Briefing

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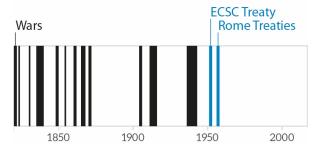
Impact of the ECSC Common Assembly on the politics, negotiation and content of the Rome Treaties

SUMMARY

As the historical framework for the present-day European Union (EU), the Treaties of Rome, signed in March 1957 and establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC or Euratom), are among the most important treaties of the European integration process. The failure to set up a European Defence Community in 1954 provided the incentive for the EEC Treaty to envisage integration in economic as well as political terms. Crucially, the Rome Treaties provided for the establishment of today's EU institutions, which have played a major role in securing the peaceful coexistence of Member States for the past sixty years.

The Common Assembly (CA) of the European Coal and Steel Community (1952-1957) has long been overlooked as an important factor in the development of the Rome Treaties. As it was not directly involved in deliberations and negotiations on the treaties, it might easily be concluded that the CA did not play a significant role. This briefing demonstrates the very opposite. It was the CA that put the issue of an extended common market on the Community and Member States' political agenda, thereby relaunching European integration at a decisive moment in the EU's history. Furthermore, the CA effectively foreshadowed its future position and competences in a wider European community. The CA formulated demands for greater legislative and budgetary powers in order to overcome its subsidiary and consultative role. Given its political authority as the parliamentary representation of the people of the Community, the CA was successful in incorporating its demands into the deliberations and negotiations that led to the Rome Treaties.

Wars involving the six original members of the EU



Source: COW War Data. Graphic: Christian Dietrich.

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Historical context and status of research

On 25 March 1957, the foreign ministers of Belgium, France, Italy, Luxembourg, the Netherlands and West Germany signed the Treaties of Rome, officially the Treaty establishing the European Economic Community (TEEC) and the Treaty establishing the European Atomic Energy Community (EAEC or Euratom). The Euratom Treaty was aimed at developing Europe's nuclear industry so as to achieve security of supply and to raise the standard of living in the Member States. At the core of the TEEC was the creation of a common market. The common market was to transform conditions for trade and manufacturing within the Community by building a customs union that also eliminated import and export duties among the six participating countries.

The Treaties of Rome revitalised the European integration process, which had taken on an institutional dimension following the Second World War, with the European Coal and Steel Community (ECSC). Founded in 1951, the ECSC was the very first European supranational institution. Its High Authority formed an independent executive with significant powers in the areas of coal and steel. By contrast, the plan to create a supranational European Defence Community (EDC), as put forward by French prime minster René Pleven in 1950 to respond to the question of Germany's remilitarisation and admission to NATO, failed. On 30 August 1954, a majority of the French parliament's members refused to ratify the treaty establishing the EDC and related plans to form a European political community. The Treaties of Rome were intended to provide a clear counterweight to the EDC 'trauma'. The Rome Treaty establishing the EEC built a strong driver to move beyond economic integration and towards the political integration of Europe and constituted a vital step towards Europe's closer unification. It provides the historical framework for the present-day European Union, and the institutions it created have contributed a great deal to guaranteeing the Member States' peaceful coexistence over the last sixty years. The EEC Treaty can therefore be considered one of the most significant treaties in the history of European integration.

Treaty texts do not normally reveal anything about their history, and the Rome Treaties are no exception to this rule. Historical research on the negotiations leading to the Treaties of Rome has focused mainly on the role of the national governments involved and of their delegates. With a few exceptions, source-based historical research on other actors such as political parties, trade unions, business associations and, most surprisingly, the ECSC institutions of the time, is almost non-existent. This is equally true of the Common Assembly (CA) of the ECSC, later to become today's European Parliament (EP). In fact, it was only after the introduction of the co-decision procedure, and the growing politicisation of the EP's work as a result of the 1992 Maastricht Treaty, that a deeper interest in researching the EP developed. However, these studies have usually focused on EP powers and activities in the late 1990s and early 2000s. It is therefore worth shedding light on the historical role of the CA in the development of the Rome Treaties in general and the EEC Treaty in particular.

The CA was not directly involved in the deliberations and negotiations leading to the Rome Treaties in 1957. Nevertheless, it can be argued that the CA had a major impact on the Treaties' development. An analysis of original sources from the EP's historical archives demonstrate that the CA placed the issue of further economic integration on the Community's agenda, attempted to shape treaty content, and sought to push the negotiations forward. They also show that the treaty deliberations and negotiations triggered a reflection on the CA's own role within the emerging new institutional set-up at European level.

