

# HISTORY OF THE EUROPEAN UNION

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## Abstract

This article aims to demonstrate how the project of the 'European Union' evolved both in the interwar period and in the years following the Second World War, focusing on promoters of the idea of federal Europe who attempted to find the best ways for building a suitable European Community development. The establishment of three European Communities in the 50's, although they were mainly orientated economically also involved political cooperation, thus contributing to a new federal vision. Evolution of the European Communities has been marked by the widening of their accession of new members and by the review of the institutive treaties in order to speed and flexibly achieve those objectives. Given the constant changing of modern world, the European leaders had to agree on new rules that would take into account political, economic and social changes, while also meeting the aspirations and hopes of the Europeans. Signing the Lisbon Treaty was the recognition that the EU needs to modernize and to have effective and consistent tools, not only adapted to the functioning of a Union extended to 27 countries, but also to the rapid changes of the present day world. The Lisbon Treaty clearly defined objectives and values of the European Union on peace, democracy, human rights, justice, equality, rule of law durability and also set up a stable institutional framework which gives the ability to obtain better results closer to expectations of European citizens.

## Keywords

European Community, European Union, the Community treaties, accession, modernization, reform treaty.

## 1. Background of united Europe idea

The idea of a united Europe is old and deeply rooted in the history of European continent, these taking different forms over the passage of time. According to historian Jean-Baptiste Duroselle, over time were tested four types of relevant projects respectively for unity by force, unity as a principle, unity in diversity and unity through mutual agreement, some of them overlapping at times [1].

Greek antiquity has created the first forms of unity and cooperation, when they generated the League of Delos [2] and the League of Peloponnese [3], both political creations having the form of confederation. After their disappearance, the new power of Rome, based on a policy of continuous expansion, managed to create the largest and most compact empire of antiquity, one of the most consistent and durable state formations in human history [4]. The Roman model would be for many centuries a target in terms of recovery, albeit partial, of the European continental unity, temporarily fulfilled by the emperors Charlemagne [5] or Otto I [6].

Another form of continental unity was Christian. If along with the Edict of Milan (313 AD) Christianity became a "*religio licita*" equal in rights with other religions of the Roman Empire, the Edict of Thessalonica (380 AD) made it the state mandatory religion for all Empire subjects. Thus Christianity has achieved a synthesis of European spirituality which evolved into the idea of unity,

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which will continue to be supported and promoted even after the Great Schism [7] in 1054, the church operating as the first pan-European structure.

In the context of affirmation of national states it was felt the need for a stronger bond than religion to unite European countries. Thus, from the eighteenth century it began to shape the idea of formulation of new projects of peace and unity in Europe through its radical reorganization. Examples would be "The design to make permanent peace in Europe" from 1713, belonging to the abbot of Saint-Piere [8]," Plan of a universal and eternal peace "by Jeremy Bentham [9] or the idea of "European Republic" by JJ Rousseau [10].

Another project known as *The philosophical project of permanent peace (Friede Zum Ewigen)* formulated in 1795 by the great philosopher Immanuel Kant (1724-1804), where he developed the idea of an international pact designed to eliminate war forever in peoples lives. The means for this purpose was the termination of the states illegal status (which represented the main source of war) and the establishment of a new type of international society, a "nation state" of federative type, to ensure security and protection for all countries regardless of their size. This society should have been achieved progressively, starting from a strong core, provided by the nation with a republican state system, extending itself to the continental level and then ultimately to the entire world. Until this goal would have materialized, he wanted to have the federal alliance between the confederate states to ensure the exclusion of war and abuse of any kind. Even if the project did not include a specific institutional breakdown, with regard to the functioning of the federal system envisaged, it nevertheless marks a milestone in the curdling of a unitary concept that includes both ideals of pacifism, liberalism and federalism, using the formula of a free federation of states with Republican constitutional regime and based on international law, with mutual guarantee of rights.

Likewise have expressed their opinions other illustrious personalities: Alphonse de Lamartine [11] who launched *Manifesto to Europe*, and Victor Hugo [12] a *Call for United States of Europe* (1851). Later, Victor Hugo said that "*Europe needs a European nationality*," and in a message to the Peace Congress in Lugano, he wrote: "*Surely we will have this formidable European republic. We will have these United States of Europe that will crown the ancient world*"[13].

But this dream was shattered by the First World War (also known as the Great War), which destroyed internationalist pacifism illusions and hopes, the war effects being beyond the most pessimistic projections [14].

Thus, almost one hundred years after the Napoleonic wars, which devastated for many years the old continent, the Great War left Europe in ruins, with significant casualties, as well as severe economic and social problems. The desire of states to cooperate to prevent recurrence of a disaster of the magnitude of World War I, made the Paris Peace Conference (held from January 18, 1919 to June 21, 1920) to decide the establishment of the League of Nations [15], whose basic principles have been formulated in the plenary session of the Conference on January 25, 1919, showing that: "*It is essential for maintaining global status that the associated nations desire, to create a League of Nations, a body of international cooperation which will ensure international obligations and provide safeguards against war*" [16].

Starting from the new European geopolitical realities and from the goals of the League of Nations, the problem of finding new forms of organization of the European continent was repeated in several projects that concerned not only the intellectual elite of the time, but also the politicians. But the idea of a united Europe can not be imposed easily, it had to struggle with the fear of nation states (especially those arising from the peace treaty) not to be swallowed by a super state led by a great power, thus reenacting the prewar situation [17].

Four more years had to pass until Count Richard Coudenhove-Kalergi [18] began to develop his project which gave rise to the Pan-Europe movement. In 1922, in Vienna, he published a manifesto with a title "*Europe's problem is summed up in two words: unification or collapse*" and in

1923 he published a comprehensive paper entitled *Pan-Europe*, which will become the classic work of the movement with the same name initiated in the same year. For the first time in history it was issued a lucid analysis work which contained the basic principles of a precise and coherent political program. The paper stressed the need for reconciliation between France and Germany as the indispensable basis of European reconstruction. The Union had to follow in many ways the Pan American organization that seemed able to reconcile national independence with regional and international cooperation. Pan-Europe was to be equipped with a Council composed of delegates from the states, a Parliamentary Assembly composed of delegates from national parliaments and a Court of Justice.

In the manifesto, "What the Pan-European Movement wants?", adopted on September 11, 1926, were proclaimed the lines of action necessary for the carrying out of Pan-Europe: ensuring equality, security and sovereignty of the states, the creation of military alliances, creating a customs union, creating a common currency, the common recovery of resources of the colonies of Member States, respect for cultural individuality of each state and civilization, the protection of national minorities, cooperation with other states of the League of Nations. So, they set economic goals, in terms of international relations and in terms of human rights [19].

Union has enjoyed great success among some politicians, writers, or intellectuals, such as Aristide Briand, Leon Blum, Edouard Herriot, Eduard Benes, Konrad Adenauer, Paul Valery, Paul Claudel, Rainer Maria Rilke and many others yet.

Meanwhile, Count Coudenhove-Kalergi initiative faced with adverse reactions. An article in the newspaper "Arbeiter-Zeitung (Workers Newspaper) reveals that the idea belongs to one man who sees European peace treaty under threat and eternal conflict, showing that: "*Utopia is to believe that the capitalist powers can be convinced of the usefulness of international solidarity if they are shown the potential danger of nationalist egoism.*"[20]

The Pan-European Movement has continued to attract the attention in the next period setting in motion a true intellectual rivalry, but in terms of real output the Pan-European movement failed.

In 1929, it passed from the stage of propaganda in favor of European unification to that of official action. Thus, the French foreign minister, Aristide Briand [21], supported by his German counterpart, Gustav Stresemann on the occasion of the tenth session of the League of Nations General Assembly (September 5, 1929) gave a speech in which he proposed a plan for the United States of Europe, saying: "*I was associated during these years in active propaganda in favor of ideas that wanted to be qualified as generous, so as not to be qualified as imprudent. This idea, which was born many years ago, which ignited the imagination of philosophers and poets [...] finally appeared to correspond to a need [...] I believe that among the peoples who are geographically grouped in Europe there must be some sort of federal link. That federal link I will endeavor to make real* [22].

In his speech, Gustav Stresemann, strongly supported the economic objectives of such a union, by creating new markets for the industry of European countries, streamlining the continent's economy and its integration into the world circuit. He also expressed the need to clarify political objectives, so that the expected unification should not limit the sovereignty of participating countries and should not be directed against any extra-European powers.

Representatives of 27 European countries, members of the League of Nations recognized the need for such an approach and called for France to draw up a memorandum which included the principles of organizing the new structure of European Union, which will be submitted for documentation to all European governments to express their observations. The views of governments were to be sent to the French Government, then the findings of the consultations were to be presented to a future session of the General Assembly of the League.

Thus the postponing the debate of Briand project for several months sealed its fate due to adverse changes occurring in international political and economic context.

G. Stresemann's death (October 3, 1929) and the Brüning minority government coming into power (March 27, 1930) led to discontinuation of the Franco-German dialogue. Heinrich Brüning cabinet achieved a decisive shift in German foreign policy in a revisionist nationalist sense and the idea of reconciliation with France has given way to a greater intransigence for revision of peace treaties and pursuing priority national interests of Germany.

However, on May 17, 1930, was submitted for documentation to all European governments "*French Government Memorandum on the organization of a system of European Federal Union*", in which appeared the necessity of coordination of economic policies and the need for an institutional mechanism capable of providing the Union its vital organs necessary to achieve its goal, consisting of: a representative body as a regular institution of the "European Conference", drawn from representatives of all European governments members of the League of Nations, an executive form of permanent political committee with a restricted membership, to which may be invited to other states, members or non-members of the League of Nations, when discussing issues that concern them directly, a Secretariat which will develop and provide preliminary work in terms of administrative enforcement of the instructions of the Political Standing Committee or the European Conference [23].

Memorandum had a huge media echo raising a great interest among European public opinion. In France, while the non-communist left and center press welcomes the project having reservations about the principle of maintaining absolute national sovereignty, the right press spoke of "incurable delusion" and "traitor pacifism", seeing only one advantage only in obliging all states to openly declare acceptance of the situation created by the peace treaties. In Germany, center and left media, although objecting to the stabilization of the Versailles system by putting the spotlight on security guarantees, however, stressed the unrepeatable opportunity offered by the project for European unification, for the peaceful resolution of all disputes, including existing border revision through understanding. Right-wing newspapers, however, generalized the critics of the project as an expression of French national interests, designed to impose new "encumbrances" to Germany and sustained the idea of central Eastern Europe under German auspices.

In the Romanian media, the issue has been addressed extensively, many journalists, politicians, personalities of culture and science, expressing their point of view. One of the most relevant points of view is that of Vespasian V. Pella [24], which in a series of articles examined the whole problem contained in the Memorandum. According to him, the creation of European Federal Union was intended to "*provide moral and material recovery of our continent, to provide somewhat second revival of Europe, this Europe which many politicians and economists consider on the verge of collapse as today*. Also V. Pella showed that: "*Europe can only be saved through cooperation based on the principle of equality between all members of our society, through a cooperation which does not interfere with anything in the process to normalize and strengthen those states that are now stopped in their natural development by foreign domination under which they were found before World War and which countries are thus in a state of manifest inferiority, finally, through a cooperative in which all peoples of our continent, without any thought of political and economic hegemony, want to participate in the truthful reorganization and progress of the European community* [25].

