

EU Constitutional Law: I. The development of European integration

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I. The development of European integration

In this part of the course, we will take a brief overview of:

- The History of European integration
- The Founding Treaties, enlargement and reforms.

History of European integration

Development of the «European Idea»

- The European idea was originally a humanist, pacifist ideal that turned into a true political project.
- The two world wars in the first half of the 20th century resulted in Europe losing its position as the world's leading economic and political power and saw the end of the imperialist and colonialist phase of European history as well as a devastated continent.
- The move to European integration after 1945 was to:
 - overcome national antagonism
 - create the conditions for lasting peace and prosperity in Europe
 - reach these goals by creating a structure
 - based on the rule of law and
 - serving the common interests of the peoples of Europe.

First steps after 1945

Important dates:

- January 1948: Establishment of the Benelux Customs Union
- 5 May 1949: Statute of London establishing the

Council of Europe / Conseil de l'Europe / Europarat

(the major objective of which is currently the protection of fundamental rights under the European Convention on Human Rights (ECHR) of 4 November 1950)

- 9 May 1950: Presentation of the '*Schuman Plan*' (which proposed that European integration could ensure peace in Europe through the implementation of the '*Monnet method*').

The Schuman declaration (1)

translation

‘World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it.’

‘Europe will not happen overnight, or as part of some grand design; it will come about in practical steps, building on a sense of common purpose.’

‘With this aim in view, the French Government proposes to take action immediately on one limited but decisive point.’

‘The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe.’

‘In this way there will be realised simply and speedily that **fusion of interests which is indispensable to the establishment of a common economic system; it may be the leaven from which may grow a wider and deeper community** between countries long opposed to one another by sanguinary divisions.’

The Schuman declaration (2)

translation

‘By pooling basic production and by instituting a new higher authority, whose decisions will bind France, Germany, and other member countries, this proposal will lead to the realisation of the first concrete foundation of a European federation indispensable to the preservation of peace.’

Aims:

‘Conditions will gradually be created which will spontaneously provide for the **more rational distribution of production at the highest level of productivity.**’

‘The common **higher authority** entrusted with the management of the scheme will be composed of independent persons appointed by the Governments on an equal basis (sur une base paritaire).’

‘A chairman will be chosen by common agreement between the Governments.’

‘**The authority’s decisions will have executive force** in France, Germany, and **other member countries.**’

‘Appropriate measures will be provided for **means of appeal** against the decisions of the authority.’

The first European Community

- 18 April 1951: Treaty of Paris establishing the
European Coal and Steel Community (ECSC) /
Communauté européenne du charbon et de l'acier (CECA)
/ Europäische Gemeinschaft für Kohle und Stahl (EGKS)
(concluded for a duration of 50 years – July 1952-June 2002 - by 6
founding members: Belgium, France, Germany, Italy, Luxembourg and
the Netherlands)
- 1952-1954: (Draft) Treaties on European Defence Community (EDC)
and European Political Community (EPC) was not ratified in France.
- 1955-1956: Messina Conference on further European integration.
Establishment of *Spaak Committee* and *Spaak Report*.

THE CREATION OF THE EUROPEAN Economic Community

- 25 March 1957: The Rome Treaties (entry into force: 1 January 1958) creating the
 - European Economic Community (**EEC**)
Communauté économique européenne (CEE)
Europäische Wirtschaftsgemeinschaft (EWG)
(6 Member States: Belgium, France, Germany, Italy, Luxembourg and the Netherlands) and
 - European Atomic Energy Community (**EAEC**) /
Communauté européenne de l'énergie atomique
(CEEA) / Europäische Atomgemeinschaft (EAG) or
Euratom.

