

PRINCIPLES AND FOUNDATIONS OF EU LAW: EU INTEGRATION THROUGH VARIOUS TREATIES AND THEIR OUTCOMES

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INTRODUCTION

European integration is often seen as a post-World War II initiative driven by the desire for peace and stability after the war's devastation. However, European unity has roots that stretch back centuries as early as 1500 when Robert Schuman developed the concept of unit Europe, de-facto sovereignty.

The concept gained traction during World War II, supported by the Resistance movement to overcome nationalism and improve the economy of Europe. However, after the war, momentum slowed, especially following the electoral defeat of Winston Churchill, a strong proponent of European unity. The Cold War and Europe's economic challenges led the United States to introduce the Marshall Plan in 1947, creating the Organization for European Economic Cooperation (OEEC), which laid the groundwork for future cooperation.

Early steps toward defense and political unity included the 1948 Brussels Treaty and the creation of NATO in 1949. The 1950 Schuman Plan marked a significant milestone, establishing the European Coal and Steel Community (ECSC) in 1951, a crucial step toward the European Union. However, more profound integration efforts faced setbacks, such as rejecting the European Defense Community (EDC) Treaty in 1954 and delaying progress until the Maastricht Treaty in 1992.

TREATY OF PARIS, 1951-ECSC

The 1951 Treaty of Paris represented a further advance in the process of integration within Europe. Under this treaty, it became possible to set up the European Coal and Steel Community, whose original six members were Belgium, France, West Germany, Italy, Luxembourg, and the Netherlands. It was thus set up with a unique design of merging the coal and steel industries of members and putting these key industries under one control, which would free the movement of goods and assets of sources of product, also maintain permanent monitoring of the market,

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and create compliance with competition law. It aimed at ensuring that materials necessary for wars were managed together as a way of averting wars in the future.

Outcome: It succeeded in its goal of fostering economic integration to prevent war amongst members and made the foundational structure on which further development in economic integration was the case. It showed that cooperation between European states was feasible, desirable, and beneficial.

TREATY OF ROME, 1957 -EEC AND EURATOM

Built upon the successes of the ECSC, the same six founding members signed the Treaties of Rome in 1957. The two new communities created were the European Economic Community or Communicate Economical EuropeAid and the European Atomic Energy Community. Thus, such a view meant that the establishment of the EEC focused on the widespread market among the member states. It thus meant free movements of goods, services, persons, and capital with the formation of a customs union while creating bases for further integration in economic aspects. The purpose was to instill uniformity in the member states' economic policies and establish cohesive institutions like the European Commission, European Parliament, and European Court of Justice.

Outcome: It was a huge success, having the EEC promote economic growth in the countries and try to combine and make the customs union a vehicle for bridging development through increased trade and economic cooperation, which their institutions managed and sought to deepen the integration. The success of the EEC opened the possibility of more expansion and integration in the coming decades.

SINGLE EUROPEAN ACT, 1986

A significant move along the road of European unification took place in 1986 when the Single European Act was signed; this represented the first serious revision to the Treaties of Rome. This act aimed to pave the way for the completion of the single market, which was expected by 1992. A single market was considered a boost to growth and competitiveness in Europe, and the SEA created the necessary legal and institutional setting for its accomplishment.

SEA fixed 1992 as the date aimed at completing the single market wherein all remaining obstacles to the free flow of goods, services, persons, and capital were to be removed. They

were increasing the powers of the European Parliament, introducing qualified majority voting in the Council of Ministers, and upgrading the role of the Commission. The SEA brought new policy domains such as environmental protection, social policy, and economic and social cohesion within the purview of European integration.

Outcome: The SEA was pathbreaking in pursuing the single market, a dream come true in 1992. The single market is one of the EU's biggest successes to date, which maximized trade, levels of investment, and economic growth. Institutional reforms under the SEA also made the European Union more effective and democratic.

TREATY OF MAASTRICHT, 1992

The Maastricht Treaty, officially the Treaty of the European Union and commonly referred to by its abbreviation TEU, has been one of the most significant agreements ever made under European integration. Signed in 1992, the Maastricht Treaty furnished the groundwork on which the European Union was built and established guidelines on what would be needed to bring about the Economic and Monetary Union. A European Union was developed through the Maastricht Treaty; it replaced communities with cooperation through the Common Foreign and Security Policy, CFSP, Justice and Home Affairs, and JHA. Through the Economic and Monetary Union (EMU), A single currency, known as the Euro, has also been developed, whereas the criteria to be met by the member states for accession to the EMU have been defined.

