

Schuman Paper
n°756
9th July 2024

Luigi GIANNITI

A "commissioner responsible for defence issues"

Institutional reforms and reflections based on the EDC Treaty

In 2024 the question of European defence is more topical than ever. Ongoing crises and conflicts on the borders of the European Union pose unavoidable geostrategic challenges, but these are not new. To the question: "[Europeans Defending Europe: a myth, a necessity, an ambition, a hope?](#)" General Jean-Paul Paloméros raises the importance of returning to the origins of what inspired the creation of [the European Defence Community \(EDC\)](#) and what prevented its implementation at the time. Just as the candidate for her own succession as President of the European Commission, Ursula von der Leyen, is even suggesting the possibility of creating a post of Defence Commissioner for the 2024-2029 mandate, the precedent of the 1950s deserves our full attention. Specifically, if we consider the plan to create a post such as this, and even more so if we are relying on the European Commission to promote defence industries and facilitate procurement procedures.

In the manifesto of the European People's Party (EPP), in the paragraph entitled "[Europe must be able to defend itself on its own](#)", not only does it state that "*we need to strengthen our defence industrial base by investing more*", that "*we need to work better together using all the options available in the EU Treaties, including PESCO and its flagship projects*", and that "*we should also consider establishing an EU defence budget within the MFF, with sufficient resources to meet the challenges of tomorrow*". The group also proposed that "*Our long-term objective is to develop a genuine European Defence Union with integrated European forces in the land, sea, cyber and air domains. These forces should complement national*

armies, in line with NATO's new force model, with the capacity for rapid deployment of a standing and immediately available force".

This leads us to imagine an initiative as ambitious as the one that led to the signing of the EDC Treaty in 1952. And so, it would be possible to take the step that the French National Assembly refused to take seventy years ago. It clearly seems that the seriousness of the problems of security and peace on our continent will lead us in this direction.

WHY RE-READ THE TREATY SIGNED IN PARIS ON 27 MAY 1952?

On European soil, a policy of imperial expansion is once again underway in the East. Those who are pursuing it seem to understand no other way of solving problems than by force, and to know no other limits than another force capable and determined to oppose them. On the other side of the Atlantic, Europeans are being called upon to assume their responsibilities.

It is worth remembering that a similar request in the 1950s made the reinforcement of American forces stationed in Europe conditional on a commitment by the Europeans to form a unified army under a single command integrated into NATO and which would accept the incorporation of German units into its ranks. The Republican candidate for the presidency of the United States has now put it in harsh and negative terms, but the result seems to us to be the same. Europeans need to think about guaranteeing their own security, first and foremost by building

A "commissioner responsible for defence issues" Institutional reforms and reflections based on the EDC Treaty

a European pillar within NATO, capable of operating autonomously.

It was the United States that pushed the Europeans, after the outbreak of the Korean War in 1950, as it faced the possibility of a conflict on two fronts (in Asia and Europe), to build a stronger, more integrated defence, in which Germany could have been fully included. Following these requests, the treaty was drafted and negotiated by Jean Monnet, Alcide De Gasperi and Konrad Adenauer. In France, Jean Monnet was behind the [declaration by the President of the René Pleven Council to the Assemblée nationale on 24 October 1950](#), for the integration of the military organisations of the six founding states, modelled on the Economic Coal and Steel Community[1].

In presenting the text to the Italian Parliament, the illustrative report signed by Alcide De Gasperi began by recalling *"the present political situation, so fraught with unknowns for Western Europe and for all that it represents of civilisation and spiritual values in the world"*. The answer, he continued, is not *"a traditional military alliance, but a body to which the participating states have transferred some of their sovereign powers (...) Common armed forces (not combined but integrated) and a common budget"*. Because, *"as its name indicates, the Community has exclusively defensive objectives, objectives set out in the preamble and specified in the first articles of the Treaty"*, the report continues, *"it cooperates closely with the North Atlantic Treaty Organisation"*: cooperation to which several articles and an entire protocol are devoted.