Enlargement and reforms (1)

- 1965: Merger Treaty / traité de fusion / Fusionsvertrag merging the executive bodies of the EEC, ECSC and Euratom
- 1973: First enlargement to include Denmark, Ireland, United Kingdom (9 Member States)
- 1979: First direct elections to the European Parliament
- 1981: Accession of Greece (10 Member States)
- 1986: Accession of Portugal and Spain (12 Member States)

Enlargement and reforms (2)

- 1986: Signing of
 - Single European Act / Acte unique européen /
Einheitliche Europäische Akte
 - Major Treaty reform of the founding Treaties.
 - Transformed the European Parliament from a body having to be heard by the Council to a body with increasing powers.
 - Set a target date for the completion of the ‘single market programme’ with the aim of establishing the single market by 1992
- 1990: former GDR joins the European Communities as part of Germany (12 Member States)

Enlargement and reforms (5)

The EU

- 1992: Treaty of Maastricht signed, enters into force in November 1993 creating **the European Union (EU)** / Union européenne (UE) / Europäische Union (EU)
 - EEC is renamed **European Community (EC)** / Communauté européenne (CE) / Europäische Gemeinschaft (EG).
 - Establishment of second and third ‘pillars’ alongside the EC:
 - common foreign and security policy (CFSP)
politique étrangère et de sécurité commune (PESC)
Gemeinsame Außen- und Sicherheitspolitik (GASP)
 - cooperation in the fields of justice and home affairs
 - Timetable set for Economic and Monetary Union (EMU)
→ leading eventually to the introduction of the Euro.
 - Reform of legislative procedures with the introduction of the codecision procedure / procédure de codécision / Mitentscheidungsverfahren (European Parliament!)
 - Introduction of the notion of European citizenship / citoyenneté européenne / Europäische Bürgerschaft

Enlargement and reforms (4)

- 1995: Enlargement to include Austria, Finland, Sweden (15 Member States)
- 1997: The Treaty of Amsterdam is signed
 - reform of decision-making procedures
 - extension of codecision = strengthening of the EP
- December 2000: Proclamation of the Charter of Fundamental Rights of the European Union
- 2001: the Treaty of Nice is signed
 - further reform of decision-making structures (preparing enlargement)
 - enters into force in May 2003

Enlargement and reforms (5)

– 2001-2005:

- European Council, adoption of Laeken Declaration which provides for a Convention on the Future of Europe to prepare a constitutional Treaty for the EU
- June 2003: Presentation by the Convention of a draft Treaty establishing a Constitution for Europe for adoption in the procedure of Article 48 EU.
- October 2004: After a ‘common accord’ (Article 48 EU) is reached at the IGC the ‘Treaty establishing a Constitution for Europe’ is signed and put to Member States for ratification.
- Ratification fails in 2005 in France and the Netherlands in a referendum procedure. Many other states had ratified including Spain and Luxembourg following referenda.

Enlargement and reforms (6)

- 1 May 2004 – the ‘big-bang’ enlargement of the EU to 25 Member States: The EU is joined by Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia
- 1 January 2007: further EU enlargement with Bulgaria and Romania joining.

Effects of enlargement

Effects of the EU-27:

- More than 450 million citizens, accounting for an estimated 18-20% of world trade and contributing to around 25% of the world's GDP.
- A Union based on law with 23 official languages:
 - All official documents are published in 23 languages, each of equal validity.
 - In EU of 15 MS there were 11 official languages and 110 translation combinations, in EU-27 there are now 23 languages with 621 combinations.

POSSIBLE TURNER geographical extension

– Further enlargements:

- Croatia, Iceland and Turkey are official candidate countries.
- Possible future enlargement to include Serbia, Macedonia, Albania, Bosnia-Herzegovina. Maybe one day also Norway, Switzerland, Ukraine, Moldova etc will (re)apply to join the EU.

But: Morocco's application for accession was rejected in 1987

Treaty of Lisbon

- Fundamental Treaty reform (entry into force: December 1, 2009).
- The Treaty of Lisbon is a reform Treaty which takes on board most of the aspects of the Treaty establishing a Constitution for Europe of 2004.
- The Treaty of Lisbon:
 - amends the Treaty on European Union (TEU)
 - amends the EC Treaty and renames it as the Treaty on the Functioning of the European Union (TFEU)

Treaty of Lisbon

- The TEU and TFEU combined are the basic constitutional charter of the EU.
- **These two treaties, the institutions thereby created and the procedures for decision-making are the subject of this course.**