

Stages along the Communities' path towards political union

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Stages along the Communities' path towards political union

The European Communities — the supranational route

The ECSC — an economic foundation for a political goal

Since Europe cannot be 'made all at once', as Robert Schuman pointed out in his Declaration of 9 May 1950, the European Communities, for reasons of practicality and operational efficiency, were created as specialised organisations in the economic sphere, organisations that were strongly technical in character. Nevertheless, since their creation, the Communities have been pursuing a more ambitious general aim, namely the political unification of the continent.

For example, in the Preamble to the 1951 Treaty establishing the **European Coal and Steel Community** (ECSC), the six founding States declared themselves *resolved [...] to create, by establishing an economic community, the basis for a broader and deeper community among peoples*. The ECSC was, therefore, an initial step towards a comprehensive political structure on a long road made of individual projects ranging from the bold to the pragmatic.

Even if the community gamble was taken within a restricted sphere of activity, its methodology was very daring, departing entirely from the procedure of intergovernmental cooperation that had traditionally characterised the work of international organisations. In conventional international bodies, the member countries always kept hold of the reins of power and controlled joint decisions, which were taken unanimously by representatives of the national governments. The community method, by contrast, entails the assignation of certain governmental powers to a supranational organisation, one endowed with its own institutions authorised to exercise those powers. To this end, the institutions enjoy their own autonomous decision-making power.

The European Political Community — an ambitious effort with a global dimension

The first attempt at political union came along very quickly with the adoption by the *Ad Hoc* Assembly in Strasbourg on 10 March 1953 of a **Draft Treaty defining the Statute of the European Community**. Closely linked to the project for the creation of a European Defence Community (EDC), this bid, which came rather early in the European integration process, proved too ambitious to succeed. It was part of a general plan which, since it touched on the most sensitive issues of foreign and defence policy, involved an acceleration of the functional strategy of step-by-step, sector-by-sector integration. The new Community was conceived as an indissoluble supranational organisation, based on a union of peoples and States and forming, in conjunction with the ECSC and the EDC, a single legal entity. The project for a Political Community had to be scrapped following the rejection by the French National Assembly, on 30 August 1954, of the draft Treaty establishing the EDC.

EEC and Euratom — return to the step-by-step functional approach

Following the failure of the EDC, putting the community project back on track required a return to the more modest functional approach of phased integration on a sector-by-sector basis. The strategy consisting of prior integration of more economic sectors gave rise to the creation in 1958 of the **European Economic Community** (EEC) and of the **European Atomic Energy Community** (EAEC or Euratom). The EEC framework provided for a transitional period of 12 years, subdivided into three stages, for the gradual creation of a common market. The ultimate goal of political unification was reaffirmed in the Treaty establishing the EEC. The Six, in deciding to create the EEC, were, in their own words, *determined to lay the foundations of an ever closer union among the peoples of Europe*.

The alternative to the Communities — the intergovernmental route

Efforts specifically designed to achieve political unification were not resumed until the first summits of Heads of State or Government of the Six, which were convened outside the institutional framework of the

Communities. The decisive impetus that they lent to the process resulted in the gradual introduction, on the fringes of the Community system, of the first forms of practical intergovernmental cooperation in political matters.

The Fouchet Plans — a French venture along the intergovernmental route

The first summit, held in Paris on 10 and 11 February 1961 on the initiative of Charles de Gaulle, instructed an intergovernmental committee under the chairmanship of a French diplomat, Christian Fouchet, to study ‘problems concerning European cooperation, especially those relating to the development of the Communities’. On 18 July 1961, meeting in Bad Godesberg, near Bonn, the Heads of State or Government of the Six, ‘resolved to develop their political cooperation with a view to the union of Europe and to continue at the same time the work already undertaken in the European Communities’, refined the mandate of the intergovernmental committee. In particular, they asked it to submit proposals on the means that could be used to give a statutory character as soon as possible to the union of their peoples. The Fouchet Committee, in other words, was given the task of drawing up a draft treaty.

At that second summit, the Heads of State or Government also decided to hold meetings at regular intervals with a view to comparing their views, aligning their policies and reaching common positions in order to further the political union of Europe. They emphasised that cooperation among the Six must go beyond strictly political matters into other spheres, particularly those relating to education, culture and research. The summit meetings therefore became a crucial source of political impetus.