One of the aims of the EDC Treaty was to ensure that the common military objectives imposed by defence requirements were achieved in accordance with the economic objectives set by the Six in 1950. One principle is clearly stated in the preamble: *"... such integration will result in the most rational and economic utilization of the resources of their countries"*. In particular, thanks to the establishment of a common budget and joint armaments programmes, the representatives of France, Italy, Belgium, Luxembourg, the Netherlands and Germany announced their intention to *"ensure in this way the development of their military power without prejudicing social progress"*. These challenges were the same then as they are today.

These principles are developed in various provisions of the Treaty, starting with Article 3. The explicit objective is therefore the more rational use of each country's resources and the enlargement of production and consumer markets.

The core of the agreement is found in Article 9, which governs the *"European defence forces"*, formed from contingents made available by the Member States with a view to their amalgamation under the conditions laid down in the Treaty. The same article specifies - and this is a crucial passage - that *"Member States shall not have national armed forces"*, with a few strictly regulated exceptions (such as the corps intended for the personal guard of Heads of State). A special discipline is laid down for the Navy: only coastal defence formations will be part of the European forces. Then there was the question of the armed forces to be deployed in non-European territories: essentially, at the time, the French colonies. However, the treaty itself states that *"the total volume of these national forces must not be such as to jeopardise the participation of the Member State in the European defence forces"*. While police forces and other forces responsible for maintaining public order would retain their national character, their size would nevertheless be *"proportionate to the limits of their mission"* (Article 10).

The *"basic units"* of the European land forces would, according to the treaty, correspond to the traditional division. At this point, there would be no integration between elements of different nationalities, as would be the case at corps level (article 68). For each *Base Unit*, the protocol provided for a strength of 13,000 men for the land forces and 1,300 men for the air forces.

Of course, the agreements at the time presupposed [obligatory conscription](#) in all Member States. The latter has disappeared in most European countries. But it has become compulsory again in Latvia and Sweden, and Germany is considering a voluntary solution. The figures speak for themselves, and show how far removed the ambitions of the time are from today's prospects: the ["Strategic Compass"](#) approved in March 2022, includes among its main objectives that by 2025 the Union should have a rapid intervention capability of up to 5,000 units, to be used for external crisis management, an objective

[1] De Gasperi died on 19 August 1954, at the time of the conference to discuss the French amendments. Absent from the negotiating table, like Robert Schuman, only Konrad Adenauer remained in government after winning a clear parliamentary majority in the September 1953 elections.

on which there is no agreement either, [despite calls to the contrary](#). The Latvian Defence Minister stated, for example, that this European force should essentially be used "for interventions in defence of embassies". The idea is not to replace NATO, even if a degree of autonomy is envisaged, which was not the case with the EDC Treaty. Article 18 clearly states that the European defence forces would be entrusted to the supreme command of NATO ("The competent Supreme Commander responsible to the North Atlantic Treaty Organization shall, except as provided in Section 3 of this Article, be empowered to satisfy himself that the European Defence Forces are organized, equipped, trained and prepared for use in a satisfactory manner") and that this supreme command would have all powers and responsibilities in respect of these forces in time of war.

Now the issue is more complex and there is a debate between those who talk of the "[strategic autonomy](#)" of Europe and those who are more concerned about the role of NATO. The foreign ministers of France, Germany and Poland, meeting in Paris on 12 February 2024, clearly stated in a joint declaration: "Our objective is to make the European Union more united, stronger and better able to meet today's security challenges, towards a Security and Defence Union", while they also stated that they were "equally committed to a united and strong North Atlantic Treaty Organisation". During [a plenary session of the European Parliament on 28 February 2024](#), Ursula von der Leyen said that "European sovereignty will never diminish the importance and necessity of our alliance within NATO. In fact, a more sovereign Europe, particularly in defence matters, is essential to strengthening NATO".

Returning to the EDC Treaty, in addition to the integration of military schools (article 74), common uniforms (article 15) and the transfer to a Community court of powers to punish criminal offences committed by members of the European forces (article 18), the text also includes a series of provisions of an economic nature.