On September 9, 1930, representatives of European states to the Geneva Conference were called to give their verdict on the project Briand. The author of the plan proposed adoption of a declaration of principles for European Union constitution and the Federal Assembly. German counterproposal provides a simple resolution declaring the will of States to discuss European issues in their entirety, only in the League of Nations. Finally, at the England's proposal, the adopted resolution only stated by the formation of a committee of study of the problem of the European Union within the League of Nations with a Secretariat headed by Secretary General of

the General Assembly. Committee met in January 1931 and had several sessions until September 1932 in Geneva without adopting resolutions, but only reports to the General Assembly of the League of Nations. During the debate addressed to the Committee there were only economic problems, and in September 1931, the Committee rejected a final proposal of A. Briand regarding the creation of standing committees of the League of Nations on the problem of European unity. Disappointed and discouraged, Aristide Briand declared the withdrawal of his project and further limiting of the availability of France to a policy of understanding with Germany.

In conclusion, Brüning cabinet caused the failure of French plans. For Germany, Briand Plan has only secondary importance to the German policy of revising peace treaties and to the domestic issues such as the economic crisis, unemployment, electoral fight and Nazis rising [26].

In early 1932, the aggressive attitude of Germany continues to be stated, the hegemonic tendencies of Europe becoming increasingly obvious. Following the affluence of consolidated foreign capital of benefit from Dawes Plan [27], of the war unpaid debts and of the path opened to the east through agreements of Locarno, Germany was in a privileged position in terms of economic relations with the Member states of the Danube basin. To bar the road of German imperialism to the Danubian region in February 1932, France launched the Tardieu Plan of "European Economic Union." The Anglo-Franco-German conflict of interests was evident in conversations between these powers, so the French plan was rejected. Failure of Tardieu Plan was reported by the severe censorship of the major powers (Britain, Germany, Italy) in the London Conference, held between 6 and 8 April 1932 [28].

When we refer to legitimate concerns of Romanians and Romania in relation to the emergence and evolution of the idea of European integration we can not ignore the presence of great diplomat N. Titulescu [29] in such a context; as a League president, he has helped to strengthen the thesis of "European unification", but also to remove the danger of a new world war.

Another approach started in Romania in view of the European unification was the *Esperanto* call to achieve United States of Europe (1934), call that "*by its clairvoyance goes beyond the frontiers of imagination.*" The call text in its 10 points has a tendency to come true today:

"Europeans!

1. Despite the opposition and against all, trust in the European Union.
2. In the national elections, vote only for a party that militate in favor of creating a unified economic area.
3. Ask the national European parliaments to establishing a common Parliament.
4. Ask for the formation of a common European army and the introducing of a single currency.
5. Have an autonomous status for countries, regions and cities in the United States of Europe.
6. To study in a European spirit.
7. Respect other nationalities.
8. Fight to free the economy from the burden of bureaucracy.
9. Fight for laws and institutions that enable social development.
10. Who fights for the European Union promotes world peace "[30].

Unfortunately, these messages did not have the expected echo in Europe; so once again, the continent has been ravaged by a devastating war, with harmful consequences for European countries.

During the Second World War, several European countries have developed manifestations of ideas of European unification. In 1944, representatives of the European resistance movements, meeting in Geneva (Switzerland), have developed a European ruling which stated that the creation of a prosperous, democratic and peaceful Europe formed of sovereign states, separated by political borders and customs is impossible, claiming that only a European federation could remove the causes of the two world wars.



At the end of World War II took a new form of hope was born. Those who resisted totalitarianism during the Second World War were determined to end the international antagonism and rivalry in Europe and thus create conditions for lasting peace. Between 1945 and 1950, some statesmen, including Winston Churchill, Robert Schuman, Konrad Adenauer, Alcide de Gasperi were determined to persuade citizens of the need to enter into a new era, that of a structured organization of Western Europe, based on common interests and based on treaties, which guarantee the rule of law and equality between all nations.

From here, however, until the actual implementation of the idea of European Union there had to be taken several preliminary steps. A first step is the ideas of relaunching the European Union ideas in the context of inter-war situation. In this respect we recall Winston Churchill's statement from University of Zurich in 1946 where he reiterates the idea of European unity by creating a Union of European States and a congress [31].

Several days later, on September 21, 1946, held in Hertenstein (Switzerland) a meeting of representatives of the European federalist movement, ended with a resolution approving a training program of a European union. As a result, from 27 to 31 August 1947 was held in Montreux (Switzerland) the Founding Congress of the Union of European Federalists (Union of European Federalists - UEF).

At Congress meeting in Montreux, representatives of European federalist movements [32] have been proposed to test the six principles on which the future federation was to be completed:

- European federation can be formed only on giving up any hegemonic principles;
- Federalism is based only on giving up any sense of the system;
- Federalism should not face the problem of minorities;
- Federalism is not intended to remove national differences and coverage of all nations in a single block, but rather retain their identities;
- Federalism should be based on acceptance of complexity, contrary to simplicity, which is characteristic of totalitarian spirit;
- Formation of a federation must be carried out step by step and not from the center, or by government means.

The Montreux Congress, during which the Federal States of Europe adopted the draft, was the prelude to the Congress of Europe in 1948. The Congress of Europe (known as the Hague Congress), held from 7 to 11 May 1948, The Hague (Netherlands), aimed at discussing ways of unifying Europe and was the first step of the process that led to formation of the European Union. Congress brought together the most representative contemporary European personalities who had proposed to demonstrate the extent of movement for European unification and to establish objectives to be achieved to make such a union. The congress resulted in numerous resolutions, whose approach reflects two perspectives on European construction: the federalist tendency (who wanted to fast forward and asked for a partial transfer of sovereignty of participating countries, through the formation of a European federation, according to the principle adopted in the United States of America) and unionist tendency (supporter of the idea of a European Union, in which participating states should retain full sovereignty, unity whose main functions would be economic cooperation and strengthen the defense capacity of Western countries) [33].

Political resolution adopted then by the Congress, entitled "Message to Europeans", underlined the urgent need for nations to unite Europe economically and politically in a structure capable of ensuring their security and social progress. In this relatively informal framework it was accepted the idea of partial transfer of sovereignty to a union, which thus can better defend their political and economic interests. It also requires the election of a European Assembly to examine the legal and constitutional implications deriving from the establishment of such a union or federation and social consequences thereof or otherwise. Following The Hague Congress, the

International Coordination of Movements for European Unity was transformed into "European Movement" [34], which has a coordinating role and brings together European movements.

In the same time, some European aspirations have been realized through the establishment of two organizations. The first one, "Western Union", was born after the *Treaty of cooperation in economic, social and cultural and collective self-defense*, signed in Brussels on March 17, 1948, by Belgium, France, Luxembourg, Netherlands and United Kingdom. By this treaty, the signatory states took commitment to defend each other if one of them would be the victim of armed aggression. Besides the fact that he proposed the creation of a common defense system for Member States, the organization is not limited to matters of defense policy but also considered strengthening economic, social and cultural connections between Member States in order to successfully resist from a military and ideological point of view to the new profile threat. In this regard, five states have established a 'Standing Committee for the study and development of European federation "[35].

The second organization released was OECE (European Economic Cooperation), which was created by the Treaty of Paris of April 16, 1948. OECE objectives were: management of financial aid from European countries by the United States, resulted in the Marshall Plan [36], coordination of national economic policies, offsetting the lack of convertibility of currencies and abolition of quantitative restrictions on trade between the states involved, and achieve a customs union and a free trade area [37].

Creating these two organizations responded only partially to the objectives stated at the Hague Congress. What was missing was the parliamentary component, namely an assembly of representatives of national parliaments to provide "*a platform for exchanging ideas and expressing an opinion on Europe, on topical issues*."

In these circumstances, in July 1948, just two months after the Hague Congress, Foreign Minister of France, Georges Bidault presented at a meeting of the Advisory Council of the Brussels Treaty, the first formal proposal at government level for creating a European parliament. The proposal was greeted with some apprehension. Subsequently, on October 26, 1948, the Brussels Council decided to set up a committee on research and development of European unity, composed of representatives of the five members of the Western Union [38]. Meeting in Paris in October 1948, under the presidency of Edouard Herriot, the Committee was asked by a Franco-Belgian proposal that called for a European Parliamentary Assembly. British delegation presented a counter-proposal predicting a competent European Council on matters of common interest, except for military defense and economic issues which were operated by OECE. It also proposed that in addition to the Committee of Ministers it should also be established an Assembly composed of representatives of governments. Faithful to its conception of the creation of a classic intergovernmental body, United Kingdom rejected any decision-making power of its own, virtually any parliamentary character of the Assembly [39].

On the Treaty Consultative Council meeting in Brussels on 27 and January 28, 1949, Britain softened its position, and agreed with the principle of creating a Parliamentary Assembly, but with an advisory role. The five foreign ministers reached consensus on establishing a Council of Europe consisting of a ministerial committee, which met behind closed doors, and a consultative body whose meetings were public. They decided to convene a conference of ambassadors to devise tasks and organize this new institution and invited five other countries (Denmark, Ireland, Italy, Norway and Sweden) to participate in negotiations. This conference should establish the status of the Council of Europe.

In early May 1949, ten foreign ministers met in London in Saint James Palace, to discuss ambassadors' findings and resolve past difficulties. Following these consultations, on May 5, 1949, was signed the Statute of the Council of Europe [40]. The official communiqué issued

shows: *"The essential feature of status [...] is to create a Committee of Ministers and a Consultative Assembly which set up the Council of Europe. Committee of Ministers shall have the powers to develop cooperation between governments and the Consultative Assembly, expressing the aspirations of the peoples of Europe, will provide governments the opportunity to remain in permanent contact with European public opinion"*[41].

Council of Europe Statute entered into force on August 3, 1949, the first session of the Committee of Ministers and Consultative Assembly taking place immediately thereafter, in Strasbourg [42]. Council of Europe has completed politically the previous organizations, bringing together European states which enjoyed a democracy and promoted human rights. These organizations, since 1950, came to be added to the European Communities, organizations intended primarily for economic purposes, but which have also assumed political cooperation, thus contributing to a new federal vision that ultimately will materialize in the emergence of the European Union.

## 2. Establishment of the European Communities

Creating European Communities in the 1950s is based on the same postwar realities that have led to the establishment of other European organizations. Communities appeared, therefore, as a new type of international organizations based on economic integration of Member States, with other words, on their membership in a unitary, integrated body, well beyond the sphere of relations of cooperation, partnership and joint action that characterizes the work of classic international organizations. The economic objectives pursued through the creation of new communities aimed at improving their economic and technical capacity to increase efficiency, in the conditions required for the development of modern society [43].