On 2 November 1961, the committee chaired by Christian Fouchet presented its draft treaty, more commonly known as ‘**Fouchet I**’. Its aim was the establishment of an indissoluble union of states, highly intergovernmental in character. Under this first Fouchet Plan, the Council, as the principal institution, would deliberate on all questions whose inclusion on the agenda had been requested by one or more Member States and would unanimously adopt the decisions required for the attainment of the aims of the Union, which would include the adoption of a common foreign policy and a common defence policy, cooperation in the fields of science and culture, and the defence of human rights and democracy. The European Parliament, a strictly consultative assembly, was to remain the same body that had been established by Article 1 of the 1957 Convention on certain institutions common to the European Communities. Lastly, a European Political Commission, comprising senior officials from the Foreign Ministries of each Member State, was to assist the Council by preparing its deliberations and carrying out its decisions.

A second version of the draft treaty, known as ‘**Fouchet II**’, was presented by France on 18 January 1962. It specified the areas of cooperation involved — foreign policy, economic affairs, culture and defence — and established the distinction between the Council, consisting of the Heads of State or Government of the Member States, and the Committees of Ministers, which would report to the Council. The final decision, however, would always rest with the Council.

On 20 January 1962, the other five Member States, having concluded that the second version of the Fouchet Plan proposed by France was too intergovernmental in character, tabled their own **counterproposal** for a treaty establishing a union of States and European peoples, designated for the first time by the term ‘European Union’. Among the main features of this counterproposal, which included the Court of Justice as an institution of the Union, were the possibility of ultimately establishing links between the Union — an intergovernmental structure — and the supranational Communities, the two having been conceived from the outset as independent organisations. To this end, the counterproposal provided for a general revision of the treaty at the time fixed for the transition from the second to the third stage laid down in the Treaty establishing the EEC, at the end of the transitional period in the establishment of the Common Market. This general revision, to be prepared by the Council in the form of a *draft constitution of the European Union*, was to take effect in parallel with the reforms to be made with a view to simplifying and rationalising the structures created by the Treaties of Paris and Rome. The aim was the ultimate integration of the European Union and the European Communities in an organic institutional framework. The revision would also lay down procedures for the gradual introduction of the majority-vote principle when decisions were taken in the Council and provide for the European Parliament, directly elected by universal suffrage, to be associated

more closely with the work of defining and implementing the common policies.

The division between France and its partners — particularly the three Benelux countries, which were more attached to the community system — resulted in the abandonment of the ‘Fouchet Plans’. Nevertheless, the provisions of those two drafts would form the basis of the Élysée Treaty on Franco-German cooperation, signed by the French Republic and the Federal Republic of Germany on 22 January 1963.

The Luxembourg Report and the birth of European Political Cooperation

The time to reconsider the question of political unification came in December 1969, in the run-up to the start of the final stage in the creation of the Common Market. The expiry of the transitional period at the end of the year was the right moment to review progress and to define the broad guidelines for the future. Moreover, the opening of accession negotiations with four applicant countries — Denmark, Ireland, Norway and the United Kingdom — was scheduled for 1970. Against this backdrop, the summit held on 1 and 2 December 1969 in The Hague imparted fresh momentum to the unification process. The Heads of State or Government of the Six envisaged the formulation, during 1970, of a phased plan for the establishment of an economic and monetary union. In addition, they instructed the Ministers for Foreign Affairs ‘to study the best way of achieving progress in the matter of political unification, within the context of enlargement’.

On 27 October 1970, in fulfilment of the mandate conferred by the Hague Summit, the Ministers for Foreign Affairs of the Six, meeting in Luxembourg, adopted the **Davignon Report**, which proposed the pursuit of political unification by means of cooperation in the field of foreign policy. In an initial phase, the Member States of the Communities would create channels through which they could harmonise their views in the field of international politics. Foremost among these channels would be meetings of the Foreign Ministers at six-monthly intervals, which could be replaced, where necessary, by conferences of Heads of State or Government, should the importance of the subjects on the agenda so warrant. A Political Committee, comprising the heads of the political affairs departments, would do the groundwork for the ministerial meetings. By fostering the development of common attitudes, and, possibly, common action, the Member States of the Communities would prepare gradually for the joint discharge of responsibilities in the field of foreign affairs. At the same time, they would draw public attention to the political mission of Europe.

