**Has the EU reached the limits of integration?**

COURSE ESSAY "Political Aspects of European Integration"

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**Introduction**

Before answering this question, let us face some obvious facts. So far, the European Union has been the most advanced and successful alliances of the independent countries in the modern history. One cannot deny that it is only the EU which established – at least in the first pillar – a new legal order for its Member States, by which they voluntarily shared their sovereignty based on the rule of law in order to achieve the common task, as set forth by Article 2 of the Treaty Establishing the European Community: ‘...to promote throughout the Community a harmonious and balanced development of economic activities, sustainable and non-inflationary growth respecting the environment, a high degree of convergence of economic performance, a high level of employment and of social protection, the raising of a standard of living and quality of life, and economic and social cohesion and solidarity among Member States.’[[1]](#endnote-1) But as with any other international treaty, there is always room for diversity in interpretation. If the right to interpret the Treaty provisions and other Community legislation had been vested in Member States, the EU would have been nothing different but just another international treaty nicely falling within the general system of public international law, where no contracting party can be bound against its will. The EU is unique to have the European Court of Justice which, unlike any other international tribunals, has a compulsory jurisdiction and an exclusive authority to interpret the Community legislation – at least, with respect to the first pillar of the EU. By widely interpreting the EC legislation and relying not just on the text, but also on ‘the spirit’ of the Treaty, the European Court of Justice has actually developed its own doctrine which is now seen as one of the important sources of the Community law. This doctrine has played a crucial role in implementing EU policies, since the text of the Treaty and other Community legislation cannot cover in detail all aspects of integration. Despite the instability of its development, the EU remains by far more efficient that any other possible alternatives. The EU is a major achievement and is still on the move. IGCs being clearly inter-state negotiations bear little resemblance to classical diplomatic conferences reviewing international treaties. European Treaty reform ‘is perhaps better looked at as the constitutional process – with an integral role being played by the representatives of the people, both at national and European level.’[[2]](#endnote-2)

Why Integrate?

But why integrate? What made European governments act against their cautious political interests? The answer was given by Jean Monnet, one of the founding fathers of the European Communities and a lover of aphorisms: ‘People only accept changes when faced with necessity, and only recognise necessity when the crisis is upon them’[[3]](#endnote-3). I couldn’t agree more with the first part of Monnet’s saying, but I would like to replace the word ‘only’ with the word ‘better’ in its second part. A deep crisis is probably the most powerful impetus to bring peoples and countries together, although not the only one. This is exactly what happened immediately after the World WarII. The need for fundamental political and economic change in Europe was extremely strong. As the Cold War commenced and the Iron Curtain abruptly divided the continent, integration became a means by which the Western Europe could defend itself, in close co-operation with the United States, against the external Soviet threat and the internal communist threat. The need for a stronger and united Europe outweighed an initial desire of the Allies to pasteurise Germany. A stronger Europe must have a strong Western Germany. At that time the Europe was on the move to integrate. And it has been on the move to integrate since then. However, the dialectics of the integration has dramatically changed with the change of the world affairs in the years 1989-1992. The old dialectics was that of the Cold War, with the familiar and multiple interactions between the two Europes, the two alliances and the two great powers. The new dialectics is of a pan-European solidarity and all-European integration, and it has never been tried before.

**Multi-Speed Integration**

Naturally, in some areas governments tend to reach agreements more easily. ‘The least disputed goal of European Construction is the large market without borders; even those Member States with reservations over other objectives do not dispute this one’.[[4]](#endnote-4) This explains why the first pillar of the EU – economic integration – has virtually reached supranational level. Community member states are willing to share their sovereignty in this field because it is clearly in their interest to do so. The European Single Market has become the world’s largest domestic market. It has contributed significantly to the economic growth, though its full potential has not yet been realised. But ‘...the political will is evident. This needs to be translated into targeted action.’[[5]](#endnote-5)

By contrast, quite little has been achieved since Maastricht in the two other pillars of the EU – Common and Foreign Security Policy (CFSP) and Justice and Home Affairs (JHA) which still remain intergovernmental. This has become a reality in the integration process: the integration speeds in the first pillar as compared to the other two pillars vary dramatically. ‘Economic integration and security co-operation have always been a couple dancing apart from each other on the same dance floor. Despite its recurrent crises and setbacks, the process of economic integration has tended to follow the neo-functionalist logic of the expansiveness and sectoral integration... European security co-operation has always lagged behind in this respect.’[[6]](#endnote-6)

By common agreement, CFSP was one of the major disappointments of Maastricht. After all, Maastricht proposed not only a common foreign and security policy, but declared the eventual aim to be a common defence. This has inevitably lead to the relationship between the EU and the defence alliance, the Western European Union (WEU), being put at stake. This has become even more challenging since the founding treaty of the WEU expires in 1998. However, the EU does not seem to be willing to take control in this area, as it is felt that the EU is being backed up by its major defence partner – the United States. The US has always been able to act (and this is what happened when the war in former Yugoslavia broke out) as a ‘saviour of Europe’ in defence and peace-keeping matters.