In particular, it provides for a common budget to be prepared by the "Commissariat" (the Community's main body, composed and organised in a similar way to the ECSC's High Authority and what was to become the

EEC's Commission); a budget that must be approved by the Council and then by the Parliamentary Assembly. The EDC Treaty would also entrust the Commissioner ("in consultation with the governments of the Member States") with the preparation of "joint programmes for armaments, equipment, supplies and infrastructure for European defence forces" (Article 101).

It is now "the joint development of advanced military capabilities" that is perhaps the most promising element of the "strategic compass". In this respect, the EDC Treaty foreshadowed a coordinated industrial policy.

Article 101 states that the EDC shall prepare the "common armaments, equipment, supply and infrastructure programmes for the European Defence Forces and shall ensure (...) the execution of such programmes". Article 102 stipulates that the Commissariat should make the best possible use of the technical and economic specificities of each State and, in cooperation with the competent NATO bodies, "operate with the aim of simplifying and standardising armaments, equipment, supplies and infrastructure as far and as rapidly as possible".

Today, this is precisely the question in hand: ensuring the standardisation of products and the interoperability of military instruments as the essential and overriding objectives of European defence. Article 104 contains an articulated discipline to ensure competitiveness (with exceptions justified by military secrecy). Article 107 - another crucial provision of the Treaty - stipulates that "the production of war materials, the import and export of such materials, measures concerning installations intended for the production of such materials, the manufacture of prototypes and technical research relating to the materials in question may be carried out only on the basis of an authorisation from the Commissariat, otherwise they are prohibited", unless specifically authorised by the Commissariat. Two annexes to this provision indicate the equipment to which it refers. A distinction is made between weapons whose production (import or export) is subject simply to authorisation by the Commissariat and others for which, if production takes place in "strategically exposed regions", a unanimous decision by the Council (i.e. the

A "commissioner responsible for defence issues" Institutional reforms and reflections based on the EDC Treaty

States) is also required. These include atomic weapons. The development of these weapons was therefore also envisaged in a European context, by entrusting specific tasks to the Commissariat, i.e. to the supranational body, and the location of production and installation sites was subject to a unanimous decision by the States.

This issue of introducing centralised planning elements for arms production also came back to the fore after Russia's aggression against Ukraine. [The regulation aiming to support the production of ammunition \(ASAP\)](#), approved in record time in July 2023, initially provided for a second pillar, which would have given the Commission significant powers (albeit to be exercised in agreement with the Member States) to intervene in the ammunition and missile market (a matter of the utmost urgency for the Ukrainian armed forces). The Commission had to draw up a detailed inventory of the companies in the industry, with a view to monitoring their production capacity and supply chains and assessing their "overall capacity to respond to expected changes in market demand". On the basis of this mapping, the Commission could have identified a list of "critical products" for which, in case of necessity (e.g. shortage of products to be sent to Ukraine), and still in dialogue with the Member States, it could have established "priority orders", requiring the company to fulfil them as a matter of priority, "at a fair and reasonable price", even with regard to orders already accepted. Unfortunately, this proposal immediately met with objections from the Member States, mainly because of the pressure exerted by the industry, as well as because of a somewhat uncertain legal basis.

WHAT KIND OF DEFENCE FOR EUROPE?

[In a speech delivered in Strasbourg in 1951](#) Alcide De Gasperi concluded, addressing the younger generations: "It's true that each of us has problems in our own country that press us from all sides, it's true that some may wish to continue this work of coordination in other, easier sectors, but everyone feels that this is a passing opportunity that will never come again. We have to seize it and make it part of the logic of history". Perhaps this opportunity has come again: the challenge set by Ukraine, then the [attacks that are making the Gulf of Aden dangerous](#) - and therefore the route through which a large proportion of

trade to and from Europe passes - and the prospects of an American disengagement forcefully drive home the need to consider European defence, in terms similar to those of seventy years ago.