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The Common Assembly in the 1950s

When, in mid-June 1950, the negotiations on the ECSC began to flesh out the plan by French foreign minister Robert Schuman to pool the coal and steel industries of France and Germany, the establishment of a parliamentary organ alongside the High Authority and the Council of Ministers was not planned. It was only in the course of the negotiations that it was decided to form a parliament – the Common Assembly – in order to counterbalance the High Authority with parliamentary supervision similar to that provided in the parliamentary democratic systems of the Member States. Compared with national parliamentary assemblies, as the key normative point of reference, however, the competences of the CA were initially very limited, and restricted to purely advisory and controlling functions. Initiative and (co-)decision rights for the CA were not included in the ECSC legislative framework.

The first plenary session of the CA was held on 10 September 1952. Of a total of 78 parliamentarians, France, Germany and Italy sent 18 each, Belgium and the Netherlands sent 10 each and Luxembourg sent four. These parliamentarians were delegates from the Member States' national parliaments. In other words, the then parliamentarians had a dual mandate, one in their national parliament and one in the CA. This practice was maintained until the first direct parliamentary elections at European level in 1979. Accordingly, the European parliamentarians were exclusively national parliamentarians until that point.

The CA's first tasks were to elect its governing body and to define its rules of procedure. Belgian foreign minister Paul Henri Spaak became the CA's first president (1952-1954). A committee (on rules of procedure and budget) was set up to deal with the assembly's rules of procedure and to look into matters such as the number, composition, tasks and competences of the committees to be formed. The CA had a high degree of autonomy with regard to its rules of procedure, and was able to decide on its internal affairs without the consent of the Council. In fact, the CA made plentiful use of the possibility of self-organisation. In addition to establishing seven committees, the self-given rules of procedure allowed for the institutionalisation of political groups, even though this was not provided for in the ECSC Treaty. Three political groups were therefore officially authorised in 1953: the Christian Democratic Group, the Socialist Group, and the Group of the Liberals. Crucially, the establishment of transnational political groups contributed in a significant way to the politicisation of the CA.⁵

Despite lacking legislative and budgetary rights, the CA underlined with its rules of procedure that it did not consider itself a mere international conference, but rather an assembly with traditional parliamentary structures, tasks and rules. From a strictly legal perspective, the only real parliamentary power the CA had was to enforce the withdrawal of the High Authority. This was possible by the adoption of a motion of censure, with a two-thirds majority of the votes cast and the majority of the assembly's members, in response to their yearly assessment of the High Authority's General Report. However, when drafting its rules of procedure, the CA was able to secure political authority for itself that went beyond that originally intended.⁶ Moreover, it exploited this political authority in order to contribute to the relaunching of European integration and the development of the Rome Treaty establishing the EEC.

Relaunching European integration

Achieving recognition of an issue is a precondition for decision-making. In other words, the possibility that a decision will be taken on a certain issue arises only when that issue is given consideration.⁷ The CA contributed decisively to putting and keeping the issue of further European integration via the field of economic policy on the Community's agenda, leading to the

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decision to establish the EEC. At a CA plenary session in March 1956, Paul-Henri Spaak, then also chair of the Committee of National Experts drafting the technical proposals for the Common Market and Euratom, emphasised that the CA was paving the way for the relaunch of European integration after the EDC's failure.⁸ This inevitably raises the question of how the CA could do so without having initiative and (co-)decision rights.

In the story of the relaunch of European integration, the CA was in fact the first actor to enter the stage. It reacted to the failure of the EDC with a report by its Committee on Political Affairs, presented and debated in the plenary session of 29 November to 2 December 1954.9 Using the failed efforts to achieve integration in the field of defence policy as a starting point, the report produced by Dutch rapporteur Margaretha Klompé, from the Christian Democratic Group, specifically addressed the future of the Community. 10 The report stated that progressive integration would become vitally important for the European continent's countries in the long term. Moreover, it stressed that further integration in the field of economic policy would become an extremely pressing issue and that the time had come to extend the common market for coal and steel to additional economic and industrial areas. The report argued that it would be difficult to permanently limit integration and common policies to the field of coal without directly or indirectly affecting the policies of the six Member States' governments in other energy-related areas. In addition, the report outlined that it would be crucial to make progress in the field of transport policy in order not to jeopardise the implementation of the ECSC Treaty's main objectives, as transport policy would form an essential complement of the coal and steel common market.