In these circumstances, in December 1949, Michel Debré [44] proposed a draft pact for the European Union States, based on a presidential system and the federalists who have an arbitrator chosen by universal suffrage for a period of five years, a Senate of Ministers of the Member States, a European Assembly composed of national delegates elected, based on the number of inhabitants and a Court consisting of Judges [45]. Michel Debré's proposal was followed by the declaration of Robert Schuman (French Foreign Minister), who in May 9, 1950, taking an old idea of Jean Monnet [46] proposed the pooling of coal and steel production France and Germany, and creating a market for coal and steel to be conducted according to supranational methods. In the Declaration it was stated: *"The French Government proposes that Franco-German production of coal and steel to be placed under a High Authority, within an organization open to other European countries. Control of coal and steel production should lead immediately to build a base for economic development as a first step towards a European federation, while changing the destinies of those regions which were previously dedicated to the manufacturing of munitions of war, whose victims were rapidly becoming. The solidarity in production thus established will show that any conflict between France and Germany becomes not merely unthinkable, but impossible. The establishment of this strong production unit, open to all countries wishing to cooperate and undertake to give member countries the main elements of industrial production on equal terms, will lay a true foundation for economic unification. This production will be offered to the world, without distinction or exception, to help raise living standards and to promoting peaceful achievements"*[47].

To fulfill this goal, in June 20, 1950, France has organized an intergovernmental conference whose presidency was provided by Jean Monnet, who, on this occasion said: *"We are not here to make a joint work, not to negotiate advantages, but to seek benefit of our mutual advantages"* [48]. Following discussions and negotiations on April 18, 1951, was signed the Treaty of Paris which



established the European Coal and Steel Community (CECA / ECSC) [49]. Treaty entered into force on July 23, 1952, after being ratified by the six signatory countries: France, West Germany, Italy, Belgium, Luxembourg and the Netherlands.

ECSC Treaty stated the creation of a common market for coal and steel, which resulted in suppression of customs duties and quantitative restrictions on free movement of goods, the prohibition of discriminatory measures and grants or aid by the state. Although there was a sector common market (which referred only to coal and steel), it set an institutional precedent that will provide the foundation for the European construction.

By ECSC Treaty was provided for the creation of four community bodies, namely:

- *High Authority* as a Community body that have a position of independence from the governments of the ECSC;

- *Special Council of Ministers*, which was an intergovernmental body;

- *Common Assembly* which had the task of democratic control and which was composed of representatives of parliaments of Member States, elected by direct universal suffrage;

- *Court of Justice*, with a mission to ensure the observation of ECSC law along with the interpretation and application of the Treaty.

Since the treaty constituting the ECSC the Treaty drafters wanted to create a community of law in which law should take the place of force. The treaty comprises four principles that form the basis of existing EU construction: the superiority of the institutions, the independence of the Community institutions, collaboration between institutions and equality among states. Although the Treaty has no longer the importance that the European economy had in the 50-ies, being out of force today, the major institutions which it created remain valid.

According to the Decision 234/2002/ECSC of the Representatives of the governments of the member states, meeting within the Council, of 27 February 2002 on the financial consequences of the expiry of the ECSC Treaty and on the research fund for coal and steel, the Treaty establishing the European Coal and Steel Community (ECSC) expires on 23 July 2002 and the ownership of the ECSC funds will revert to the Member States.

In accordance with Article 1 of Decision 234/2002/ECSC, Commission was authorized to manage on behalf of the Member States, all existing assets and liabilities of the ECSC to July 23, 2002, from July 24, 2002.

Subject to any increase or decrease which may occur as a result from the liquidation operations, was considered as assets intended for research in the sectors related to the coal and steel industry, referred to as the "ECSC in liquidation". After completion of the liquidation, the assets were to be called "Active Research Fund for Coal and Steel" and the income from these assets, called the "Assets of the Research Fund for Coal and Steel", to be used exclusively for research in sectors related to Coal and steel in accordance with this decision and acts on it [50].

In the period following the creation of the ECSC, attempting to focus this organizational model to other areas, has proposed creating a European defense community, which involves the establishment of a common European army with contingents made available by Member States and that would have been "attached political institutions of the united Europe" [51]. In this regard it was signed on May 27, 1952, the Treaty establishing the European Defence Community (EDC), which was sent to ECSC Member States on March 9, 1953. This project was abandoned in August 30, 1954, after the French National Assembly refused to ratify this treaty, although the treaty had been ratified by other countries [52].

After the 1954 failure of ambitious plans to create a European Defence Community (in conjunction with this and a European political community, in other words the supranational level of cooperation in an area extremely sensitive and politicized) during 1– 3 June, 1955, held in Messina (Italy) a conference of foreign ministers of member countries of the ECSC, an event

which restarted Community building. On this occasion, it was approved the Memorandum issued on May 20, 1955, by the Benelux countries [53] and it ruled the European integration process in all sectors of the economy.

The participants agreed to set up a committee composed of government representatives, under the chairmanship of Paul-Henri Spaak [54], which was to report on creating a common generalized market and an atomic energy community. United Kingdom, although initially accepted the invitation to join the committee, retired in November 1955, believing that it is better to have inter-governmental cooperation in the OEEC (Organization for European Economic Co-operation).

Spaak Report, released on April 21, 1956, was discussed and adopted by the Venice meeting of foreign ministers of the six ECSC member states from 29 to 30 May 1956. It was agreed that this document should be the basis of negotiations for treaties. Another step, also important, was *the inter-governmental conference* in Brussels on June 26, 1956 [55].

Other negotiations followed in summer and autumn, due to the diversity and complexity of problems, the divergence of views. Following negotiations, it was finally agreed the completion of substance and detail aspects of the EEC and EURATOM Treaties.

Thus, on March 25, 1957, in Rome, the Treaties establishing the European Atomic Energy Community and European Economic Community were signed. On the same occasion were also signed other documents, of particular importance including, the Convention on certain institutions common to the European Communities (Parliament Assembly and the Court of Justice of the European Community). The treaties were ratified during the July-December 1957, entered into force on January 1, 1958.

By signing the Treaties of Rome, two new Communities came into being: European Economic Community (EEC) and European Atomic Energy Community (EAEC), the new communities being inspired by the institutional concepts already put into practice by the ECSC.

According EEC Treaty, the stated purpose of the European Economic Community was that by establishing a Common Market and progressively approximating the economic policies of Member States, to promote throughout the Community a harmonious development of economic activities, a continuous and balanced expansion, an increased stability, an accelerated raising of the standard of living and closer relations between its Member States.

To achieve these goals, the Community action involved:

(a) the elimination, as between Member States, of customs duties and of quantitative restrictions in regard to the importation and exportation of goods, as well as of all other measures with equivalent effect;

(b) the establishment of a common customs tariff and a common commercial policy towards third countries;

(c) the abolition, as between Member States, of the obstacles to the free movement of persons, services and capital;

(d) the inauguration of a common agricultural policy;

(e) the inauguration of a common transport policy;

(f) the establishment of a system ensuring that competition shall not be distorted in the Common Market;

(g) the application of procedures which shall make it possible to co-ordinate the economic policies of Member States and to remedy disequilibria in their balances of payments;

(h) the approximation of their respective municipal law to the extent necessary for the functioning of the Common Market;

(i) the creation of a European Social Fund in order to improve the possibilities of employment for workers and to contribute to the raising of their standard of living;

(j) the establishment of a European Investment Bank intended to facilitate the economic expansion of the Community through the creation of new resources; and

(k) the association of overseas countries and territories with the Community with a view to increasing trade and to pursuing jointly their effort towards economic and social development [56].

Like the European Atomic Energy Community, in order to fulfill its duties, the EEC has been endowed with a Parliamentary Assembly, a Ministerial Council, a Commission and a Court of Justice. It was also established that the Council and Commission must be supported by an Economic and Social Committee who have advisory attributions [57].

Also, according EAEC Treaty the main objective of the European Atomic Energy Community was to contribute to the raising of the standard of living in Member States and to the development of commercial exchanges with other countries by the creation of conditions necessary for the speedy establishment and growth of nuclear industries.

To accomplish its mission, EAEC should:

- (a) develop research and ensure the dissemination of technical knowledge,
- (b) establish, and ensure the application of, uniform safety standards to protect the health of workers and of the general public,
- (c) facilitate investment and ensure, particularly by encouraging business enterprise, the construction of the basic facilities required for the development of nuclear energy within the Community,
- (d) ensure a regular and equitable supply of ores and nuclear fuels to all users in the Community,
- (e) guarantee, by appropriate measures of control, that nuclear materials are not diverted for purposes other than those for which they are intended,
- (f) exercise the property rights conferred upon it in respect of special fissionable materials,
- (g) ensure extensive markets and access to the best technical means by the creation of a common market for specialized materials and equipment, by the free movement of capital for nuclear investment, and by freedom of employment for specialists within the Community,
- (h) establish with other countries and with international organizations any contacts likely to promote progress in the peaceful uses of nuclear energy [58].

In order to perform its tasks it has been endowed with the following bodies: a Parliamentary Assembly, a Ministerial Council, a Commission and a Court of Justice [59]. It was established that the Council and Commission are to be assisted by an Economic and Social Committee which was advisory.

### **3. Evolution of the European Communities**

Creating the three European communities marked the beginning of a process of evolution of the European construction, which is developing in two directions: extending Communities by attracting new members and institutional improvement.

#### ***3.1. Enlargement of the European Communities***

As is known, the founding members of the three communities were six, but under the treaties of incorporation, the founders envisioned the possibility of extending the communities by receiving new members. This was provided both in ECSC Treaty, EEC Treaty (Art. 237) and EAEC Treaty (Art. 205).

The first wave of enlargement took place on January 1, 1973, when Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland have signed the accession to the European Communities, which will include nine states since then. Norway has voted with a majority against membership, following a referendum organized for this purpose.

The following membership application was submitted by Greece in 1975 (after having first concluded an association agreement with the European Communities in July 1961); the Accession Treaty was signed on May 28, 1979, it entered into force on January 1, 1981.

Two other countries, Spain and Portugal joined in 1985 (after having first concluded an association agreement with the European Communities in 1977), the Accession Treaty enters into force on January 1, 1986. With the accession of Spain and Portugal, the number of Member States of the European Communities has risen to 12.

Given the policy of opening to other countries of the European Communities, in subsequent years were filed new applications for membership, as follows: Turkey (14 April 1987), Austria (July 17, 1989), Cyprus (July 4, 1990), Malta (July 16, 1990), Sweden (July 1, 1991), Finland (March 18, 1992), Switzerland (May 20, 1992), Norway (November 25, 1992) [60].

On February 1, 1993, in Brussels, Romania signed the "The European agreement establishing an association between the European Communities and their Member States, of the one part, and Romania, of the other part" [61]. The following year, on May 4, 1994, European Parliament gave its consent for admission as members of Austria, Finland, Norway and Sweden, to be completed the internal procedures of the Member for this purpose. Of these countries only Norway has rejected membership in a referendum (for the second time), so that from 1 January 1995 the membership number increased to 15.