The idea underlying the report was that any progress in this field must necessarily promote the development of the Communities. In the Davignon Report, the Ministers undertook to continue their quest to identify the best way of achieving progress towards political unification and said that a second report would be submitted.

The Copenhagen and London Reports and the development of European Political Cooperation

Until the Single European Act entered into force in 1987, the Davignon Report remained the basis of European Political Cooperation (EPC). It was supplemented by the 1973 Copenhagen Report, the 1981 London Report and the 1983 Solemn Declaration on European Union.

— Acting on the Davignon Report, the Foreign Ministers of the Member States of the European Communities adopted a **Second Report on European Political Cooperation on Foreign Policy** in Copenhagen on 23 July 1973. In this Second Report, the Ministers noted ‘that the characteristically pragmatic mechanisms set up by the Luxembourg Report have shown their flexibility and effectiveness’. With a view to improving political cooperation, they decided to meet four times a year. In addition, they provided for the establishment of a Correspondents’ Group and the creation of working parties, they defined the role of the embassies and the Permanent Representations, and they agreed to establish a communications system with a view to facilitating direct contact between their departments (the system was called *COREU*, an abbreviation of the French term *Correspondance européenne*). They emphasised that the purpose of their consultation was to seek common policies on practical problems.

— In London, on 13 October 1981, the Foreign Ministers of the Ten adopted a **Report on European Political Cooperation** which set out a more consistent approach to international issues, including security

aspects. They committed themselves to consulting their partners before launching national initiatives on any important questions of foreign policy which were of concern to the Ten, emphasising the objective of not only adopting common attitudes but also taking joint action. In this report, they also defined some practical improvements designed to enable them to shape the course of events rather than merely react to events as they occurred. They also stressed that analyses and draft texts submitted to Ministers should include either precise recommendations or clearly defined options, on the basis of which the Ministers could take decisions for future action. In particular, the report provided for the establishment of a crisis procedure whereby a meeting of the Political Committee or, where necessary, a ministerial meeting could be convened within 48 hours at the request of three Member States. In addition, as a means of improving the capacity of the Ten to react in an emergency, working parties were encouraged to analyse areas of potential crisis and to prepare a range of possible reactions by the Ten.

— On 19 June 1983, the 10 Heads of State or Government of the Member States of the European Communities, meeting within the European Council in Stuttgart, signed a **Solemn Declaration on European Union**. They emphasised the importance of greater coherence and close coordination between the existing structures of the European Communities and European Political Cooperation at all levels as the key to comprehensive and consistent action to achieve European Union. To this end, they defined the roles of the institutions in relation to EPC: the European Council would define approaches to further European integration and issue general political guidelines for the European Communities and European Political Cooperation; the Council would deal with matters for which it was competent under the Treaties and matters falling under the heading of European Political Cooperation; the European Parliament would debate all matters relating to European union, including European Political Cooperation; and the Commission would be fully associated with the work of European Political Cooperation.

In conclusion, even though EPC developed gradually on the fringes of the community system, the Member States of the Communities were resolved to improve the consistency of their action in the field of economic integration, for which the Communities were responsible, and in the realm of intergovernmental political cooperation, based on consultation and harmonisation of positions.

Convergence of the community route and the intergovernmental route: the need for coherent action

Political impetus from the summits of Heads of State or Government

Following the first summit, held in Paris in February 1961, the meetings of Heads of State or Government became increasingly successful in generating fresh political impetus from their place outside and above the Community system. Their special position enabled them to develop a strategy of gradual convergence between the community and intergovernmental routes, leading ultimately to European union:

— In Copenhagen, in December 1973, the nine Heads of State or Government adopted the **Declaration on European Identity**, committing themselves to developing further the cooperation that had been established on the basis of the Luxembourg and Copenhagen Reports and reaffirming the intention that they had already expressed in Paris in October 1972 of transforming the entire complex of their relations into a European Union by the end of the decade.

