monitoring of the market to avoid distortions which could lead to the introduction of production quotas;
- Compliance with the rules of competition and the principle of price transparency;
- Support for modernisation and conversion of the coal and steel sectors.

2. Following the signing of the Treaty of Paris, and despite France being opposed to the re-establishment of a German national military force, René Pleven was giving thought to the formation of a European army. The European Defence Community



(EDC), negotiated in 1952, was to have been accompanied by a Political Community (EPC). Both plans were shelved following the French National Assembly's refusal to ratify the treaty on 30 August 1954.

3. Efforts to get the process of European integration under way again following the failure of the EDC took the form of specific proposals at the Messina Conference (in June 1955) on a customs union and atomic energy. They culminated in the signing of the EEC and EAEC Treaties.

a. The provisions of the EEC Treaty (the Treaty of Rome)[2] included:

- The elimination of customs duties between Member States;
- The establishment of an external Common Customs Tariff;
- The introduction of common policies for agriculture and transport;
- The creation of a European Social Fund;
- The establishment of a European Investment Bank;
- The development of closer relations between the Member States.

To achieve these objectives the EEC Treaty laid down guiding principles and set the framework for the legislative activities of the Community institutions. These involved common policies: the common agricultural policy (Articles 38 to 43), transport policy (Articles 74 and 75) and a common commercial policy (Articles 110 to 113).

The common market is intended to guarantee the free movement of goods and the mobility of factors of production (the free movement of workers and enterprises, the freedom to provide services and the free movement of capital).

b. The Euratom Treaty[3] had originally set highly ambitious objectives, including the 'speedy establishment and growth of nuclear industries'. However, owing to the complex and sensitive nature of the nuclear sector, which touched on the vital interests of the Member States (defence and national independence), those ambitions had to be scaled back.

4. The Convention on certain institutions common to the European Communities, which was signed and entered into force at the same time as the Treaties of Rome, stipulated that the Parliamentary Assembly and Court of Justice would be common institutions. This Convention lapsed on 1 May 1999. All that remained was for the 'Executives' to be merged; the Treaty establishing a Single Council and a Single Commission of the European Communities of 8 April 1965, known as the 'Merger Treaty'[4], duly completed the process of unifying the institutions.

From then on, the EEC held sway over the sectoral communities, the ECSC, and the EAEC. This amounted to a victory for the general EEC system over the coexistence of organisations with sectoral competence, and an establishment of its institutions.

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