

# 1 History of European integration

For centuries, the history of the small continent, or quasi-continent, of Europe has been a history of war and peace, where rival political entities, predominantly in the form of **nation-states**, have tried to dominate each other. The terrible twentieth-century experience of two World Wars, fought mainly on European territory, provided the necessary impetus to seek alternative ways of political survival, co-existence, or even cooperation. In its historic context, European integration must be understood as an attempt primarily motivated by the desire to secure peace and stability through establishing appropriate institutions. The institutions created in post-war Europe were based on ideas, partly dating back to the Middle Ages. However, it was the situation after 1945 which made it possible to think about actually setting up new structures which would make war in Europe, if not impossible, then at least much less likely. The creation of a **European Coal and Steel Community (ECSC)** in 1951, by which two strategically important industry sectors of rival nations like France and Germany were pooled, was such an important and highly pragmatic first step. It was soon followed by the establishment of two further organisations, the **European Economic Community (EEC)** and the **European Atomic Energy Community (EURATOM)** in 1957, which were designed as open regional organisations with a long-term goal of a yet undefined European unity.

Until today the process of European integration has been characterised by a constant tension between the maintenance of individual Member State power and further **integration**, leading to ‘an ever

closer union among the peoples of Europe', as promised in the opening lines of the 1957 Treaty of Rome's preamble.

This introductory chapter is intended to provide an overview of European integration. In the course of this process, the three initially rather specialised, supranational organisations, the ECSC, the EEC and EURATOM, developed into a single comprehensive and highly integrated entity called the **European Union** (EU).



### 1.1 Does the history of ideas provide antecedents for European integration?

European political philosophy provides numerous examples of political concepts transgressing the nation-state. Some commentators have referred back as far as Pierre Dubois, the late medieval Frenchman, who suggested an assembly of delegates presided over by the French king in order to realise the old dream of the crusaders to recapture the Holy Land (*De recuperatione terrae sanctae*, 1306). The proposal by Dubois' contemporary, the Italian poet Dante Alighieri, demonstrates that the history of ideas has always been highly influenced by day-to-day politics. As a staunch supporter of the Ghibbelines and opponent of the Guelfs who supported the Papacy, Dante preferred the leadership of the (German) Holy Roman Emperor (*Monarchia*, 1308 or later).

Quite concrete and surprisingly 'modern' suggestions were made: for instance, by William Penn, who proposed a 'European Union' with decision making on the basis of weighted voting (*An Essay Towards the Present and Future Peace of Europe*, 1693); or by the Abbé de Saint Pierre, who advocated a sophisticated institutional framework including elements such as unanimity and qualified majority voting (→ 2.3), and an internal dispute settlement mechanism (*Projet pour rendre la paix perpétuelle en Europe*, 1713). This principal purpose of guaranteeing a perpetual peace remained

central to the plans of Jean Jacques Rousseau (*Extrait du projet de paix perpétuelle*, 1761) and Immanuel Kant (*Zum ewigen Frieden*, 1795).

In these early phases, however, **European integration plans** could hardly be separated from larger concepts such as world confederation and world government. It was only after the First World War that a specific regional integration concept for Europe was developed. Both the vision of the **Pan-European Movement** by Count Richard Nikolaus Coudenhove-Kalergi (*Das Pan-Europäische Manifest*, 1923) and the specific proposals by the French Foreign Minister, Aristide Briand, in 1929, which even led to a ‘Study Group on European Union’ set up by the League of Nations, proved to be utopian in the face of rising nationalism and fascism.

The Second World War, while destroying any hopes for Pan-Europa, at the same time demonstrated the necessity of European integration in order to avoid future wars. In his famous Zurich speech in 1946 Winston Churchill proposed a sort of ‘United States of Europe’. The time was ripe to actually start thinking about how to bring about European integration.



## 1.2 Explain the philosophies underlying the concepts of federalism and functionalism in the context of European integration

There were essentially two rival concepts concerning the actual steps which were required in order to reach the common goal of European integration: **federalism** and **functionalism**.

On the one hand, the ‘federalists’, building on various political movements formed in (Western) Europe in the late 1940s, pursued a more ‘radical’ path with a view to forming a United States of Europe by designing a constitution for a federal Europe in which political union was a logical first step.

‘Functionalists’, on the other hand, took a more ‘pragmatic’ approach. Their leading advocates, the French politicians Robert Schuman and Jean Monnet, thought that integrating strategically important sectors of the economy, and thereby removing them from national control, would not only make military confrontation among the Members materially impossible, but also – in the long run – lead to further economic and other integration. Ultimately, as neo-functional theory stressed, the ‘**spill-over effect**’ of economic integration could even lead to political union (→ 1.8).

The **Schuman Plan**, presented in May 1950, used these ideas and proposed the merger of the French and German coal and steel industries by putting them under shared control and inviting other European nations to join.