In the following period, a number of other states have applied for membership, namely: Hungary (March 31, 1994), Poland (April 5, 1994), Romania (June 22, 1995), Slovakia (June 27, 1995), Latvia (October 27, 1995), Estonia (November 28, 1995), Lithuania (December 8, 1995), Bulgaria (December 14, 1995), Czech Republic (January 17, 1996), Slovenia (June 10, 1996).

Following these requests, on May 1, 2004, ten new countries joined the European Communities, namely: Cyprus, Estonia, Latvia, Lithuania, Malta, Poland, Czech Republic, Slovakia, Slovenia and Hungary, the number of Member States amounting to 25.

The next enlargement took place on January 1, 2007, when Romania and Bulgaria became full members of the European Community [62].

### ***3.2. Institutional Improvement***

Institutional improvement, the second main direction in the expansion of the European Communities, was marked, according to some authors [63], by a series of crises and failures, which led to a reflection and summary on how to overcome these crises, materialized finally in positive law by adopting legal rules that have changed the original treaties. According to others [64], the institutional development of the European Communities and their expansion only as the effect of crises and failures can not provide a sufficiently complete basis to explain the basic community building, arguing that in addition, an important role in institutional development Community had the results obtained by integration, especially since they are capable of joining the common efforts in the development of integration. For a better understanding of the entire process it is necessary to have a chronological presentation of key events that influenced the institutional development of the European Communities.

Thus, during 1961-1962, against the Franco-German rapprochement promoted by General Charles de Gaulle and Chancellor Konrad Adenauer, it was attempted to create a political community. In this regard, the Heads of State or Government of Member States have entrusted a committee led by Christian Fouchet, French Foreign Minister, with the mission to develop a draft treaty on the creation of a Union of States.

The project, known as 'Fouchet Plan' was published in November 1961 and proposed the creation of a European political union, governed by principles of intergovernmental coordination of foreign policies for the Member States, provide a Council of Heads of State, a Commission

composed of European Policy Senior foreign affairs officials and the European Parliamentary Assembly. The 'Fouchet Plan' was rejected by the community partners of France, being perceived as a Gaullist plot to undermine the European Communities [65].

A second 'Fouchet Plan' was published on January 18, 1962; it is more limited than the first, providing only the joint development of Member States' foreign policy, the defense and the cultural policy.

Following negotiations between member countries of the European Communities, regarding the ant federalist views of General Charles de Gaulle this project was not approved either.

Thus, in the '60s, the development of the community was characterized by a constant tension between national interests and EU integration, especially marked by the serious crisis which occurred in June 30, 1965 when France practiced so-called politics of the "empty chair" at Council meetings. The crisis was triggered by the discussions on financial issues related to agricultural trade. France rejected proposals from the Commission (chaired by Walter Hallstein) on common agricultural policy and was withdrawing its representative in negotiations. The Commission was charged that it assumed political power normally given the Council, thus trying to set up a supranational body.

The situation has been blocked without any possibility of output because France was in a different position on the issue of adopting a decision. France, which denied that decisions should be taken by majority vote and claimed that any decision should be taken by unanimity community members, was absent from Council meetings between 30 June 1965 to 30 January 1966, when the crisis ended with the "Luxembourg Compromise". The Luxembourg Compromise, although it had no legal value, established that Member States may request to postpone the vote and extend the debate around a proposed Community act if that act would harm important national interests. It was stated that decisions will be taken by majority vote, the Member states, however, agreeing that the important issues should have unanimous vote.

Another important institutional development of the European Communities was the adoption on April 8, 1965, of the "Treaty establishing a Single Council and a Single Commission of the European Communities", known as the "Treaty of Brussels" or "Merger Treaty"[66]. The treaty was to unify structure institutions in the three European Communities, which is expressly provided in the Preamble of the Treaty.

Thus, at decision level it was a single body, the Council of Ministers, which replaced the Special Council of Ministers of the European Coal and Steel Community, European Economic Community Council and the European Atomic Energy Community Council. This exercised its powers and competencies of these institutions in the conditions of each constituent part of the Treaty.

At the executive level resulted a single institution - European Commission, which replaced the High Authority of ECSC and EEC Commission and the Commission of the EAEC, the new entity exercising the powers and competences of the three institutions gathered under the terms of the constituent treaties.

The entity created by this Treaty, namely the "European Communities" enjoyed on the territory of Member States privileges and immunities necessary to carry out their mission, as laid down in the Protocol annexed to the Treaty. Also, officials and other servants of the three Communities became, at the entry into force of the Treaty, officials and other servants of the European Communities as part of a single administration of these communities [67].

In conclusion, the Treaty has made an institutional merger that led to the creation of a single budget of the Communities and the emergence of a single EU government. Unification which has been achieved took place only at the institutional level, new institutions created accomplishing the tasks provided in all three constituent treaties, leaving the three communities distinct.



At the Hague Summit in December 1969, the six members of the European Communities have reinforced the need for political unification of Europe [68]. This has led to the adoption of "Davignon Report", on October 27, 1970 by which was an agreement in simplified form which does not constitute a change in the constituent treaties, but requires only a moral obligation for Member States. Davignon Report consisted of four parts: in the first part were set some general considerations on the European political union to be "based on a common heritage of freedom and respect for human rights and to collect democratic states which have a freely elected parliament. The second part set objectives and means (harmonizing the views and concerted action in foreign policy, resulting from regular meetings of foreign ministers prepared for a permanent committee of the kind that draw up the report), in Part Three ministers are undertaken to continue this process of reflection and to prepare a new report assessing the results and the fourth provided the combination to the process of candidate countries for accession to the European Communities.

Following an objective integration political (which was not established institutionally until the coming into force of the Single European Act), Davignon Report managed a foreign policy focus of Member States, and one could say it has the merit of having prepared the future Member States for Common Foreign and Security Policy (CFSP).

The next major step in the evolution of the European Communities was adopting the Single European Act (SEA) by which were revised some provisions of the Treaty which established the Communities and it has shown willingness of the Member States to end stagnation community building. Single European Act was negotiated and drafted in an Intergovernmental Conference held in Luxembourg, from September 9, 1985 to February 17, 1986, the SEA text being signed in two stages: at February 17, 1986, by the nine states of the 12 States (Belgium, France, Germany, Ireland, Luxembourg, Britain, Netherlands, Portugal, Spain) and on February 28, 1986, by the other three (Italy, Denmark and Greece).

In the first stage, SEA has been ratified only by 11 Member States, considering that Ireland must first amend the constitution because of security references in the foreign policy community. After ratification by the SEA and Ireland, on July 1, 1987, the Treaty entered into force.

Single European Act brings together in a single document provisions for reform of European institutions and extends Community competence, also containing provisions on cooperation in foreign policy and environmental protection. SEA also removes the last barriers to complete the single market and broadens the field of Community action in the social sphere, environment protection, research and technological development. Institutionally speaking, it extends the area in which the Council of Ministers votes by qualified majority and formally recognizes the existence of the European Council. Also at the institutional level, Parliament first becomes associated in the legislative process, by establishing the principle of cooperation [69]. The same document establishes dual jurisdiction, by creating the Court of First Instance and Court powers extend. The document reinforces and extends competences in Executive Committee too.

Another milestone in the Community building is the adoption of the Maastricht Treaty. This one together with the treaties that have followed are further analyzed as referring to a new stage in the evolution of the European Communities, namely the European Union.

#### **4. Establishment of the European Union and the further evolution of the Community scheme**

A crucial moment in the evolution of community building is the relaunching of this process by adopting several texts, in legal form which merged with the Union's political and economic and monetary union, and have resulted by signing on February 7, 1992, in the Maastricht Treaty, known as the Treaty on European Union (TEU) [70].

Maastricht Treaty is composed of seven titles, as follows: Common provisions (Title I), Modification of the three treaties that each community has been established (Titles II-IV), Provisions on a common foreign and security policy (Title V), Regulation of cooperation in justice and home affairs (Title VI) and Final Provisions (Title VII). In addition the Treaty has annexed protocols and declarations on community problems.

Even the first article of the treaty states that: "This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to the citizen". Further, the Treaty states that "The Union is founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty. Its mission is to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples".

Based on these provisions, it can be said clearly that the three Treaties establishing the European Union constituents have not been removed [71] and thus not the three communities, which are one of the three pillars on which the Union is based [72].

Maastricht Treaty has brought some changes in terms of the European Communities, covering the most important European Economic Community (EEC), the objectives of which were reworked according to Community competences changes that suffered a number of institutional changes [73].

According to Article B of the TEU, the Union has the following main objectives:

- to promote economic and social progress which is balanced and sustainable, in particular through the creation of an area without internal frontiers, through the strengthening of economic and social cohesion and through the establishment of economic and monetary union, ultimately including a single currency in accordance with the provisions of this Treaty;
- to assert its identity on the international scene, in particular through the implementation of a common foreign and security policy including the eventual framing of a common defence policy, which might in time lead to a common defence;
- to strengthen the protection of the rights and interests of the nationals of its Member States through the introduction of a citizenship of the Union;
- to develop close cooperation on justice and home affairs;
- to maintain in full the '*acquis communautaire*' and build on it with a view to considering, through the procedure referred to in Article N (2), to what extent the policies and forms of cooperation introduced by this Treaty may need to be revised with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community.

In view of the future evolution of community building, in the article N, of the TEU states: "A conference of representatives of the governments of the Member States shall be convened in 1996 to examine those provisions of this Treaty for which revision is provided, in accordance with the objectives set out in Articles A and B".

The treaty also provides for review of treaty provisions in the coming years depending on the institutional changes increase the Member States and a possible strengthening of the European Parliament.

Application of the Maastricht Treaty required, in some respects, the adoption of texts or enforcement measures (institutional arrangements, changes in institutions' internal regulations), some of which were developed in anticipation of entry into force of the Treaty and entered into force together with it. 1 January 1999 was chosen for the transition to the third stage of Economic and Monetary Union, and could finally be respected [74].

Adoption of the Treaty of Amsterdam [75], on October 2, 1997, marks a milestone that has significant elements in the reform of EU institutions, in terms of integration and cooperation of states in the enlargement of the communities receiving new states, particularly Central and Eastern Europe. Treaty of Amsterdam consists of three parts, an appendix and 13 protocols. Thus:

- The first part (substantial changes) includes important amendments to the Treaty on European Union, the Treaty of establishing the European Community, the Treaty establishing the European Coal and Steel Community, the Treaty establishing the European Atomic Energy Community and the Act annexed to Council decision of September 20, 1976 on the choice of representatives in the European Parliament by direct universal suffrage;

- Part Two (Simplification) refers to the simplification of the Treaties establishing the three European Communities, seeking to eliminate provisions that are no longer present to adapt the wording of certain provisions. This part provides a series of Abrogation of common institutions, from March 25, 1957, and the Merger Treaty, signed on April 8, 1965, maintaining their effects;

- Part Three (General and final provisions) contains general and final provisions of the Treaty: the new numbering system of items (the Maastricht Treaty, the indexing was done by letter, by the Amsterdam Treaty is replaced by an index based on figures), the ratification procedure, language versions, unlimited validity;

- The annex included a list of equivalence of the articles renumbered TEU and TEC;

- The Treaty of Amsterdam 13 protocols annexed to it: Western European Union and the creation of a common defense policy, integrating the *Schengen acquis* within the European Union, the positions adopted by Denmark, Ireland and the UK on some issues, implementation of the principle of subsidiarity and proportionality, protection and welfare of animals, the role of national parliaments in the European Union, etc.