To build an effective European system of defence that can function in the event of American disengagement or reduced commitments, simply increasing military spending is not enough. Even the target of 2% of GDP would be insufficient. The ability to deploy a sufficient number of regular troops when needed is not possible without the United States. The latter is currently the only country to have a complete set of forces at its disposal. But if Europe can no longer rely on the American umbrella, it will be necessary to build a real and solid European pillar within NATO, capable of providing the crucial military resources, such as heavy transport capacity and intelligence, that only the United States has at present.

The European Union should also play a greater role in the joint development and procurement of weapons systems and in other collaborative projects. [In the draft EDIP regulation](#), the idea is to use the EU budget to increase funding to complement the joint arms acquisitions signed by the Member States, as well as to ensure that production is purchased (as was done for coronavirus vaccines, an experiment that eventually led to an increase in European production). According to the Commission, this would rationalise the continent's defence industry, which is largely divided along national lines, and encourage the purchase of European products rather than buying from third countries. The regulation also proposes to strengthen European production chains and to build an export incentive mechanism based on the American model. Unfortunately, the resources available (€1.5 billion) seem insufficient for such [ambitious](#) objectives.

Increasingly, common defence is clearly emerging as a European public good. We can only regret the fact that the issue of financing common policies and the necessary investments was absent from the debates during the European elections. Drawing on the experience of *NextGenerationEU*, serious consideration should be given to the advisability of issuing European bonds, in other words the idea of [carrying out joint European borrowing](#)

[operations to finance joint purchases or the production of armaments](#). A stable and regular supply of these bonds would also strengthen the international role of the euro.

Once again, a common, organic and ambitious initiative such as that envisaged by the EDC Treaty would appear to be a step ahead and, in some respects, a vision for European institutional renewal.

Indeed, the "Industry Commissioner" is already responsible for the internal market, including the defence industry. The Lisbon Treaty also provides for a clear role for the High Representative in terms of defence. However, it is questionable whether this "functionalist" approach is sufficient. A European defence dimension could certainly be developed on the basis of the Lisbon Treaty without the need for an *ad hoc* European Commissioner. It would suffice to give the High Representative, Vice-President of the Commission, the appropriate powers. However, its implementation is encountering objective difficulties, as shown by the question of strengthening the so-called [European Peace Facility](#); this is perhaps the sign of a necessary institutional renewal.

If the objective is to ensure that Europe does not need the American umbrella to defend itself, then it should build its own autonomous defence capability within NATO, with all the differences of a specific historical context (different

global scenario, different players engaged in the field, different role and weight of Europe in the world). Perhaps the time has come to make a qualitative leap forward in the integration process, submitting a new treaty on European defence to public debate, then to European citizens and, finally, to national parliaments.

As is often the case, we can refer to the wise words of Robert Schuman[2]: in the process of European integration "it is advisable to proceed by stages, in sectors that are psychologically mature and where particular technical facilities suggest a spectacular result". In the case of the EDC, he admitted in 1963 that "one is not always master of the choices to be made or of the order of urgency of the problems (...); the EDC, designed to avoid the reconstitution of a German national army and its general staff, was prematurely imposed on public opinion by the Berlin blockade and the Korean War. We must prepare people's minds to accept European solutions by combating everywhere not only claims to hegemony and the belief in superiority, but also the narrowness of political nationalism, autarchic protectionism and cultural isolationism".

Luigi Gianni

Director of the Research Department of the Senate
of the Republic of Italy

[2] Robert Schuman, [For Europe](#), Paris, 1963, pp. 46-47.

You can read all of our publications on our site:
www.robert-schuman.eu/en

Publishing Director: Pascale JOANNIN
ISSN 2402-614X

The opinions expressed in this text are the sole responsibility of the author.

© All rights reserved, Fondation Robert Schuman, 2024

THE FONDATION ROBERT SCHUMAN, created in 1991 and acknowledged by State decree in 1992, is the main French research centre on Europe. It develops research on the European Union and its policies and promotes the content of these in France, Europe and abroad. It encourages, enriches and stimulates European debate thanks to its research, publications and the organisation of conferences. The Foundation is presided over by Mr. Jean-Dominique Giuliani.