### ? 1.3 Outline the early history of European supranational integration

European integration closely followed what the functionalists had expected. The Schuman Plan led to the 1951 **Paris Treaty** establishing the European Coal and Steel Community (ECSC) comprising France, Germany, Italy and the Benelux countries (Belgium, the Netherlands and Luxembourg). This treaty entered into force in July 1952 for a period of fifty years, and it set up the first truly **supranational** (→ 1.5) organisation with a ‘High Authority’, its main organ, having far-reaching powers in order to create a common market in coal and steel.

The ECSC was a useful blueprint for further economic integration and in 1955 – after the unsuccessful attempts to set up a **European Defence Community** (→ 1.8) – the ECSC Member States at their conference in Messina decided to turn ‘back to economics’. They entrusted the task of elaborating proposals for further integration to an expert committee, headed by the Belgian politician, Paul Henri

Spaak. By March 1957, the ECSC founding states had convened to sign the **Treaties of Rome**, establishing a European Economic Community (EEC) and a European Atomic Energy Community (EURATOM), which both entered into force on 1 January 1958.



#### 1.4 Which other post-war European organisations could have served as a framework for further integration?

European integration via the three Communities is embedded in the larger context of a number of ‘European’ international organisations founded after the Second World War.

Among the ‘**transatlantic**’ organisations, the **Organization for European Economic Cooperation** (OEEC), founded in 1948, served primarily to administer the delivery of the United States Marshall Plan aid to Europe (European Recovery Program). In 1960, it was transformed into the **Organization for Economic Cooperation and Development** (OECD).

The most important military – equally ‘transatlantic’ – organisation is the North Atlantic Treaty Organization (NATO) founded in 1949. Its European counterpart was the **Western European Union** (WEU), which was established in 1954, based on the 1948 Brussels Treaty originally concluded between France, the United Kingdom and the Benelux countries. Though the WEU was expected to become the defence arm of the EU after the Amsterdam Treaty, it was formally terminated in 2010 following the transfer of its functions to the EU.

Among the ‘**general political**’ organisations, the **Council of Europe**, founded in 1949, covers a broad variety of issues, excluding defence. Its weak decision-making procedures, however, have prevented it from gaining a role competing with the European Union. Still, in the field of human rights, the Council of Europe successfully

elaborated the 1950 **European Convention on Human Rights** (ECHR) as well as later protocols amending it. It also provided an institutional mechanism of supervision through the European Commission and the **European Court of Human Rights** (ECtHR). The rights and freedoms contained in the ECHR are considered to form part of EU law as expressions of general principles of law (→ 6.2, 6.5). They also feature prominently in the (originally non-binding) EU Charter of Fundamental Rights solemnly adopted at the Nice Conference in 2000 (→ 6.14). Only after the entry-into-force of the Lisbon Treaty (→ 1.11), the Charter has become legally binding and the EU was formally empowered to accede to the ECHR. On the ECHR side, Protocol No. 14, which finally entered into force in 2010, paved the way for the accession of a non-state entity like the EU.

### ? 1.5 Describe the characteristics of a supranational organisation

The term ‘**supranational**’ was first expressly used in the ECSC Treaty characterising the High Authority until this institution was merged with the Commission in the 1965 **Merger Treaty**. This Treaty in effect replaced the three distinct sets of Community institutions under the three legally separate Communities (ECSC, EEC and EURATOM) by a single set of institutions. There have been many attempts to define the notion of a ‘**supranational**’ – as opposed to a weaker ‘international’ or ‘**intergovernmental**’ – organisation. Since none of them is completely satisfactory, the prevailing view nowadays prefers to identify a number of characteristic elements, the combined existence of which should allow one to speak of a ‘supranational’ organisation.

These elements include, most importantly, **majority voting** in the decision-making institutions (→ 2.3) with the power to **bind outvoted Members** (→ 3.7), a system of **obligatory dispute**

**settlement** (→ 5.4), the **direct effect** (→ 4.1, 4.4) and **supremacy** (→ 4.10, 4.11) of EU law in/over national law, and the existence of ‘**own resources**’ (→ 2.18) of the organisation. All these elements will be explained in more detail in later sections of this book.

## ? 1.6 What was the widening vs. deepening debate about?

The **widening vs. deepening** debate concerns the question of whether **enlargement** or **internal enhancement** of the Communities/Union should come first. With the geopolitical changes of 1989 this ceased to be an academic question, and instead became one of the central issues dominating the political debate of the 1990s.

It was felt that widening may lead to a lowering of the speed of integration, while deepening could create a ‘**fortress Europe**’ locking out the Eastern half of the continent. The political choice made was to try to avoid both situations and, thus, to aim for both widening and deepening at the same time.

Attempts have been made to tackle the problem of losing common ground when opening the Union to more Members by introducing such concepts as ‘variable geometry’, ‘**flexibility**’ or ‘multiple speed’ of European integration. The Maastricht Treaty on European Union, for instance, provided a basis for the United Kingdom to opt-out of the Social Policy Chapter (→ 10.14), for the United Kingdom and Denmark to opt-out of the European Monetary Union (EMU), as well as allowing neutrals to opt-out of defence agreements, while the Nice Treaty contained reformed provisions on ‘**enhanced cooperation**’ between smaller circles of EU Member States. This, of course, may clearly jeopardise the ideal of a coherent ‘**acquis communautaire**’, that is, the entire body of EU law, comprising the treaties, legislation, the case law of the ECJ, as well as unwritten law such as general principles of EU law. In practice ‘enhanced cooperation’ has been

rarely resorted to. The new conditions under the Lisbon Treaty facilitating its use and broadening its scope to include Common Foreign and Security Policy (CFSP) matters may change that.