Among the requirements which imposed the adoption of the treaty in order to amend the Maastricht Treaty are the following:

- Need to increase the European Parliament's role in decision making;

- Need to refine the operating system of two important pillars of the European Union: Common Foreign and Security Policy (CFSP) and cooperation in justice and home affairs (JHA);

- Need to remove the technocracy that dominates the work of the Community institutions and the effect of distancing their citizens;

- Need to reduce disagreements between the small and large EU countries in relation to various aspects of community activities, particularly in the area of achieving future political union.

Treaty of Amsterdam entered into the scope of its concerns matters of particular importance for the development of European integration and community building developments, of which we mention:

- Greater flexibility in the design integration of new candidate countries in their level of development;

- The possibility offered by the EU Council that unanimously on a proposal or a third of Member States and the European Parliament's opinion may suspend certain rights of the State seriously and persistently violating human rights;

- Enhance the powers of the Communities in some areas (environmental protection);

- Specifying the relationship between national and Union citizenship, in that last one up on the national and not replaced;

- Indication of the competence of EU institutions in view of enlargement (up to 700 MPs) and in terms of qualified majority voting;

- New regulations on visa free movement of persons and arrangements;

- New regulations regarding social policy and employment [76].

Amsterdam Treaty also provided, through a protocol, further discussions on reform. The decision to hold an intergovernmental conference, having regard to the provisions of this Protocol, was taken at the Koln European Council, from 3 to 4 June 1999.

The official opening of the Intergovernmental Conference held on February 14, 2000, in Brussels. On this occasion, candidates states were aware of the importance of the following:

Formal adoption and implementation of the *acquis* and ensure the smooth functioning of the internal market, in line with EU policies, with a special emphasis on agriculture, justice and affairs and environmental protection practices align to EU relations with third countries and international organizations. Also, the candidate states received assurances that each application for membership will be judged on its merits.

A milestone was the adoption, at the meeting in Nice (at December 7, 2000) of the *Charter of Fundamental Rights*. The special significance of this document, but also the content of its provisions have led some experts to see its adoption as a step towards developing future EU Constitution. EU Charter of Fundamental Rights [77] summed in a single document for the first time in European history, the whole area of civil, political, economic and social rights. As to the scope of legal issues, the Charter makes no distinction between citizens and foreigners, comprising, for the first time in a single document, the rights of all persons who are lawfully within the EU. In light of the Charter, it can be said that through this important document was accepted, reaffirmed and developed fundamental legal norms on human rights, but avoiding to go too far in subsuming other international documents (or the competence of Member States) [78].

The conference ended with the Nice European Council meeting held on 7-11 December 2000, when it was decided to accelerate the accession negotiations with candidate countries and positively appreciated their effort to qualify for the adoption and application of the *acquis*. Council also discussed the European Security and Defence Policy, European Social Agenda approved, reviewed the process of European research, coordination of economic policies, consumer health and safety, maritime safety, environmental protection services of general interest Freedom, security and justice, culture, remote and external relations. Intergovernmental Conference ended on December 11, 2000, with a political agreement on signing the Treaty of Nice, the Heads of State or Government nominated for this purpose as their plenipotentiaries the foreign ministers of member countries.

Thus, on February 26, 2001, "after having exchanged their full powers, found in good and due form", they signed the Treaty of Nice [79], which was a reform in the sense of improvement and adaptation of the Community institutions community to new realities.

The main changes made by this Treaty refer to limiting the size and composition of the Commission, the extension of qualified majority voting, a new balance of votes in the Council flexibility and strengthening of cooperation agreements. In addition, there have also been addressed other institutional issues, namely: simplification of the treaties, defining the powers, the Charter of Fundamental Rights and the role of national parliaments. Declaration on the Future of the European Union annexed to the Treaty, setting out steps to be taken to deepen institutional reform.

European Council in Laeken (Belgium), held from 14 to 15 December 2001, decided to convene the Convention on the Future of Europe, chaired by Valery Giscard d'Estaing [80]. Work of the European Convention, which began on February 28, 2002 and ended in July 2003, aimed to determine the key issues to be considered having regard to the future of the European Union and to identify possible options for solutions. Convention work was particularly burdensome, but it finally adopted the "Draft Treaty of establishing a Constitution for Europe."

The project developed by the Convention established the future of key issues, namely:

- Defining Europe as a Union of states and citizens;
- Intended to build a community of values and rights, a unified economic space and money and an influential entity on the international scene;
- Maintenance of inter-institutional balance through strengthening the powers of the European Parliament, Commission and Council;
- Overcoming thick structures established by previous treaties;

- Attribution of international legal personality to the Union;
- Integration in the Constitutional Charter of Fundamental Rights;
- Clearer division of competences between the Union and Member States regarding national identity and their national organization;
- Introduction of mechanisms to ensure real respect for subsidiary and wider participation in the life of national parliaments;
- More flexible rules regarding cooperation, in order to allow a group of states to continue the integration process, a permanent vanguard open to accession of the states that did not want or could not participate in the cooperation since started;
- Streamlining provisions and European legal and financial instruments by introducing a hierarchy of legal texts containing framework laws and European laws adopted jointly by Parliament and Council;
- Improving the provisions on foreign, security and defense;
- Strengthening the unique space of freedom, security and justice;
- A further extension of qualified majority voting;
- Adopting the conventional method for designing future constitutional revision;
- Providing a right out of the Union [81].

At the Brussels European Council, held from 17 to 18 June 2004, Heads of State or Government of Member States have reached agreement on the Treaty establishing a Constitution for Europe, and so on 29 October 2004, in Rome, Heads of State or Government of Member States [82] and three candidate countries [83], signed the *Treaty establishing a Constitution for Europe*, known as the "constitutional treaty" or "European Constitution".

The final form of the Treaty establishing a Constitution for Europe is in fact true expression of what is today the European Union: compromise reached after a long process of negotiations and attempts to obtain a balance between the two great currents of opinion: the integrationist and the one who decides to maintain the status quo of the current EU, national governments retain a significant power. Treaty demonstrates the prevalence of the European spirit, resulting in the maintenance of a balance between European and its Member States.

What is new in this Treaty essentially boils down to:

- Reduce the number of application areas by unanimous decision;
- A new mechanism for making decisions by qualified majority within the Council, clearer, more effective and better reflects the double nature of the EU as a Union of states and peoples;
- A clearer delineation of responsibilities and simplify EU instruments available to EU institutions;
- Opening to the public of the Council's legislative work;
- A greater flexibility in adapting the Community legal framework, depending on future developments;
- Creating the office of Minister of European Affairs;
- Establish a stable European Council Presidency;
- Provisions relating to reinforce solidarity between Member States;
- Increasing cooperation in foreign policy and security policy;
- Conferring single international legal personality for the EU;
- Include, as part of the Constitution, the Charter of Fundamental Rights;
- Introduction of legislative initiative by citizens;
- Increasing the role of national parliaments in EU activities.

As stated, the Treaty would enter into force when all Member States had deposited instruments of ratification, setting the deadline is November 1, 2006. Following the referendum in France (May 29, 2005) and the Netherlands (1 June 2005), the Treaty was rejected, many voices



saying that "*the European Constitution Treaty died in France and was buried in the Netherlands*", not few are those who believed that the political project of United Europe died before birth.

Following these consultations of citizens called to rule on the Treaty, became evident a number of issues and challenges currently facing the European Union. First, it is obvious damage to the relationship with citizens as the direct beneficiary of the policies and actions undertaken at Community level. Secondly, it is necessary to maintain the principle of subsidiary and national level as the main level of Community intervention and decision only if the added value is a fact. Thirdly, closely related to the principle of subsidiary is also the tackling of the democratic deficit. The European Parliament has failed to transform itself into the representative body for European citizens, as initially wanted as evidence is the fact that turnout at elections is low.

Following these results and to overcome the impasse created by the Treaty rejection in France and Holland, the European Council held in Brussels from 16 to 17 June 2005, decided to launch a "period of reflection" in which the national debate to take place to involve citizens, social partners, institutions to find a solution for the future of the Union. In addition, in September 2005, Parliament decided to set a period of reflection for itself and a group responsible for structuring the debate on the future of the context analysis. Thus, to revitalize the debate on the future of Europe, the Reflection Group has proposed a series of conferences between national and European parliaments, called "*parliamentary fora*". The first such forum was to be held in spring 2006, before the June European Council [84].

Combined efforts of the European Council and European Parliament, European Commission launched in October 2005 a "Plan D" [85], mainly aimed at stimulating debate between citizens and EU institutions to propose ideas on the way in which the EU can become more democratic, more transparent and efficient. Also, the European Commission launched an action program, which enjoyed the support of informal European Council at Hampton Court (London), October 2005, took the double approach outlined in "An agenda for Citizens". It stated that to address the imperatives facing Europe in terms of policies requires adequate tools and appropriate working methods.

After a period of political consultations, the European Council in Brussels in June 2007, agreed to convene an Intergovernmental Conference (IGC) in July 2007. In this particular sense, a mandate was adopted, which provided in detail the elements of reform. The mission of the Intergovernmental Conference was to adopt the text of a Reform Treaty "to amend the existing treaties in order to enhance the effectiveness and democratic legitimacy of the enlarged Union and the consistency of its external action".

In this regard, the mandate of the Intergovernmental Conference shows that it is abandoned the constitutional concept, which consisted in repealing all existing Treaties and replacing them with a single text called "Constitution".

It also indicated that the Reform Treaty will introduce into the existing Treaties, which remain in force, the innovations resulting from the IGC since 2004 (CIG 2004), as detailed below:

- The *Reform Treaty* will contain two substantive clauses amending respectively the *Treaty on the European Union (TEU)* and the *Treaty establishing the European Community (TEC)*. The *TEU* will keep its present name and the *TEC* will be called *Treaty on the Functioning of the Union*, the Union having a single legal personality. The word "Community" will throughout be replaced by the word "Union"; it will be stated that the two Treaties constitute the Treaties on which the Union is founded and that the Union replaces and succeeds the Community. Further clauses will contain the usual provisions on ratification and entry into force as well as transitional arrangements. Technical amendments to the *EURATOM Treaty* and to the existing *Protocols*, as agreed in the 2004 IGC, will be done via *Protocols* attached to the *Reform Treat*.