Similarly, JHA pillar which includes issues of combating international crime and fraud, and issues related to a common approach to immigration policy is a hard nut to crack for the EU because of the national sensitivity to these. However, there has been some progress in this respect in Maastricht and further in Amsterdam – at least the workable mechanism was set out. Besides, it is a very fertile area of co-operation between the EU and the US.

On the whole, the EU since Maastricht has failed to live up to the peoples’ expectations. The existing structures are further challenged by the prospects of further integration eastwards: a number of countries in Central and Eastern Europe, plus some of the successor states of the Soviet Union are striving to modernise economically and politically, and the EU is an important magnet for them, whether as a market, a political system seeking to uphold democratic norms and values, or a putative defence system. The queue for membership has lengthened. But the Union is not as attractive from the inside as it may look from the outside. It seemed that the ‘Monnet-method’, i.e. a closer interaction of national elites as a means for European integration has reached its limits. Indeed, the EU has experienced serious internal problems in the aftermath of Maastricht. One of the most obvious was the ratification crisis. In the narrow sense it meant a ‘petit oui’ vote in French referendum for the ratification of the Maastricht Treaty and the initial ‘no’ vote in Danish referendum. In a wider sense it meant a lack of political support of the EU, widening of the gap between the governments and the governed, and the lack of leadership in the EU. As the involvement of the EU and its institutions has expanded, but without any complementary shift in the sense of involvement and identification of the electorate, the questions rose about its very legitimacy.

Limits of European Integration?

Legitimacy and Democracy

‘The EU as a scapegoat is hardly a new concept; the problem lies in the fact that the EU has moved into an ever-wider range of policy areas, including, with Maastricht, areas previously very closely identified with the prerogative of the nation state’[[7]](#endnote-7). The traditional concept of legitimacy cannot be fully applied to the institutions of the EU simply because a ‘single European nation’, or European demos in its traditional sense does not exist as such and is not likely to appear within foreseeable future. ‘The integration is not about creating a European nation or people, but about the ever closer Union among the peoples of Europe’[[8]](#endnote-8). A parliament is a traditionally democratic institution not because ‘it provides a mechanism for representation and majority voting, but because it represents ... the nation, the demos from which it derives its authority and legitimacy of its decisions’[[9]](#endnote-9). If we follow the logic of this no-demos clause, the European Parliament cannot be legitimate and democratic by definition, and, therefore, the increase of powers of the EP at the expense of the Council (the voice of the Member States) is a step in the wrong direction. I cannot agree to this. The demos is traditionally seen though the ethno-cultural prism. Can’t we imagine a ‘polity whose demos is defined, accepted and understood in civic, non-ethno-cultural terms, and would have legitimate rule-making democratic authority an that basis’[[10]](#endnote-10)? Can’t we separate nationality from citizenship? Can’t people unite on the basis of shared values, a shared understanding of rights and duties, and shared rational, intellectual culture which transcends ethno-national differences? This appears to be the concept of introducing EU citizenship. According to this viewpoint (which is I personally share, too), the directly elected European Parliament is a democratic and legitimate institution for EU citizens, and therefore its powers must be increased. But the problem lies in misunderstanding. During the Danish referendum for the ratification of Maastricht, some Danes feared that when acquiring EU citizenship they were losing their national citizenship. Indeed, ‘...there was a failure to put across the idea that citizenship of the Union is not intended to replace the national citizenship but actually to complement it’[[11]](#endnote-11). In some cases the perception was the opposite. Thus, the European Union should be brought closer to its citizens which will allow the disputes on legitimacy to be resolved in future. To do this, the following issues must be addressed.

**Transparency of the legislative process**

Over twenty separate complex systems are now used to adopt legislation in the EU, and there is a lack of logic in the choice of the various procedures. ‘Although willing to share sovereignty, governments retain as much political control as possible.’[[12]](#endnote-12) Hence the complexity of institutional structure and number of decision-making procedures which sometimes ‘render the Union’s modus operandi extremely obscure’[[13]](#endnote-13). Simplification is, therefore, considered necessary and the pressure is growing to reduce these procedures to three. The tendency is to move from unanimity to qualified majority voting in the Council of Ministers, and to extending co-decision powers of the European Parliament which, in turn, will increase the legitimacy of the latter. Maintaining unanimity requirement could, indeed, paralyse a larger Union and prevent future Treaty reform.