To sum up, the CA's report centred on two strategies designed to put the relaunch of European integration via the field of economic policy on the agenda for the Community and its Member States. First, it claimed the authority of the Community by combining the issue with an already established ECSC policy (coal and steel). Second, it used powerful rhetoric and highlighted the Community's responsibility for ensuring the implementation of the ECSC Treaty's objectives.

Furthermore, in agreement with Spaak and Jean Monnet, then president of the High Authority and founder of the Action Committee for the United States of Europe, the CA's president Giuseppe Pella (1954-1956) travelled to all the capitals of the ECSC Member States in early 1955 to promote a new initiative on European integration. At around the same time, on 2 April 1955, Spaak, at that point Belgian minister for foreign affairs, submitted a proposal to the foreign ministers of the ECSC Member States suggesting that they convene a conference to discuss further steps towards economic integration. Signalling the relaunch of the European integration process, the famous Messina conference took place from 1 to 3 June 1955. It was a first milestone on the way to the Rome Treaties. The attending foreign ministers of the ECSC Member States agreed to begin deliberations and to look into the possibility of extending European integration to all sectors of the economy.

Beyond successfully setting the Community's agenda, the CA attempted to influence the shaping of treaty content and to push negotiations forward. To that end, it set up a special working group that was to play an important role. A report by CA president Pella supported the creation of a working group with tasks such as to inform the Assembly on matters relating to the extension of the Community's special competences and the further general integration of the Common Market. The working group was formed in May 1955 following the adoption of a corresponding resolution. It shadowed the work of both the Committee of National Experts preparing the technical treaty details and the Intergovernmental Conference of Foreign Ministers negotiating the final treaties.

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On 27 April 1956, for example, the working group published, together with the CA's Research and Documentation Division, a detailed overview of the Committee of National Experts' report prepared for the ECSC foreign ministers. This report, better known as the Spaak Report, on account of Spaak's role as the committee chair, suggested the gradual establishment of a common market based on a customs union. The working group's overview focused on topics such as the elimination of customs, the creation of a common external trade tariff, import and export controls, and the incorporation of agricultural policy within the common market.¹⁴ In early December 1956, Spaak, also acting as chair of the Intergovernmental Conference, presented developments in the negotiations to the CA's working group. Spaak said that he expected the treaties to be ready for signing by the end of January 1957, despite the unresolved questions still pending. 15 The working group took that opportunity to channel via Spaak a memorandum to the ECSC foreign ministers at the beginning of January 1957. Among other issues, the memorandum was aimed at influencing the nature of the treaty. It stated that a common market implied not only free trade, but also positive solidarity, which would oblige the Community to help each Member State to modernise its economy and adjust to the new conditions of competition, in particular through the management of an investment fund. 17

In addition, the CA issued a range of reports and resolutions in order to push forward and influence the deliberations and negotiations at decisive phases leading to the Rome Treaties. For instance, shortly before the publication of the Spaak Report, the CA adopted a resolution at the end of March 1956 addressing the governments of the ECSC Member States. The resolution demanded the rapid conclusion of a treaty to establish a general common market in the form of a customs and economic union, including not only goods, services and capital, but also the free movement of workers. Likewise, in March 1956, the CA presented a comprehensive report on the development of economic integration in Europe, produced by Dutch rapporteur Jonkheer Marinus van der Goes van Naters, a member of the Socialist Group. This report concluded that a common economic market would be of mutual benefit to all the Member States as it would increase the capacity of their capital products and, therefore, the main source of prosperity. Finally, with the treaty negotiations not yet concluded in early 1957, the CA adopted a resolution on 13 February 1957 focusing on the institutional design of the new Community. It explicitly called for strong supranational bodies to be established at European level. 20

The Common Assembly's role in the emerging EEC

The discussions on the formation of a new economic community inevitably led to an intense reflection on the CA's own role within the emerging revised institutional set-up at European level. In fact, the question of the future role of the CA went hand in hand with the discussion on further European integration right from the outset. The CA clearly aimed to overcome its largely subsidiary and consultative role and to achieve firm formal involvement in the Community's legislative processes.