- The *TEU* and the *Treaty on the Functioning of the Union* (new name of the *TEC*) will not have a constitutional character. The terminology used throughout the Treaties will reflect this

change: the term "Constitution" will not be used, the "Union Minister for Foreign Affairs" will be called High Representative of the Union for Foreign Affairs and Security Policy and the denominations "law" and "framework law" will be abandoned, the existing denominations "regulations", "directives" and "decisions" being retained. Likewise, there will be no article in the amended Treaties mentioning the symbols of the EU such as the flag, the anthem or the motto. Concerning the primacy of EU law, the IGC will adopt a Declaration recalling the existing case law of the EU Court of Justice [86];

- As far as the content of the amendments to the existing Treaties is concerned, the innovations resulting from the 2004 IGC will be integrated into the *TEU* and the *Treaty on the Functioning of the Union*, as specified in this mandate. Modifications to these innovations introduced as a result of the consultations held with the Member States over the past 6 months are clearly indicated below. They concern in particular the respective competences of the EU and the Member States and their delimitation, the specific nature of the Common Foreign and Security Policy, the enhanced role of national parliaments, the treatment of the Charter of Fundamental Rights and a mechanism, in the area of police and judicial cooperation in criminal matters, enabling Member States to go forward on a given act while allowing others not to participate [87].

In conclusion, Portugal, who took over the EU Council presidency on July 1, 2007, was on the agenda as a priority of the first Intergovernmental Conference (IGC), the drafting of the future EU treaty. For the IGC to conclude its task as soon as possible, in any event before the end of 2007 so that sufficient time be available for treaty ratification, before parliamentary elections in June 2009, it was decided that the Portuguese Presidency to prepare a version The preliminary text of the Treaty, in accordance with the terms of office, text to be submitted to the IGC as soon as it opens. It was also decided that: IGC to be held under the overall responsibility of Heads of State or Government, assisted by members of the General Affairs and External Relations Council, a Commission representative to attend the conference, the European Parliament to be closely associated and involved Conference to work with a number of three representatives, the Council Secretariat to provide activities for the Conference secretariat.

Following consultations and negotiations [88], it was possible that at the informal European Council that took place from October 18 to 19, 2007, to arrive at an agreement on the Reform Treaty text, which will be signed during the summit, in December 2007 in Lisbon.

Consequently, at December 13, 2007 at a summit in Lisbon (Portugal) was signed the Lisbon Treaty, officially named "*Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community*".

Entry into force of the Lisbon Treaty ratification depended on each of the 27 EU Member States [89], unrealized process until the set deadline. According to Art 6 of the Treaty of Lisbon, it was to come into force on 1 January 2009 provided that "all the instruments of ratification have been deposited, or, failing that, on the first day of the month following the deposit of the instrument of ratification by the last signatory State to take this step". Until all Member States have concluded the ratification process of the Lisbon Treaty, the European Union working base remained the Nice Treaty.

Since December 1, 2009, the Lisbon Treaty enters into force, providing the EU legal framework and legal instruments needed to meet future challenges and to meet citizens' expectations. Thus, under Article 1, item 2 of the Treaty of Lisbon, the European Union (based on the Treaty on European Union and on the Treaty on the Functioning of the European Union, both having the same legal value) is substituted to the European Community and succeeds it.

Other reforms proposed by this Treaty, in particular new institutional arrangements and mechanisms work can be summarized as follows:

- Granting legal status binding Charter of Fundamental Rights through its introduction in European primary law. Charter is a true compendium of rights enjoyed by citizens to European

legislation, such as the right to integrity, the prohibition of torture or inhuman or degrading treatment, right to liberty, respect for private and family life, right to education, ownership of non-discrimination, gender equality, cultural, linguistic and religious diversity etc;

- Strengthening the role of citizens (one million citizens from a significant number of Member States may request the Commission to submit a proposal in an area it considers that action is needed for the Union). Introduction of new possibilities for action at EU level in areas of interest to citizens, such as energy, citizen safety, social, climate change, combating terrorism;

- European Council will have a stable President (with a term of two and a half years, renewable), giving the EU greater continuity and political vision;

- Enhance the role of European Parliament. It will be directly elected by EU citizens and will have new powers of legislation, the EU budget and international agreements. It will use that more often co-decision procedure in EU policy, European Parliament will be on an equal footing with the Council, representing Member States in respect of most adoption of EU legislation;

- Keeping the principle of representation in the European Commission under "a state commissioner" until 2014, after which the Commission will be restructured College (two-thirds of the Member States, equal rotation);

- Has strengthened role of national parliaments (informing them of the draft laws initiated by the Union or the applications to join, increased involvement of national parliaments in matters concerning the area of freedom, security and justice, strengthening their role in subsidiary monitoring). Along with the enhanced role of the European Parliament, national parliaments involved will lead to strengthening the democratic nature and to increase legitimacy of EU action;

Expanding the field in which decisions are taken by the Council by qualified majority (instead of unanimity) or by using qualified majority in areas that are now voted unanimously (asylum, immigration, Europol, Eurojust, border control initiatives High Representative for CFSP, common transport policy, objectives and organization of the Structural Funds and Cohesion Fund, etc..) or by extending qualified majority voting in new areas where there is no legal basis in the treaties currently in force (own resources Union's space policy, energy, sports, tourism, civil protection, permanent structured cooperation on defense, diplomatic and consular protection, voluntary withdrawal of a Member State of the Union the right to popular initiative, the services of general economic interest, humanitarian aid etc.). Since 2014, calculating the qualified majority will be based on a double majority system, member states and population, reflecting the Union's double legitimacy. Double majority is achieved when a decision is taken by vote of 55% of Member States representing at least 65% of the population. The new method will simplify EU legislative process, resulting in greater efficiency in European decisions, with tangible results at the Europeans;

- Maintain innovations to foreign policy and security policy of the Constitutional Treaty, and the defense, taking over most of the provisions in these areas. It is introduced the possibility of closer cooperation between Member States interested in security and defense (permanent structured cooperation). It also provided visibility and coherence of European action in these areas by establishing the post of High Representative for Foreign and Security Policy who will chair the Council of Foreign Relations and will be at the same time one of the Vice-Presidents of the Commission. He will have as provide the Constitutional Treaty, a European diplomatic service;

- Inclusion of a solidarity clause between Member States for a series of threats such as terrorism, natural disasters or human origin, or energy problems;

- Treaty provides a legal framework for establishing a special relationship between the Union and neighboring states. For the first time in the history of European construction, the importance of Union's neighborhood relations is established at treaty level. Also, a number of provisions allowing flexibility and strengthening the Union's action regarding the area of freedom,

security and justice, providing responses in areas of current citizens as well as migration, fight against organized crime or terrorism;

- Granting single international legal personality of the European Union (part that will allow consistent and increased visibility on the international stage, its ability to become a representative or member of an international organization). The international legal personality will strengthen the Union power bargaining, causing it to be more efficient in the world and a more visible partner for third countries and international organizations [90].

## 5. Conclusions

Before becoming a real political objective, the idea of uniting Europe was merely a dream of philosophers and visionaries which, unfortunately, was shattered by terrible wars that have ravaged the European continent in the first half of the twentieth century. After World War II the need for peace and stability on the European continent in prosperity and to regain the position of cultural, political and economic world has forced European countries to search for pragmatic solutions, in fact transform the idea of unification. In this way, the EU has become from a utopia a reality based primarily on an economic union, which, in the current period, is facing new challenges designed to reconfigure its existence.

Thus, in a world in constant evolution, the European Union faces new challenges of the XXI<sup>th</sup> century: economic globalization, demographic change, climate change, the need for sustainable energy sources and new security threats.

All these aspects do not respect borders, and EU Member States are no longer able to face all these problems alone. To find solutions and address the concerns of citizens, a collective effort was needed at European level. Europe needs to modernize, to have effective and consistent tools, not only adapted to the functioning of a Union recently extended from 15 to 27 Member States but also to rapid changes which the world today is facing. Therefore, the rules underpinning cooperation between countries needed to be reviewed.

This was the objective of the Treaty signed in Lisbon on December 13, 2007, when EU leaders agreed on new rules taking into account the political, economic and social changes and wanting to meet the aspirations and hopes of the Europeans. Thus, the Lisbon Treaty established which are the European Union powers and the means that it can use and modified the structure of institutions and their functioning. However, the Lisbon Treaty has strengthened the Union's capacity to act, by improving the coherence of external actions, choice of domestic policies, obtaining better results and policy achievements in terms of citizens and upgrading institutions so as to ensure the operation of a Union of 27 Member States.

These elements give the Union an opportunity to better implement its policies to ensure growth and competitiveness, improving social and working conditions, enhance personal and collective security, to promote a cleaner environment and better health conditions, develop cohesion and solidarity among Member States as well as scientific and technological progress and, not least to improve their ability to act externally.

Given the foregoing, it is difficult to formulate predictions on the evolution of the European Union in the near future, especially given that the Treaty allowed for the first time the possibility of withdrawing from the Union, but this does not prevent the recognition and acceptance of records: The Union develops, progresses, rendering states in a novel management structure, potential archetype of the future political system.

The evolution of the European Union to a higher stage of federalization or contrary to a prevailing multilateralism will not eliminate the original character of community building as the

Union moves gradually, in my view, to an entirely different model of political organization different from the existing ones, model which has not yet received a proper name or definition.

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25. [www.fondationspaak.org](http://www.fondationspaak.org);

26. [www.eur-lex.europa.eu](http://www.eur-lex.europa.eu) - Portal access to the European Union;



27. [www.ier.ro](http://www.ier.ro) - European Institute of Romania;
28. [www.infoeuropa.ro](http://www.infoeuropa.ro) - site of the European Commission's Information Centre in Bucharest;
29. [www.mae.ro](http://www.mae.ro) - official website of the Ministry of Foreign Affairs of Romania.

