

**MUNI**  
**LAW**

# **History of the European Union**

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# European integration

- Political, economic, legal (also social and cultural) integration within Europe
- EI has a long history, many attempts to unify Europe, usually by force or by dynastic unions
- Modern times (after WW2)
  - peaceful integration (idea of unity among democratic European countries)
  - **law** (treaty) is the **instrument** of integration
  - International organization are the basis for integration
- After the WW2: 1949 CoE, E(E)C/EU, many others in both Western and Eastern Europe (EFTA, NATO, WEU)

# Schuman declaration – foundation of European Communities

- 9/ 1946 – Winston Churchill’s speech at the Uni of Zürich – “*United States of Europe*” (excluding GB - “*We British have our own Commonwealth of Nations...*”)
- 9 May 1950 – **Schuman declaration** – idea of integrating steel and coal industry of WE countries (France, Germany.. BeNeLux, Italy)
- 18 April 1951 (23 July 1952) - the **ECSC** Treaty of Paris
- **European Coal and Steel Community** – *first supranational community*
  - common market in steel and coal,
  - jurisdiction has the High Authority, not MS
- 25 March 1957 (1 January 1958) – the Treaties of Rome (**EEC** and **EURATOM**)

# “Inner six” and “outer seven”

- “*inner six*” = ECs - France, West Germany, Belgium, Italy, Luxembourg, Netherlands
- “*outer seven*” = EFTA (1960) - Austria, Denmark, Norway, Portugal, Sweden, Switzerland, United Kingdom
- EEA – form of cooperation between EFTA and EC
- Difference between EC and EFTA (or any other IO):
  - Scope of coop. – well, yes, but in fact NOT really
  - Form of coop. – YES!

# Intergovernmental vs. Supranational coop.

## – Intergovernmentalism

- the traditional form of international cooperation between States
- International treaties/agreements
- States are primary and supreme actors in the process of regulating relationships between them (no supreme power besides States)
- State sovereignty

## – Supranationalism

- = a method of decision-making in multi-national political communities, wherein power is transferred to an authority broader than governments of member states
- rules can be made in the EC which have a direct impact on the Member States and thereby also a direct effect on the citizens of the Member States.

# Forms (levels) of economic cooperation

- (FTA)
- Customs Union
- Common market
- Internal Market
- Economic and monetary union
- Tax union

# From common to single market

- 1968 – customs union between the inner six States
- In 80's the possibility of further integration under the current Treaties was exhausted.
- 1985 – the Commission published the White paper on the completion of the internal market
- 1986 - Single European Act as the legislative instrument for changes
  - Most important achievement – Art. 95 EC Treaty (nowadays Art. 114 TFEU)

# From economic to political cooperation

- 1993 - Maastricht Treaty came into force
- → the **European Union** as an economic and political union has been established
- Union has 3 pillars:
  - Communities
  - foreign affairs
  - justice and internal affairs
- From the EEC to the EC





# European Union – overview of the Treaties

- 1950s – Paris and Rome Treaties
- 1967 – Merger Treaty
- 1987 – Single European Act
- 1993 – Maastricht Treaty – EU as a compromise solution
- 1999 – the Treaty of Amsterdam
- 2003 – the Treaty of Nice
- ~~– 2004 – the Treaty establishing a Constitution for Europe~~
- 2009 – Lisbon Treaty

# Geographic enlargement of EC/EU

- Founded by Belgium, France, Germany, Italy, Luxembourg and Netherlands.
- 1973 - Great Britain, together with Ireland and Denmark
- 1981 - Greece
- 1986 - Portugal with Spain
- 1995 - Austria, Finland and Sweden
- 2004 - Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia, Malta and Cyprus
- 2007 - Bulgaria and Romania
- 2013 - Croatia
- In future – maybe Iceland, other Balkan states, Turkey (?)

# European Union Law

- Unique system of law, different from IL, as well as DL
- The origin dates back to 1950s (next lecture on history of Eu.integration)
- Characteristics: partly IL, partly domestic law
- Horizontal and vertical in its structure
- Individuals – subjects and direct addressees (x IL!)
- Unlike the domestic law, the EU law does not have complex regulatory character in the society (*bread with raisins*)

# Conclusion

- IO is currently the most suitable platform for integration. Being a member of an IO does not deprive the state of its sovereignty;
- After WW2 a number of IO have been established in both Western and Eastern Europe. Their objectives were usually economic and/or security;
- European Communities were initially 3, now two IO founded in order to achieve economic and security objectives. Supranationality makes them unique;
- In addition to Communities in 1992/1993 the European Union was established. European Union does not replace them. Communities remain part of the EU as its substantial part;
- EU was not (until the Lisbon Treaty came into force) an IO. It was an entity based on a Treaty on European Union;
- EU used to cover 3 pillars - Communities, common foreign and security policy and police and judicial cooperation in criminal matters
- method of cooperation is different in each of the pillars. Supranationality applies only in the first pillar whereas the others are intergovernmental;
- The Treaty of Amsterdam transferred some of the issues covered by the third pillar to the first pillar of the EU;
- The Lisbon Treaty has caused that the EC was absorbed by the European Union. The pillar structure exists no more. This change has not affected EURATOM;