— Meeting in Paris in December 1974 with the Foreign Ministers and the President of the Commission, the Heads of State or Government stated that they considered it essential to ensure progress and overall consistency in the activities of the Communities and in the work on political cooperation. To this end, they decided to meet, accompanied by the Foreign Ministers, at least three times a year. This meeting marked the start of the institutionalisation of the European Council. In addition, with a view to formulating an agreed concept of European Union, they asked Parliament, the Commission and the Court of Justice to submit reports before the end of June 1975 and invited Leo Tindemans, Prime Minister of Belgium, to submit a comprehensive report to the Heads of Government by the end of 1975 on the basis of the reports received from these institutions and of the consultations that he was to carry out with the Governments and with associations representing the general public in the Member States of the Community.

In his **Report on European Union**, presented on 29 December 1975, Leo Tindemans pointed out that the various facets of European Union were closely connected. The development of the Union's external relations, he said, could not occur without a parallel development of common policies internally; neither could be achieved without consolidation of the authority and effectiveness of the common institutions. Accordingly, he proposed a *single decision-making centre* covering all the aspects of problems that were relevant to European interests. In the definition of a common foreign policy, all aspects of the external relations of the European Union had to be taken into consideration — tariff and trade policies, foreign and security policies, etc. In Mr Tindemans' view, the existence of a single decision-making centre — in which he emphasised the special role of the European Council and the Council — did not mean that there would be confusion between the activities that were currently the responsibility of the Community and those covered by political cooperation. It would be sufficient to use different procedures to deal with different types of problem. As far as Community activities were concerned, he observed that the development of new policies on the basis of the Treaties did not cause any particular problems. With regard to political cooperation, however, he proposed that the political commitment of the Member States which formed the basis of political cooperation be changed into a legal obligation.

— In November 1976, the European Council, meeting in The Hague, stated that it shared the views expressed by Leo Tindemans in his report on the need to build European Union and gradually to equip the Union with the instruments and institutions required for its operation.

— In December 1978, the European Council entrusted a Committee of Wise Men with a mandate to 'consider adjustments to the machinery and procedures of the institutions which are required for the proper operation of the Communities [...] and for progress towards European Union'.

In the **Report on the European Institutions** presented to the European Council in October 1979, the Three Wise Men referred to the difficulty involved in choosing the appropriate procedures when the Member States of the Communities tried to progress in a new direction. In their opinion, there was a need to define the role that could be played by cooperation methods not envisaged by the Treaties, recognising their usefulness in certain circumstances but guarding against the perils of proliferation, namely that the force of existing common policies might be undermined, that mechanisms could be complex and cumbersome and that harmonising the various areas of activity might prove difficult. Recourse to non-Treaty methods could be a temporary expedient, a first phase in cooperation procedures within a new area of activity for which the Treaties provided no legal basis. Treaty obligations would be established thereafter. As for the choice of working methods, a special role would be conferred upon the European Council because of its hybrid nature — covering both Community and political-cooperation matters. The Three Wise Men emphasised that it was in the European Council's relations with the institutions provided for in the Treaties that they had found most scope and most need for improvement; they suggested preserving an appropriate role for the Council, strengthening the Commission in its cooperation with Heads of Government and establishing direct relations between the European Council and Parliament. The aim of these proposals was to integrate the European Council as far as possible into the normal framework of interinstitutional relations.

— At the meeting of the European Council held in Stuttgart in June 1983, the Heads of State or Government of the Ten signed a **Solemn Declaration on European Union**. In it, they emphasised the importance of greater coherence and close coordination between the existing structures of the European Communities and European Political Cooperation at all levels as the key to comprehensive and consistent action to achieve European Union. This declaration, which complemented the Luxembourg, Copenhagen and London Reports

on EPC, took over some elements of the **Draft European Act** presented in November 1981 by the Governments of the Federal Republic of Germany and of the Italian Republic (the Genscher–Colombo Plan).

Combining Community and intergovernmental methods in a complex legal structure

Initiatives leading to the Single European Act: the Genscher–Colombo Plan, the Spinelli Report and the Dooge Report

Several initiatives were to have a more direct bearing on the adoption, in 1986, of the Single European Act. The idea of creating a *legal union*, merging the activities of the Communities with the EPC system, was ultimately implemented by means of a treaty.