Journal of Legal Research and Juridical Sciences

Under the Maastricht Treaty, the three-pillar structure was given to the EU: the first pillar being European Communities, the second pillar CFSP, which is standard foreign and security policy, and the third pillar on JHA, which is cooperation in justice and home affairs. Each of these pillars enjoys decision-making procedures in its respective areas of competence. Strengthening the powers of the European Parliament, this treaty further developed the powers accorded to the European Parliament by instituting co-decision in one location and placing it more at the center of the legislation process.

Outcome: The Maastricht Treaty represented a milestone in the discussion on European integration. For the first time, the European Union stated a clear ambition to promote progress in political and economic unification. The introduction of the Euro was once more an indicator of the intention to involve all EU member states in the European economy practically. The three-pillar framework established the extent to which such cooperation would imply flexibility

in practice on a range of matters, and the treaty has marked the path of EU development up to today.

TREATY OF AMSTERDAM, 1997

The subsequent and even more interdependent European treaty was concluded with the Amsterdam Treaty of 1997. All of it was needed to overcome some deficiencies of the Maastricht Treaty and make the European Union an even more effective and democratic organization.

Institutional reforms of the EU Treaty significantly empowered the European Parliament by extending co-decision procedures to an increasing number of policy and legislative areas. A related trend was the opening of the Council of Ministers to view, combined with the growing visibility of the Commission. It incorporated the Schengen Agreement into the Union's legal framework, and it further abolished internal border controls among the participating member states and established a standard visa policy. It institutionalized the enhanced cooperation principle, whereby groups of members could cooperate more closely with one another in specific policy areas without necessarily requiring the involvement of all EU members. It emphasized Employment and Social Policy more by inserting new provisions on job creation with socially inclusive policies.

Outcome: The Amsterdam Treaty effectively handled most of the problems that had cropped up since the signing of the Maastricht Treaty. The European Union was to be more democratic and more transparent. Yet, it provided accessible provisions for incorporating the Schengen Agreement- a breakthrough that created a borderless Europe. This provided a boost for more expansion and deeper cooperation in critical areas.

TREATY OF NICE, 2001

The Treaty of Nice, signed in 2001, was to fundamentally equip the European Union for the enlargement which was about to take place. Given the likely growth in membership, with several countries in Central and Eastern Europe scheduled to join the European Union, the treaty adjusted the Institutions and procedures for making decisions within the European Union. Among its reforms, the European Commission proposed a ceiling on the maximum number of Commissioners it could have and an adaptation to the weighted vote in the Council of Ministers to reflect an enlarged membership. QMV extended a great deal into many more

policy areas intended to limit the need to achieve decisions unanimously in an enlarged EU. This treaty had weighed the votes in the Council of Ministers heavier for more populous states.

Outcome: The Nice Treaty has been considered necessary because it laid the ground for the European Union's most significant expansion, due in 2004. This treaty institutionalized those changes that would ensure such an unparalleled rise in membership and facilitated the smooth operation of the EU machinery. Nevertheless, it has come under much criticism due to its failure to move forward considerably. Conclusion: The inability to address the institutional issues of the EU thus calls for more reforms.

TREATY OF LISBON, 2007

The Treaty of Lisbon - signed in 2007, is the latest significant agreement under the auspices of European integration. This is an attempt to answer the challenges created by an enlarged Union and is destined to make it more efficient, democratic, and transparent. The main elements of the Treaty of Lisbon were that this marked the end of the past three-pillar system. A single legal entity, the European Union, appeared with the Maastricht Treaty. It incorporated the Schengen Agreement into the Union's legal framework, and it further abolished internal border controls among the participating member states and established a standard visa policy.

Outcome: It has changed the structure and decision-making processes of the European Union. It dispensed with the EU's three-pillar structure, replacing it with a single legal entity; created some important new positions of leadership (the President of the European Council and the High Representative for Foreign Affairs and Security Policy) to generate more "global presence" on behalf of all Member States. It also strengthened the rights of European giants, especially in matters of legislation and budgets. It also included the European Citizens' Initiative, which allowed citizens to propose legislation directly. Some of these points were addressed in the IGC, resulting in successive amendments to existing treaties and an almost entirely new treaty that extended powers for Qualified Majority Voting at the European level. In short, the Treaty of Lisbon ensured greater coherence and democracy in the European Union, closer to citizens.