A report by French Christian Democrat Pierre Henri Teitgen, in November 1954, released simultaneously with the report by Klompé on the Community's future development, dealt with the CA's scrutiny powers and their use. ²¹ Teitgen's report already contained various aspects that the CA pushed for when the deliberations on the Rome Treaties were underway some time later. First of all, Teitgen's report criticised the fact that the CA lacked legislative and budgetary powers. This criticism was based on the perception of national parliaments in the Member States, which notably enjoyed legislative and, in particular, budgetary powers as effective tools for controlling the executive. The absence of these two powers for the Assembly, however, was the result of the special nature of the ECSC legal construct. The ECSC Treaty itself made the legislation. ²² With

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a view to an extended future community, Teitgen understood how to use the ECSC legal framework to demand more rights and powers for the CA. His report emphasised that the competences transferred to the institutional bodies at European level could be widened, as provided for in the ECSC Treaty, in the case of further concrete European integration. Moreover, the report elaborated on the political nature of the High Authority in terms of its responsibility to intervene in fixing prices, determining production quotas and distribution measures. Against this background, Teitgen's report argued that the CA's control over the High Authority's total activities would be political as opposed to technical control. The report thus concluded that the CA's members must be selected by a direct universal vote – which was not the case at the time – in order to significantly enhance the Community's prestige, its political validity and its effectiveness.

Following up on Teitgen's report, further work was carried out to analyse the Community's institutional set-up and the CA's role within it, with a view to furthering European integration. The most outstanding initiative was the interim report produced by French Socialist rapporteur Gilles Gozard.²³ Gozard presented his report during a plenary session in June 1956,²⁴ at a time when the technical deliberations for the EEC Treaty were well advanced. As a direct response to the proposals formulated by the Committee of National Experts, the report contained an institution-by-institution analysis. Among the proposals formulated in the report were demands concerning the role of the CA. They included: gradually making the Council of Ministers accountable to the CA; giving the CA the power to discuss the budget chapter by chapter and to amend it; giving the CA the power to confirm appointments of members of the European Commission, replacing the High Authority in the EEC, and requiring an absolute majority, rather than a simple majority, for the adoption of motions of censure on the Commission; and extending the CA's power to discuss European Commission proposals to matters of general economic policy. The report thus claimed a stronger role for the CA in the emerging EEC.

In contrast, as the decisive phase in the Intergovernmental Conference negotiations on the final treaties began, the CA saw a strong parliamentary element within the new EEC institutional architecture watered down. The treaty articles concerning the EEC bodies were not yet drafted. Plans to combine all three communities (EEC, Euratom and ECSC), and to create one parliament on the basis of the ECSC CA, had been stopped because of the French parliament's veto of a strong supranational design for Euratom. As an alternative, the Intergovernmental Conference decided to form a new assembly only for the two new communities (EEC and Euratom). This would have brought a fourth assembly at European level into being, besides the CA and the already existing Council of Europe Consultative Assembly (CoECA) and the Western European Union Assembly (WEUA). This did not come about, however. Supported by the CoECA and WEUA presidents, Fernand Dehousse and Ernest Pezet, the then CA president Hans Furler presented an idea for the establishment of one parliament for all three communities at the conference of the six foreign ministers taking place at Val Duchesse, Brussels, on 4 February 1957. Furler's idea was to develop a formula to abolish the CA at the very moment when the new assembly was constituted, with the latter fully incorporating the competences exercised by the ECSC CA, along with the additional competences included in the new treaties.²⁵ In addition, a memorandum, compiled jointly by the three presidents and addressed to the Intergovernmental Conference, called for direct elections to the new assembly.26 Furthermore, the CA's resolution of 13 February 1957 reiterated the demand to create one assembly only and to equip it with powers, budgetary powers in particular, as appropriate for the parliamentary representation of the people united in the newly emerging community.²⁷ When the bodies established by the Rome Treaties were formed following the signing of the treaties, a single assembly was constituted at the first plenary session of the new CA in March 1958.

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Impact of the Common Assembly

The establishment of a single assembly for all three communities, incorporating the ECSC CA's competences, gives a clear indication of the CA's fundamental contribution to the Rome Treaties. Moreover, various long-standing demands concerning the Assembly's rights and powers were met by the Rome Treaties. This is especially true of four far-reaching treaty provisions: 1) Article 144 of the EEC Treaty (Euratom Treaty, Article 114) introduced the generalised right for the Assembly to censure the European Commission (previously restricted, by Article 24 of the ECSC Treaty, to the context of the debate on the annual general report); 2) numerous articles in both treaties introduced, through the consultation procedure, the formal right to parliamentary involvement in the legislative process; 3) Article 203 of the EEC Treaty (Euratom Treaty, Article 178) introduced parliamentary (consultative) involvement in the budgetary procedure; and 4) Article 138 of the EEC Treaty (Euratom Treaty, Article 108) provided for the eventual introduction of uniform direct elections to the Assembly. 28 The decision to hold the first direct election was eventually taken at the summit of the Heads of State or Government in The Hague in 1969 after the CA, and later the EP, had persistently lobbied for it. Given a broad consensus on the need to establish a common market and to facilitate trade between the Member States, it is difficult to define the CA's specific impact in this area. Nevertheless, the CA's main contribution in relation to the creation of the common market via the EEC Treaty lay in putting this issue on the Community's agenda at a decisive moment in the history of European integration.