**Notes:**

- [1] J.B. Duroselle "The idea of European Unity" in *European Integration*, Baltimore: The Johns Hopkins Press, 1957, p.11.
- [2] League of Delos was a confederation of Greek Ionian city-states led by Athens and founded in 478 BC response to claims of domination of Sparta on the Greek cities, but also as a form of self-help to repel any possible attack from the Persian Empire.
- [3] Peloponnesian League was based on an alliance between Sparta and Tegea that the city is obliged to give aid the Spartans in war and rebellion against helot. This alliance later joined other cities in the central area of the Peloponnesus, to be allied with Sparta concerned, this is the most powerful state in military terms.
- [4] The Romanian state has experienced several periods of development in terms of their shapes its organization. First it has evolved during the royalty (mid-century. VI BC - until 509 BC), then during the republic (509 BC - 27 BC), because during the monarchy or Empire to evolve in two stages, namely: Principality (27 BC - 284 AD) and dominance (284 AD - 565 AD).
- [5] Charles the Great (768-814 AD), in his attempt to revive the Western Roman Empire, led numerous campaigns against Lombard conquest (773-774), the Saxons (772-804), Moors (785-812 ) and the Avars (791-797) after which he founded an empire which included among its outside Gaul, northern and central Italian peninsula, northeast of the Iberian Peninsula and extensive lands east of the Rhine, for which May is sometimes seen as a founding father of both France and Germany.
- [6] Otto I or Otto the Great (912-973 AD) was a German king since 936 and 962 became the first Holy Roman Emperor after Pope John XII crowned in Rome.
- [7] Great Schism of 1054 divided Christianity into two main branches: Catholic and Orthodox. The main causes were disputes over papal authority and those relating to jurisdiction over certain areas or certain liturgical practices.
- [8] Charles-Irénée Castel, abbé de Saint-Pierre (1658-1743), thought that to avoid war and ensure "peace and future" for trade development, sovereigns should conclude a perpetual alliance, to submit a "European Senate" which have a common army, maintained by contributions paid by member countries. It is proposed as a collective security system to ensure the existence and integrity of participating states.
- [9] Jeremy Bentham (1748-1832) was a lawyer, English philosopher and social reformer. The project goal was to reduce and stabilize its labor system of different components of European nations, by removing the treaties of alliance, offensive or defensive trade agreements with unilateral advantages, the naval forces in excess, by dismantling the colonial system. He proposed a treaty of general and permanent, which is supported primarily by Britain and France, as a condition of pacification of Europe warranty. To implement it he proposed convening a European Congress with the participation of a pair of delegates from each country and a common Court of Justice for settlement of disputes between nations.
- [10] Jean Jacques Rousseau (1712-1778) was a philosopher, writer and French composer, one of the most brilliant thinkers of the Enlightenment. Influenced decisive revolutionary spirit, principles of law and social consciousness of the era, his ideas can be found in the changes promoted by the French Revolution of 1789.

- [11] Alphonse Marie Louise de Prat de Lamartine (1790-1869) - poet, writer and French politician.
- [12] Victor Hugo (1802-1885) - French poet, novelist and writer.
- [13] Irina Moroianu Zlătescu, Radu C. Demetrescu, 2005, p. 15.
- [14] At the end of World War balance of casualties was a tragedy: over 10 million soldiers were killed and another 10 million perished because of disease. Were killed, also, 13 million civilians, nine million of 10 million refugees and prisoners completing the list of disasters – Zorin Zamfir, Jean Banciu, 1995, pp 334-335.
- [15] In an opening week of the Paris Peace Conference to constitute a committee with the task of drafting the constitution of the League, as part of the peace treaty. Final draft of the document, called the League of Nations Covenant was approved unanimously by the plenary session of the Conference on April 1, 1919, but that pact was included in the Treaty of Versailles, the official date of incorporation of the same League the entry into force of the Treaty of Peace, after its ratification, on 10 January 1920.
- [16] Viorica Moisuc, 2002, p. 108.
- [17] George Sbârnă, 2002, p. 18.
- [18] Count Richard Nikolaus von Coudenhove-Kalergi (1894-1972) was a journalist, political thinker and militant federalist European Austrian origin.
- [19] Irina Moroianu Zlatescu, Radu C. Demetrescu, op. cit., p. 16.
- [20] George Sbârnă op. cit., p. 26.
- [21] Aristide Briand (1862 -1932) - French politician and statesman who served several times as Prime Minister of France and were awarded the 1926 Nobel Peace Prize.
- [22] George Sbârnă op. cit., p. 38.
- [23] Ștefan Delureanu, 1999, p. 45.
- [24] Vespasian V. Pella (1898-1952) - Romanian lawyer and diplomat, delegate to the League of Nations Assembly sessions and committee member in various committees of this international organization. Envoy Extraordinary and Minister Plenipotentiary at The Hague (1936) and Berne (1943-1944). Substitute Committee to amend the Covenant of the League of Nations in order to make them consistent with the Pact of Paris (1930). He played an important role in the development Balkan Conferences (1930, 1931, and 1933). Delegate to the Conference of Disarmament (1932-1934). Following the assignment of moral disarmament Committee Political Committee of the Conference of Disarmament, VV Pella does it a memorandum, known as the "Memorandum Pella" in connection with the adjustment of national laws to the fundamental requirements of international life. Member of the European Danube Commission, Secretary General of International Bureau for the Unification of Criminal Law.
- [25] "Universul"/9 Iunie 1930.
- [26] Martin Vogt, "Die deutsche haltung Briand-Plan zum im Sommer 1930 und Hintergründe der Europapolitik politisches Umfeld des Kabinetts Brüning", in Le Plan Briand, Bern, 1998, pp 307-329.
- [27] Charles G. Dawes was director of the U.S. Budget Bureau in 1921 and member of the Allied Commission for repairs since 1923. Work done to "stabilize the German economy brought him his Nobel Peace Prize in 1925. After being elected Vice-President Calvin Coolidge during his mandate (the XXX-century U.S. president) in 1931 was appointed U.S. Ambassador to England.
- [28] Eliza Campus, 1968, pp 97-110.
- [29] N. Titulescu (1882-1941) - Romanian diplomat and politician repeatedly minister, former president of the League twice in succession. Based his entire work on major fundamental

issues of the Romanian foreign policy. After the establishment of fascism in Germany, realizing the danger he represented him for the European continent, has made a living N. Titulescu work towards strengthening international cooperation in the interest of European peace and security. Convention has contributed to defining the aggressor (London, 1933) and reorganization of the Little Entente (1933) and adoption of the Balkan Entente (1934).

[30] Andrei Popescu, Ion Jinga, 2001, pp 4-5.

[31] On September 19, 1946, Winston Churchill gave a speech in the Aula of the University of Zurich (Switzerland), which stated: "Our goal must be constantly strengthening the United Nations force. Under this concept and the need to recreate the European family in a regional structure called - probably - United States of Europe and the first practical step would be formation of a Council of Europe. If at first not all states will be willing or able to join a union, we need to gather those who will and who may participate. Save all ordinary people from all countries and all races of war and subjugation must have a strong foundation, and be created by decision of all men and women to die rather than live under tyranny. In all these urgent issues, France and Germany must take the lead together. UK, British Commonwealth, America strong and - hopefully - Soviet Russia - for then, really, everything will be fine - to be friends and supporters of the new Europe and must fight for her right to live. So I tell you: Leave Europe to stand up! "- Winston Churchill Conference at the University of Zurich, September 19, 1946, published in *The Times*, September 20, 1946.

[32] In January 1947, Winston Churchill set up in London "Provisional Committee for a United Europe", composed of leaders of the three major UK political parties: Conservative, Liberal and Labor as well as academics and leaders of religious organizations. The Committee then turned to "Movement for a United Europe." Themselves at a conference convened in London by the UK Labor Party in 22 to 23 February 1947, socialist parties have formed an organization called "Socialist Movement for the United States of Europe." In June 1947, was founded in Chaudfontaine near Liege, Belgium, the organization "New International Teams, Christian democratic orientation. Initiative of creating this organization was taken by Robert Bichet of France, and Désiré Auguste de Schryver Lamalle and Belgium. The initiative was supported among others by Robert Schuman, Georges Bidault, Alcide De Gasperi and Konrad Adenauer. A first attempt to coordinate activities of all these organizations was held in Paris on July 17, 1947. She was followed by a second meeting on November 10, 1947, when it was established a Coordinating Committee that representatives of those organizations. Committee, entitled "International Steering Committee of the Movements for European Unity" was intended to organize the Congress of Europe, which were to participate with people who championed the idea of a united Europe.

[33] A number of resolutions were adopted at the end of Congress, seeking, inter alia, the creation of economic and political union to guarantee security, economic independence and social progress, the establishment of a consultative assembly elected by national parliaments, the drafting of a book European human rights and the establishment of a tribunal to enforce its judgments. All the themes around which Europe was to be built were already sketched in the initial design. Congress also revealed differences that were soon to separate unconditional supporters of a European federation (France and Belgium) of those who favored a simple intergovernmental cooperation, such as Britain, Ireland and Scandinavian countries.

[34] On October 25, 1948, the International Coordination of Movements for European Unity decided to change its name to the European Movement. On this occasion, Duncan Sandys

was elected president of the new organization, and Leon Blum, Winston Churchill, Alcide De Gasperi and Paul-Henri Spaak was appointed honorary chairman. Since 1948, the European Movement has played a key role in European integration process, exerting a massive influence in institutions nationally, regionally and internationally. She campaigned for direct elections to European Parliament for citizens of Europe and the Treaty on European Union and the European Constitution. European Movement permanent role in strengthening European institutions and ideals is recognized by senior officials and politicians from European countries.

[35] Dan Vătăman, 2008, p. 70.

[36] Marshall Plan, officially known as the European Recovery Program (ERP) was first reconstruction plan developed by the United States and for European allies in the war. On June 5, 1947, in a speech in Harvard Hall, Secretary of State George Marshall announced a broad program of economic assistance for the recovery of European economies in order to restrain Communist expansion, a phenomenon which he considers related issues economic. U.S. support has taken various forms: loans with favorable interest and repayment terms, free supplies, and low prices. All this was made possible by the conclusion of several bilateral treaties that have defined the conditions of their grant each Member assisted. Soviet Union and the countries under U.S. domination they refused the proposal.

[37] Dan Vătăman, 2008, p. 96.

[38] On October 28, 1948, the International Committee who organized the Hague Congress created the "European Movement", the official organization for continuous progress of European unification. Its honorary presidents of the Frenchman Léon Blum became Winston Churchill, the Italian De Gasperi and Paul-Henri Spaak Belgian, who guaranteed the international and non-partisan.

[39] Nicolae Ecobescu, Mariana Nițelea, 2006, p. 35.

[40] First signatories to the Statute of the Council of Europe countries were: Belgium, Netherlands, Luxembourg, United Kingdom, Ireland, France, Denmark, Norway, Sweden, Italy.

[41] Nicolae Ecobescu, Mariana Nițelea, 2006, p. 36.

[42] Dan Vătăman, *Organizații europene și euroatlantice*, București, Editura C.H. Beck, 2009 p. 23;

[43] Viorel Marcu, 1994, p. 15.

[44] Michel Debré (1912 -1996) was a French politician, was the first prime minister of the French Fifth Republic. The instruction of General Charles de Gaulle he prepared a draft constitution which was approved by referendum on September 28, 1958, which became the Constitution of October 4, 1958 is often called the Constitution of the Fifth Republic (Constitution of the Cinquième République ).

[45] Viorel Marcu, Mihai Ioniță, 2006, p.9.

[46] Jean Monnet, head of France's General Planning Commission, concluded that it was illusory to try to create a complete once a supranational institutional edifice without a face strong resistance from the states recently emerging from war. In his opinion, to succeed, had the desired objectives of cooperation between European countries is limited to specific areas, but with a strong psychological impact and the decision to establish a mechanism to receive, then new skills gradually. Behind this initiative was: it was unlikely to be imposed unilaterally on Germany's control of its heavy industry, but on the other hand, it was considered completely independent leaving a potential threat to peace, so the only solution was that of German integration (in terms of political and economic) in a highly structured European community.