CONCLUSION

To conclude, the formal amendments to the treaties have been very unevenly dispersed throughout the history of the EU, with relative stability from the creation of the EEC through

the Single European Act and almost continuous revisions of the treaties following the SEA with the Maastricht, Amsterdam, and

Nice Treaties coming on top of one another in rapid succession. Treaty reform is political negotiation by other means. The Lisbon Treaty marks the endpoint of a ten-year cycle of treaty reform. It will be subject to minor modification concerning the Economic and Monetary Union. Still, it is likely to form the basic treaty structure for many years to come, not least because reaching a consensus on the amendment of the Treaties becomes increasingly difficult in an EU with twenty-seven Member States. The powers of the EEC have undergone significant institutional and substantive changes since its inception. The institutional structure has evolved to such an extent that the European Parliament has acquired a central position from what was once a peripheral actor and then developed into a significant player in the legislative process. The European Council has also become extremely powerful, shifting from an institution formally outside the treaty framework to the position of a significant institutional player, and one that the Lisbon Treaty has consolidated, if not further reinforced. 19 These changes to the treaties have also marked the powers and institutional dynamics of the Commission and Council.

Substantively, despite the complexity of many treaty changes, it is evident that each successive amendment has broadened the areas over which the EU has competence. The notion that the EU could be seen as solely 'economic' in focus - to the extent it ever existed - needs to be updated. The rationale for this will be explored in later chapters. It may be interesting to note that while there were some debates on the relative influence of Member States in comparison with other entities, such as the Commission, during amendment processes under the treaties, there is no doubt that Member States are central in determining the pace and direction of treaty reforms, them willing to extend EU competence across a broader range of areas.

REFERENCES

1. European Parliament, The historical development of European integration, (2018), [https://www.europarl.europa.eu/RegData/etudes/PERI/2018/618969/IPOL_PERI\(2018\)618969_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/PERI/2018/618969/IPOL_PERI(2018)618969_EN.pdf).
2. Jo Shaw, Process, Responsibility and Inclusion in EU Constitutionalism, 9 EUR. L.J. 45 (2003).
3. Gerald Fitzmaurice, The Law and Procedure of the International Court of Justice 1951-4: Treaty Interpretation and Other Treaty Points, 33 BRIT. Y.B. INT'L L. 203 (1957).
4. Treaty of Paris, Treaty of Paris, Treaty of Paris (2019), <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-paris>.
5. European Parliament, Single European Act, Single European Act, <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/single-european-act> (last visited Sep 2, 2024).
6. Madison Condon, The Integration of Environmental Law into International Investment Treaties and Trade Agreements: Negotiation Process and the Legalization of Commitments, 33 VA. ENVTL. L.J. 102 (2015).
7. Silvana Sciarra, Integration through Coordination: The Employment Title in the Amsterdam Treaty, 6 COLUM. J. EUR. L. 209 (2000).
8. European Parliament, Maastricht Treaty, Maastricht Treaty (1992), <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/maastricht-treaty>.
9. Madison Condon, The Integration of Environmental Law into International Investment Treaties and Trade Agreements: Negotiation Process and the Legalization of Commitments, 33 VA. ENVTL. L.J. 102 (2015).
10. Francesco Belvisi, The Common Constitutional Traditions and the Integration of the EU, 6 DIRITTO & QUESTIONI PUBBLICHE 21 (2006).
11. European Parliament, Treaty of Amsterdam, Treaty of Amsterdam, <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-amsterdam> (last visited Sep 2, 2024).
12. Matej Avbelj, Differentiated Integration - Farewell to the EU-27?, 14 GERMAN L.J. 191 (2013).

13. Matej Avbelj, Differentiated Integration - Farewell to the EU-27?, 14 GERMAN L.J. 191 (2013).
14. European Parliament, Treaty of Nice, Treaty of Nice, <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-nice> (last visited Sep 2, 2024).
15. Carl Lebeck, Implied Powers beyond Functional Integration - The Flexibility Clause in the Revised EU Treaties, 17 J. TRANSNAT'L. & POL'y 303 (2008).
16. Treaty of Lisbon, Treaty of Lisbon, Treaty of Lisbon (2009), <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-lisbon>.
17. Carl Lebeck, Implied Powers beyond Functional Integration - The Flexibility Clause in the Revised EU Treaties, 17 J. TRANSNAT'L. & POL'y 303 (2008).
18. Matej Avbelj, Differentiated Integration - Farewell to the EU-27?, 14 GERMAN L.J. 191 (2013).
19. Mark Gilbert, Narrating the Process: Questioning the Progressive Story of European Integration, 46 J. COMMON MKT. STUD. 641 (2008).