Therefore, despite being formally powerless at that time, the CA was indeed an important factor in the development of the Rome Treaties. Although its opportunities to influence the outcome were largely limited to reports and resolutions, the CA was able to influence the result specifically by publishing and debating its reports and resolutions at key points in the treaty deliberations and negotiations. For example, when treaty content concerning the institutional design of the new community was still not clear, the CA published a range of memoranda and resolutions. Furthermore, cooperative exchanges with the actors involved in the treaty deliberations and negotiations allowed the CA to channel its demands to the decision-makers.²⁹ Most of all, the CA's former president, Spaak, provided a link between the CA and members of the Committee of National Experts, and also with the delegation involved in the Intergovernmental Conference. These direct and indirect links ensured that the experts and ministers drawing up and concluding the Rome Treaties did not ignore the CA. Finally, a type of 'discourse power', deriving from the political authority it developed while drafting its rules of procedure, guaranteed that the experts and ministers (partly) followed the demands of the CA.

Endnotes

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- ² See for example Wolfram Kaiser, Christian Democracy and the Origins of European Union, Cambridge: Cambridge University Press, 2007; Ann-Christina L. Knudsen, Farmers on Welfare. The Making of Europe's Common Agricultural Policy, Ithaka/NY, Cornell University Press, 2009.
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- ⁴ See Berthold Rittberger, 'The Historical Origins of the EU's System of Representation', in the *Journal of European Public Policy*, 16 (2009) 1, pp. 43-61.
- ⁵ See Jürgen Mittag, 'Die Politisierung der Gemeinsamen Versammlung der Europäischen Gemeinschaft für Kohle und Stahl: Anfänge transnationaler Fraktionsbildung im Europäischen Parlament', in the *Journal of European Integration History*, 17 (2001) 1, pp. 13-30.
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- ⁹ Common Assembly, sitting of 1.12.1954, HAEP, AC AP DE/1954 DE19541201-02 0010, pp. 78-85.
- 1º Assemblée Commune, Rapport fait au nom de la Commission des Affaires politiques et des Relations extérieures de la Communauté sur la relations extérieures de la Communauté sur les relations extérieures de la Communauté et le développement de celle-ci envisagé à la lumière de l'évolution politique actuelle, Rapporteur: A. M. Klompé, November 1954, HAEP, AC AP RP/RELA.1953 AC-0004/54-novembre 0010.
- 11 See for example Gabriele Clemens/Alexander Reinfeld/Gerhard Wille, Geschichte der europäischen Integration, Paderborn, UTB, 2008, p. 124 f.
- 12 Assemblée Commune, Rapport présenté au nom du Bureau de l'Assemblée Commune sur l'application des dispositions de la résolution du 2 décembre 1954 chargeant le Bureau de l'Assemblée Commune de saisir l'Assemblée d'un projet de constitution d'un 'Groupe de Travail' dont les tâches sont définies dans ladite résolution, Rapporteur: G. Pella, Président de la Assemblée Commune, Mars 1955, HAEP, AC AP RP/PARL.1952 AC-0012/55-mai 0010.
- ¹³ Franco Piodi, *Towards a Single Parliament. The influence of the ECSC Common Assembly on the Treaties of Rome*, European Parliament, Archive and Documentation Centre (CARDOC), 2007, p. 18 f.
- ¹⁴ Assemblée Commune, Rapport fait au nom du Groupe de Travail sur le Marché commun et l'Euratom. Rapporteurs: M. van der Goes van Naters et P. Wigny, 27.4.1956, HAEP, AC AP RP/GRTR.1955 AC-0014/56-mai 0040.
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- ²⁶ Ihid
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- ²⁸ See Martin Westlake, The Commission and the Parliament. Partners in the European Policy-Making Process, London, Butterworths, 1994, p. 85.
- ²⁹ See for similar findings in the context of the development of European environmental policy in the 1970s Jan-Henrik Meyer, 'Green Activism. The European Parliament's Environmental Committee promoting a European Environmental Policy in the 1970s', in the *Journal of European Integration History*, 17 (2001) 1, pp. 73-85.

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