The Genscher/Colombo Plan

On 6 November 1981, the Governments of the Federal Republic of Germany and of the Italian Republic presented a **Draft European Act**, the intention being that it should be signed by the Heads of State or Government of the ten Member States of the European Communities, meeting within the European Council. The Act took the form of a joint declaration, through which the Heads of State or Government reaffirmed their political will to develop the entire complex of relations between their States and to create a European Union. The Act was to be subject to general revision five years after the date of signature. The revision would entail the drawing up, on the basis of the cumulative progress achieved in the European integration process, of a *Treaty on European Union*.

The basic principle was that Europe integration must be more clearly orientated towards its political objectives and must be given more effective decision-making structures and a comprehensive political and legal framework which incorporated past achievements as well as offering scope for further development. To that end, the Act provided for measures to amalgamate the structures of the European Communities, of European Political Cooperation and of the European Parliament, which would debate all matters relating to the European Communities and to EPC. In particular, the Genscher–Colombo Plan proposed that the European Council and the councils of specialist Ministers should be assisted, where matters pertaining to the European Communities were concerned, by the Secretariat of the Council and, in the fields of foreign policy, security policy and cultural cooperation, by a European Political Cooperation Secretariat.

The draft Treaty establishing the European Union

On 14 February 1984, the European Parliament adopted a **draft Treaty establishing the European Union**, more commonly named the ‘Spinelli draft’ after Altiero Spinelli, the rapporteur appointed by the Committee on Institutional Affairs to draft the proposed instrument. The entry into force of the Treaty depended on its being ratified by a majority of the Member States whose aggregate population amounted to two thirds of the total population of all the Member States. Its aim was to establish the European Union as an organisation with its own legal personality.

The Union, which would take over the *acquis communautaire*, which included the provisions of the Treaties establishing the European Communities and of the Conventions and Protocols relating thereto, was to pursue its goals either by *common action* or by *cooperation* between the Member States. Common action meant all acts of the Union originating in its institutions, while cooperation referred to all the commitments made by the Member States within the European Council. Provision was made for a transfer procedure whereby matters on which the Member States acted by cooperation could become the subject of common action. The Union would conduct its international relations by means of common action or cooperation, depending on the matter in hand.

Within the institutional structure proposed in the Spinelli Report, Parliament, directly elected by universal

suffrage, would participate in legislative and budgetary procedures with the Council and exercise political supervision of the Commission.

The Dooge Report

The European Council, meeting in Fontainebleau on 25 and 26 June 1984, agreed on the establishment of an *ad hoc* committee consisting of the personal representatives of the Heads of State or Government. The committee was to be modelled on the Spaak Committee that had been appointed in 1955, following the Messina Conference, and was instructed to ‘make suggestions for the improvement of the operation of European cooperation in both the Community field and that of political, or any other, cooperation.’

The ‘Dooge Committee’, which presented its **Report on Institutional Affairs** in March 1985, did not claim to be drafting a new Treaty in legal form, confining itself to setting out ‘the objectives, policies and institutional reforms which are necessary to restore to Europe the vigour and ambition of its inception’. It did, however, call on the Member States to demonstrate their common political will by moulding a *genuine political entity*, i.e. a European Union, and proposed that a conference of representatives of the governments of the Member States be convened to negotiate a draft European treaty ‘based on the *acquis communautaire*, the present document and the Stuttgart Declaration on European Union’ and that the conference be ‘guided by the spirit and method of the draft Treaty voted by the European Parliament’.

Among its priority objectives, the Committee included the creation of a homogenous internal economic area as an essential step towards the objective of economic and monetary union, for which calls had been made since 1972, the promotion of the common values of civilisation (measures to protect the environment, the gradual achievement of a European social area, the gradual establishment of a homogeneous judicial area and the promotion of common cultural values) and the search for an external identity through interaction between the common policies with an external dimension, external policies such as development and trade policies and activities in the sphere of European Political Cooperation, including the security and defence aspects of such activities.

As far as the means to these ends were concerned, the Committee proposed a return to the Treaties and the community method, with the establishment of qualified majority voting as the norm in decision-making by the Council, strengthening of the roles of the Commission and Parliament, the latter being directly elected by universal suffrage, and consolidation of the role of the Court. According to the Committee, there was a need to reverse the tendency to downgrade the European Council to simply another body dealing with the day-to-day business of the Community. The European Council should play a strategic role and give direction and political impetus to the Community.