- [47] [www.robert-schuman.org](http://www.robert-schuman.org) - the official site of the Robert Schuman Foundation.
- [48] Jean Monnet, *Mémoires*, Paris, Edition Fayard, 1976, p. 378.
- [49] *CECA: La Communauté européenne du charbon et de l'acier*, and *ECSC: The European Community of Steel and Coal*.
- [50] Decision 2002/234/ECSC of the Representatives of the Governments of the Member States, meeting within the Council, of 27 February 2002, on the financial consequences of the expiry of the ECSC Treaty and on the research fund for coal and steel - Official Journal of the European Communities L 79/42, 22.3.2002.
- [51] Ion Jinga, Andrei Popescu, 2000, p. 140.
- [52] In the early '50s, the U.S. has developed a rearmament plan of West Germany, which has sparked vehement opposition of France. To allay fears that it would have caused only a few years after the end of World War II, the restoration of German military and rearmament of West Germany firmly anchored in the European construction project, France came in October 1950, with a counter-project, called Pleven Plan: the creation of a European Defense Community (European Defense Community). After heated debate and negotiations held in May 1952 that the treaty should establish EDC was signed by the six founding countries of the ECSC - France, Belgium, Netherlands, Luxembourg, Italy and West Germany. Community project envisaged the establishment of a European army fully integrated (with common uniform and their flag), composed of 40 divisions (14 French, 12 German, 11 Italian and three Benelux countries), having led to a European minister of defense. However, in September 1952, negotiations were launched aimed to implement Article 38 of the EDC Treaty, which stipulated the need for strengthened democratic control over the new community. The new project should be that of a European Political Community (European Political Community), based on a system of joint decision-making bodies. But at August 30, 1954, the French National Assembly (French parliament) refused to ratify the treaty that established the European Defense Community, in these circumstances both CEA and the related draft it, and a European political community, fell into disuse – for the details see Dan Vătăman, *Drept comunitar european*, București, Editura Universul Juridic, 2009, p. 24;
- [53] Benelux - is the acronym used to refer to an economic union in Western Europe that comprises three neighboring monarchies: Belgium, Netherlands and Luxembourg. The Union's name is formed from the beginning of each country's name.
- [54] Paul-Henri Spaak (1899-1972) - Belgian politician, signatory of the Treaty of Rome by Belgium, as foreign minister. After the war, was involved in the most important European organizations and initiatives: Benelux, European Movement, Council of Europe Congress of Europe, etc. Was on the management of several major international organizations as the first president of the UN General Assembly (1946), Chairman of the Council of Europe Parliamentary Assembly (1949-1951), Secretary General of NATO (1957-1961). In 1952, he became the first chairman of the Joint Assembly of the European Coal and Steel Community - for details see [www.fondationspaak.org](http://www.fondationspaak.org)
- [55] Pierre Gerbet, *Le construction de l'Europe*, Imprimerie Nationale, Paris, 1994, pp. 170-188.
- [56] Article 3 of the EEC Treaty (Treaty establishing the European Economic Community)
- [57] Article 4 of EEC Treaty
- [58] Article 2 of EAEC Treaty (Treaty establishing the European Atomic Energy Community)
- [59] Parliamentary Assembly and Court of Justice became common for the three communities since 1958.
- [60] On April 28, 1990, held a special European Council in Dublin (Ireland) where he agreed a common position on German unification and the Community relations with countries in



- Central and Eastern Europe. In the process of reunifying the two German states, the German Democratic Republic was included in the European Communities, on October 30, 1990, without being regarded as a new member, but only as a result of unification.
- [61] Association Agreement was ratified by the Romanian Parliament by Law no. 20/1993, published in Official Journal no. 73 of 12 April 1993.
- [62] On 13 April 2005, the European Parliament adopts a Legislative Resolution in order to give its assent to the application by Romania to become a member of the European Union. Therefore, on April 25, 2005, in Luxembourg, Romania signed the Accession Treaty, while he was drafted as a Protocol of Accession documents and Alternative an Act of Accession. Thus, depending on time of entry into force of the Treaty establishing a Constitution for Europe, if it had occurred before the accession of Romania's Accession Protocol was annexed to the Treaty establishing a Constitution for Europe. Rejection of the Treaty establishing the European Constitution by referendum by France (May 29, 2005) and Holland (June 1, 2005) was not possible to enter into force on November 1, 2006, as planned. Consequently, the documents signed by Romania entered into force the Act of Accession, which is attached constituent treaties in force (the Treaty on European Union, the Treaty establishing the European Community and the Treaty establishing the European Atomic Energy Community), resulting status Romania's membership of the European Communities - for details see Dan Vătăman, *Drept comunitar european*, 2009 p. 28.
- [63] Ion P. Filipescu, Augustin Fuerea, 2000, p. 14.
- [64] Viorel Marcu, 1994, p. 17.
- [65] French President rule strongly against any supranational organizations. He hardly recognized the EEC and was determined to limit his power and influence and to reduce them by as much as possible. His preference was an association of heads of state. In his memoirs, de Gaulle declared that "myths writers want to see the assembly in Strasbourg a" European Parliament ", which is, of course, no actual power, but gives" executive "appearance of the Brussels democratic accountability - for details see Charles de Gaulle, 1970, p. 195.
- [66] The Brussels Treaty entered into force on January 1, 1967.
- [67] Article 24 of the Brussels Treaty.
- [68] This was made possible by Charles de Gaulle's resignation in April 28, 1969, which put up a fierce opposition to the expansion of Communities. However, France could not prevent long-term extension. At the Hague Summit in 1969, de Gaulle's successor, Georges Pompidou has agreed to resume negotiations, France received in exchange for his agreement on the extension the permission to complete the project and develop the Common Agricultural Policy.
- [69] In Chapter two of title two of the Single European Act (SEA), entitled "Provisions amending the Treaty establishing the European Economic Community", Section I - Institutional provisions, in Art. 6 states that: "Cooperation is a procedure which apply to acts based on Articles 7, 49, 54 (2), 56 (2), second sentence, 57, with the exception of the second sentence of paragraph 2 thereof, 100a, 100b, 118a, 130e and 130q(2) of the EEC Treaty. Also states that: In Article 7, second paragraph of the EEC Treaty the terms "after consulting the Assembly" shall be replaced by "in co-operation with the European Parliament".
- [70] The Treaty entered into force after deposit of instruments of ratification on November 1, 1993.
- [71] Article M of the Treaty on European Union provides that: "Subject to the provisions amending the Treaty establishing the European Economic Community with a view to establishing the European Community, the Treaty establishing the European Coal and Steel

- Community and the Treaty establishing the European Atomic Energy Community, and to these final provisions, nothing in this Treaty shall affect the Treaties establishing the European Communities or the subsequent Treaties and Acts modifying or supplementing them”.
- [72] The Maastricht Treaty has created a European Union based on the European Communities and supplemented by forms of cooperation and policies of the Treaty. Thus, the concept of the EU Treaty was a building which rests on three pillars: the European Community, Common Foreign and Security Policy (CFSP) and cooperation in Justice and Home Affairs (JHA).
- [73] Treaty of Maastricht amended EEC Treaty, replacing the term 'European Economic Community' with the term 'European Community', which he invested with sweeping powers, giving it new purposes - Title II, Article G of Treaty.
- [74] Augustin Fuerea, 2006, pp 46-47.
- [75] The full name is the "Treaty of Amsterdam amending the Treaty on European Union, the treaties establishing the European Communities and other related acts." The treaty entered into force on May 1, 1999.
- [76] Marcu Viorel, Mihai Ioniță, 2006, p. 24.
- [77] The draft charter was prepared by a Convention composed of 62 members: 15 representatives of the Heads of State or Government, 30 representatives of national parliaments (two from each Member State how many), 16 representatives of European Parliament, The European Commission's representative. The work of the Convention, attended, as observers, two representatives of the Court and Council of Europe. In addition, they were heard members of the Economic and Social Committee of the Regions, European Ombudsman, representatives of countries of Central and Eastern Europe, experts and representatives of NGOs. Civil society was consulted extensively, especially through a website that has gathered contributions from many associations and groups. The draft Charter was adopted by the Convention in early October 2000. Biarritz European Council on 13-14 October 2000 unanimously approved the project and to the European Parliament and European Commission. EU Charter of Fundamental Rights was proclaimed by European Commission President, European Parliament and Council President, following the Nice European Council of December 7, 2000.
- [78] Dan Vătămănuș, *Drept Comunitar European*, 2009, pp.36-37.
- [79] The full name is "Treaty of Nice amending the Treaty on European Union, the Treaties establishing the European Communities and certain related acts." The treaty entered into force on February 1, 2003, after being ratified by all Member States in accordance with constitutional rules specify.
- [80] Valéry Giscard d'Estaing - French politician, who between 1974 and 1981 was the twentieth president of France. He was President of the European Convention, which dealt with the drafting of articles of the European Constitutional Treaty. For this, in 2003, Karl was awarded the Aachen, which is offered annually for merit in European unification.
- [81] Dan Vătămănuș, *Drept instituțional al Uniunii Europene*, București, Editura Universul Juridic, 2010, p. 42.
- [82] At that time, the EU had 25 Member States.
- [83] Romania and other candidate countries (Bulgaria and Turkey), which participated in the Intergovernmental Conference as an observer participated in this event, being invited to sign the Final Act of the Intergovernmental Conference.
- [84] European Parliament resolution of 19 January 2006, "The period of reflection: the structure, subjects and context for an assessment of the debate on the European Union", published in OJ 287 / 24.11.2006, p. 306.

- [85] Commission contribution to the reflection and beyond: Plan D for Democracy, Dialogue and Debate - COM (2005) 494, 13.10.2005.
- [86] Whilst the Article on primacy of Union law will not be reproduced in the TEU, the IGC will agree the following statement: "*The Conference recalls that, in accordance with well settled case-law of the EU Court of Justice, the Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of Member States, under the conditions laid down by the said case-law.*" In addition, the opinion of the Legal Service of the Council (doc. 580/07) will be annexed to the Final Act of the Conference.
- [87] For details see Council of European Union mandate for the IGC 2007, Doc. no. 11218 / 26 June 2007 - <http://register.consilium.europa.eu>
- [88] During the negotiation of the Treaty of Lisbon, almost every country he fought for something: France on terms that would ensure its protectionist policies, Britain to be exempted from the EU Charter of Fundamental Rights, Parliament increased powers Germany European Competitiveness Netherlands, Finland and Denmark against reducing the number of commissioners. Poland won the maintenance Ioannina compromise (urging inclusion of a provision in the Treaty allows Member States to block a decision for a "reasonable period"). Bulgaria has requested the right to use the name "evro" for the euro. Romania "have carefully reviewed all proposals of Member States" and decided not to ask anything.
- [89] On February 4, 2008, the Romanian Parliament ratified the Lisbon Reform Treaty by Law 1 / 2008, which was promulgated by President of Romania, on February 6, 2008.
- [90] Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community – [http://europa.eu/lisbon\\_treaty/full\\_text/index\\_ro.htm](http://europa.eu/lisbon_treaty/full_text/index_ro.htm)