### ? 1.7 Which steps have been undertaken to widen the Community since the 1990s?

After the first enlargements of the three Communities in 1973 (Denmark, United Kingdom and Ireland), 1981 (Greece), and 1986 (Portugal and Spain), the accession of Austria, Finland and Sweden in 1995 brought the European Union to a membership of fifteen countries.

The true widening debate, however, related to the wave of membership applications of the 1990s by Turkey and Morocco (already in 1987), Cyprus and Malta (1990), Switzerland (1992), Hungary and Poland (1994), Bulgaria, Romania, Slovakia, Estonia, Lithuania and Latvia (1995), the Czech Republic and Slovenia (1996).

The rules governing the **accession** of new Members to the EU provide that any ‘European State’ that respects the principles of freedom, democracy, human rights and the rule of law may apply for membership. After a preliminary assessment by the Commission (**‘avis’**), the Council decides on the opening of formal negotiations. There is not much substantive leeway involved here because the EU regularly insists on the acceptance by the accession candidates of the entire *‘acquis communautaire’* (→ 1.6). Basically the negotiations may result in the provision of transitional periods, effectively postponing the entry-into-force of certain parts of the *acquis*. Next, the European Parliament, by an absolute majority of the MEPs, and the Council, by a unanimous vote, have to agree before all EU Member States have to ratify the accession treaty.

In practice, the EC/EU has used various forms of **pre-accession** treaties to prepare candidates for membership. The **Agreement on the European Economic Area** (EEA) with six European Free Trade



Association (EFTA) states, which entered into force after protracted negotiations in 1994, is a – very sophisticated – example of an **association agreement** (→ 11.3, 11.4) concluded by the EC. Only a year later, three states, namely Austria, Finland and Sweden, joined the EU, while Iceland, Liechtenstein and Norway remain ‘associated’ with the EC/EU through the EEA.

Between 1991 and 1996, another wave of association agreements, the so-called **Europe Agreements**, with the Eastern European countries in transition and **partnership agreements** with the Baltic States, Albania, the Russian Federation, Ukraine and other CIS states were concluded.

The Europe Agreements led to the biggest enlargement of the EU ever when ten new countries, namely Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia joined the Union in 2004. In 2007, Romania and Bulgaria acceded to the Union bringing its total membership to twenty-seven states.

The accession of Turkey, with which the EC has been linked through an association agreement since 1963, remains the most controversial politically. Turkey’s application for membership dates back to 14 April 1987.

Other candidate countries for accession include Croatia (since 2004), the Former Yugoslav Republic of Macedonia (since 2005), Montenegro (since 2010) and Iceland (since 2010). By the end of 2011, the accession negotiations with Croatia have proceeded to a formal approving vote by the Parliament and the Council.

## ? 1.8 Which were the major steps towards political union?

The grand political designs of the ‘**federalists**’ fared less well than the functional approach (→ 1.2). In particular, the early plans for a European Defence and Political Community were unsuccessful.

In 1952, after the outbreak of the Korean War and under American pressure for German rearmament, the Treaty establishing a **European Defence Community** was signed. It was based on the French Pleven Plan and its intention was to integrate German military power in a way modelled on the ECSC structure. However, it never entered into force, because its ratification by France had become impossible after the French National Assembly rejected it in 1954. At the same time, early plans to set up a European Political Community ultimately failed. Also, later attempts to revive such ideas for a union of European States remained unsuccessful. While the Member States commissioned proposals for political union, the resulting Fouchet Plans (1961, 1962) were not adopted. Instead, again in a more pragmatic fashion, the EC Member States assumed a voluntary political cooperation on the basis of unanimity, which has been called **European Political Cooperation** (EPC) since the 1970s (→ 11.17). In this framework the heads of state or government of the Member States began to meet regularly in what was to be called the **European Council** (→ 2.1).

Other important steps on the way to **European political union** were the Tindemans Report of 1975 (which called for economic and monetary union, institutional reform, a common foreign policy, etc.), the first direct elections to the European Parliament and the creation of a European Monetary System in 1979, the Genscher–Colombo Plan of 1981 for the establishment of a European Union, and the Spinelli draft Treaty establishing the European Union adopted by the Parliament in 1984.

These events led to the two **intergovernmental conferences** on economic and monetary union, on the one hand, and on political union, on the other, opened in 1990 and concluded by the 1992 **Maastricht Treaty on European Union**. This in turn provided the impetus for further intergovernmental conferences in 1996–1997 and in 2000, leading to the adoption of the **Amsterdam Treaty** in 1997, which entered into force in 1999, and then the **Nice Treaty** in 2001, which entered into force on 1 February 2003.