The Single European Act: institutionalisation of EPC alongside the Communities

The Single European Act, which was signed in 1986 and entered into force in 1987, would finally merge the amendments to the Treaties establishing the Communities and the provisions concerning EPC into a single instrument. For the first time, an applicable international treaty affirmed that the European Communities and European Political Cooperation had as their objective to contribute together to making tangible progress towards *European unity*. In the common provisions, the European Council was finally institutionalised as a body consisting of the Heads of State or Government of the Member States and the President of the Commission.

Within the Community framework, the Single European Act provided in particular for the progressive establishment of an *internal market* over a period expiring on 31 December 1992.

As for EPC, Title III of the Act included provisions which ‘confirm and supplement the procedures agreed in the reports of Luxembourg (1970), Copenhagen (1973) and London (1981), the Solemn Declaration on European Union (1983) and the practices gradually established among the Member States.’

The Treaty on European Union — consolidation of the multipillar architecture

The Single European Act, with its Community and intergovernmental dimensions and the European Council as a common source of impetus for both elements, prepared the ground for the construction of an overarching *pillared* edifice finally equipped with a single institutional framework. This new architecture was to be put in place from 1993, following the entry into force of the Treaty on European Union, signed in Maastricht in 1992.

It was in Dublin, in June 1990, that the European Council decided to convene an Intergovernmental Conference (IGC) on political union and to open two conferences in Rome in the December of that year: one on economic and monetary union, which had already been agreed in 1989, and one on political union. In so doing, the European Council fulfilled a wish expressed in April 1990 by **François Mitterrand** and **Helmut Kohl** for accelerated European political integration. In a **joint message**, they had proposed that the preparatory work for an Intergovernmental Conference on economic and monetary union be stepped up and that a start be made on preparations for an Intergovernmental Conference on political union, to be held simultaneously as parallel negotiations. Their aim was that both of these fundamental reforms — economic and monetary union and political union — should enter into force on 1 January 1993 after ratification by the national parliaments.

On 15 December 1990, the Rome European Council, in its conclusions, set out the procedural framework for the two IGCs, which were officially opened in Rome on that same date. In June 1991, on the basis of the dominant trends that became apparent during the proceedings at both IGCs, the Luxembourg Presidency of the Council presented the single consolidated text of a **draft Treaty on Union**, designed to mark a new stage in the gradual process leading to a federal union. The draft provided for a union with a single institutional framework, based on the European Communities and supplemented by the policies and forms of cooperation that the proposed treaty would introduce. Following a set of common provisions and provisions amending the Treaties establishing the Communities, the draft included one Part dedicated to *provisions relating to the common foreign and security policy* and another devoted to *provisions on cooperation in the fields of justice and home affairs*.

In this way, the draft, which served as the basis for the conduct of negotiations at the two IGCs, defined a three-pillar structure for the Union, comprising one Community pillar and two intergovernmental pillars. This was the structure that would be adopted by the European Council in Maastricht on 9 and 10 December 1991.

The **Maastricht Treaty**, which entered into force on 1 November 1993, finally established a *European Union*, based on the European Communities and supplemented by the policies and forms of cooperation introduced by the new Treaty. It should be noted that the Union, which does not possess legal personality, was instituted as part of the process of creating an ever closer union among the peoples of Europe and ‘in view of further steps to be taken in order to advance European integration’. In the Community framework, for example, provision was made for the establishment of economic and monetary union in three stages. In the two domains of intergovernmental cooperation (the common foreign and security policy and cooperation in the field of justice and home affairs), the Union would gradually adopt common positions and implement common measures.

The Treaty on European Union did not provide for a link between the intergovernmental pillars and the Community pillar through which areas of cooperation could be incorporated into the Community system. Its final provisions did, however, lay down a procedure for revision of the Treaties on which the Union was founded. Amendments to be made to the Treaties had to be adopted by common accord at an IGC and would only enter into force after being ratified by all the Member States in accordance with their respective constitutional requirements.

Just as the Communities, at the time of their inception, were intended to evolve, so, too, is the European Union as established by the Maastricht Treaty. Political union has still not been accomplished.