

The European Communities

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On 9 May 1950, in Paris, in a speech inspired by Jean Monnet, Robert Schuman, French Foreign Minister, proposed that *Franco-German production of coal and steel as a whole be placed under a common High Authority, within the framework of an organisation open to the participation of the other countries of Europe*. That ‘concrete achievement’, relating to ‘one limited but decisive point’ — the heavy industry of two long-opposed countries — was to set up common foundations for the economic development of the European nations while preventing their confrontation. The aim was to create ‘*de facto* solidarity’ as a first step in the ‘federation of Europe’.

That famous declaration marked the beginning of the history of the European Communities. It set out the principles of the functional and step-by-step construction of the European Communities as it was actually achieved subsequently: its economic foundations and its goal of political unification, its method of sectoral integration based on joint decision-making and its evolutionary and open nature.

The immediate consequence of the French Government’s Declaration was the signing in Paris, on 18 April 1951, of the Treaty establishing the **European Coal and Steel Community** (ECSC). That Treaty, which entered into force on 23 July 1952 for a period limited to 50 years, integrated the economic sectors of the coal and steel industry. Based on the same principles as those set out in the Declaration, the Treaty establishing the **European Economic Community** (EEC) and the **Treaty establishing the European Atomic Energy Community** (EAEC or Euratom) were signed in Rome on 25 March 1957. Those Treaties, which entered into force on 1 January 1958 for an unlimited period, provided for the further integration of economic sectors by creating a common market as part of the EEC and by pooling nuclear industries under Euratom. As an organisation designed for the common management of the entire economy of the Member States, the EEC soon emerged as the most important Community. It became the main tool for — indirectly — achieving political unification.

The three European Communities were set up as three **distinct**, international organisations, each with its own institutions and fields of activity. Moreover, compared with their ‘big sister’ — the Council of Europe — they emerged as organisations that were **restricted**, in terms both of their field of activity — initially purely economic — and of their membership — originally six Member States. Thanks to their evolutionary and open nature, however, they tended to deepen constantly in a growing number of fields of activity and to enlarge gradually to include more Member States.

The European Communities were the first organisations based on **supranational integration**, with the states that composed them pooling a whole range of national powers. The Member States of the Communities did not confine themselves to coordinating their policies, as they could have done within a traditional international organisation based on intergovernmental cooperation, they conducted them jointly by creating common institutions responsible for Community decision-making. In accordance with the principle of the allocation of powers, however, the Communities and their institutions act within the limits of the powers conferred on them and the objectives assigned to them by the treaties establishing them. It is, therefore, always a matter for the Member States to decide whether to extend Community powers to new fields of activity by reforming those treaties.

The three Communities were created separately, and each retained its legal personality and its respective powers under each treaty. Nevertheless, because of the need to save on resources and the desire to avoid duplication of effort, the three Communities’ institutions were merged. The entry into force, on the same date as the Treaties of Rome to which they were annexed, of the *Convention on certain institutions common to the European Communities* made it possible, from the outset, for the three Communities to share a single Assembly and a single Court of Justice. The entry into force on 1 July 1967 of the *Treaty establishing a Single Council and a Single Commission of the European Communities* then led to the ‘merger of executive bodies’. From that date on, the three Communities also shared a single Commission and a single Council. That treaty also created a single budget and administration for the Communities, together with uniform Staff Regulations applicable to their officials and other servants.

Despite the difficulties created by the existence of three distinct Communities, one of which had general economic powers, unification of the Communities, over and above their organic merger, was not to happen. The various projects to merge the Communities by the adoption of a single treaty were to fail. Furthermore, until the Single European Act was adopted in 1986, the major institutional reforms took place in a strictly Community framework (such as replacement of Member States' financial contributions by the Communities' own resources in 1971, increase in the European Parliament's democratic legitimacy as from its first direct election in 1979 and gradual increase in its legislative and budgetary powers). The only area of growth was cooperation in foreign policy, which covered practical diplomatic relations, outside the Community system.

The European Single Act, which entered into force on 1 July 1987, institutionalised European political cooperation (EPC), thereby putting an end to the 'purely' Community Europe. Henceforth, the Member States, acting within the Community institutional framework, applied both the method of supranational integration (in connection with Community policies) and the method of intergovernmental cooperation (in connection with EPC) in their areas of common activity. Despite its title, the Single European Act did not lead to a merger of the various treaties. First and foremost, it was a treaty reforming the constituent treaties, and it consolidated, in a single act, the amendments to the treaties establishing the European Communities and the provisions on EPC. The Communities, with the EEC as their main organisation, remained the structure's 'central pillar'.

With the entry into force on 1 November 1993 of the Treaty on European Union (EU Treaty), two intergovernmental pillars were added to the Community pillar within a single institutional framework: the common foreign and security policy (CFSP), which superseded EPC, and the policy of cooperation in the fields of justice and home affairs (JHA). Within this complex system, the three Communities survived with distinct legal personalities until the expiry of the ECSC Treaty on 23 July 2002. Since then, only two Communities have constituted the Community pillar of the European Union. With the EU Treaty, the EEC became known as the European Community (EC) in order to highlight the extension of its powers to non-economic areas such as education, culture and public health.