**Flexibility**

Should Member States willing to do so be specifically allowed to integrate their policies further and faster than their more reluctant EU partners? Yes, otherwise the Union should be forever bound to advance at the speed of its slowest members. To some extent, flexibility already exists. Social policy, a single currency arrangement and the Schengen acquis all involve fewer than all fifteen Member States. Moreover, unbalanced economic integration of the EU has been beneficial to its Member States. As long as there is agreement on the goal, we can have flexibility. If there is no common goal we get variable geometry which is widely seen as more dangerous. Flexibility supposes that more slower members will catch up while variable geometry doesn’t.

**Efficiency**

Given its enormous significance, the EU is expected to act efficiently. However, relatively small issues may suddenly become big issues in practice. This is illustrated, for example, by the tendency to keep the diversity of the official and working languages of the EU. ‘The EU Council of Ministers of 12 June 1995 has not only reaffirmed its firm attachment to Linguistic Diversity, it has also decided to set up a commission to check that all the Institutions respect this... The Commission has been invited to make yearly reports on the application of these decisions ...’[[14]](#endnote-14) The current number of working languages of the EU is eleven. Since EU legislation is directly applicable in the national law, all languages with the official status in one or more of the Member States should be official EU languages as well. This means that there are now eleven official EU languages. With some Eastern Bloc countries joining the number will increase to sixteen or more which, in my opinion, will be virtually unworkable. This will only contribute to the lack of efficiency of the EU. I think it is wise to limit the number of working languages to a minimum of five, although in view of the fact that Council members have never been able to agree on a limit the number of working languages within the institutions, one may expect a continuing debate on this matter.

**Conclusion**

As we see, the EU is far from being perfect. And it never will, like any other man-made enterprise. But the Union cannot afford to be politically disappointing to its Member States, and especially to the countries which would like to join it. One could always argue that the EU will not benefit from ‘the fifth enlargement’ neither politically, nor economically, nor even administratively (since their ability to participate in the management of the EU is doubtful), and that a wider Union means a weaker Union. It is true, but, however, only in the short-run. The EU must upgrade its capacity to respond favourably to the other counties in Europe, otherwise we may find ourselves once again in a divided Europe. Therefore, my suggestion is that the limits of integration of the EU are politically unaffordable, in other words, ‘the locomotive of European Integration’ has passed the point of no return and there is no way back. There may be conflicting economic views about the wisdom of European Integration, or a continuing debate over the preservation by certain states of an ideal of national sovereignty, a tension between market Europe and social Europe, but yet despite of all this ‘... there appears to be an overall commitment to the process of integration in Europe for a variety of reasons, backed up perhaps by the ‘shadow of war’ factor which served as the original stimulus, so that whatever the tensions and differences which exist, the ‘journey to an unknown destination’ continues.’[[15]](#endnote-15)

1. Nigel Foster. ‘EC Legislation’ (Blackstone, 1997), 2 [↑](#endnote-ref-1)
2. Geoffrey Edwards, Alfred Pijpers. ’The Politics of the European Treaty Reform. The 1996 Intergovernmental Conference and Beyond’ (Pinter, 1997), 8 [↑](#endnote-ref-2)
3. Desmond Dinan. ‘Ever Closer Union? An Introduction to the European Community’ (Macmillan, 1994), 14 [↑](#endnote-ref-3)
4. ‘The new “1999 Objective” for the large market without borders submitted by the European Commission to the Amsterdam Summit’ (Bulletin Quotidien Europe No 2039/2040, 12 June 1997), 1 [↑](#endnote-ref-4)
5. *ibid.,* 1 [↑](#endnote-ref-5)
6. Geoffrey Edwards, Alfred Pijpers. ‘The Politics of the European Treaty Reform. The 1996 Intergovernmental Conference and Beyond’ (Pinter, 1997), 344 [↑](#endnote-ref-6)
7. *ibid,* 342 [↑](#endnote-ref-7)
8. Geoffrey Edwards, Alfred Pijpers. ‘The Politics of the European Treaty Reform. The 1996 Intergovernmental Conference and Beyond’ (Pinter, 1997)*,*  257 [↑](#endnote-ref-8)
9. *ibid.* [↑](#endnote-ref-9)
10. *Ibid,* 261 [↑](#endnote-ref-10)
11. Reflection Group 1995; 17 (*Ibid,* 62) [↑](#endnote-ref-11)
12. Desmond Dinan. ‘Ever Closer Union? An Introduction to the European Community’ (Macmillan, 1994), 3 [↑](#endnote-ref-12)
13. European Commission 1995:18. Quoted in Geoffrey Edwards, Alfred Pijpers. ’The Politics of the European Treaty Reform. The 1996 Intergovernmental Conference and Beyond’ (Pinter, 1997)*,*  63 [↑](#endnote-ref-13)
14. ‘EU. Frequently Asked Questions’ Edited by Ronald Siebelink & Bart Schelfhout [↑](#endnote-ref-14)
15. Paul Craig, Grainne de Burca. ‘EC Law. Texts, Cases & Materials’ (Clarendon Press - Oxford, 1997), 37 [↑](#endnote-ref-15)