



## “EL ajalooline kujunemine ja euroopastumise teooria” P2EC.00.110

**KOOSTAJA: TÜ Euroopa Kolledž**

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### 1. EUROOPA LIIDU INSTITUTSIONAALNE ERILISUS

Kaasaja globaliseeruvast maailmamajandusest on riikidevahelise koostöö edendamine ning regionaalse iseloomuga kokkulepete levik ulatuslikum kui kunagi varem. Kogu maailmas on registreeritud ligikaudu 3000 rahvusvahelist organisatsiooni, mille puhul riikidevahelist koostööd ei juhi ja kontrolli üksnes rahvusriikide valitsused, vaid ka rahvusülesed institutsioonid. Eriti 1990. aastatel on tihenened ka riikidevaheliste majanduslepingute sõlmimine – kui näiteks 1990. aastal oli jõus üksnes 45 regionaalset kaubanduskokkulepet, siis praeguseks on Maaailma Kaubandusorganisatsioonis (WTO – *World Trade Organisation*) registreeritud üle 100 kaubanduskokkuleppe.

Eelneva taustal peaksime Euroopa Liitu suhtuma kui ühesse paljudest riikidevahelise koostöö vormidest. Samas teevad aga mitmed asjaolud 27 Euroopa riigi vahelise koostöö väga eriliseks nähtuseks maailma poliitilises ja majanduslikus süsteemis.

## Erilisus 1: Ajalooliselt on tegemist jagatud kontinendiga, mida on iseloomustanud keeleline, usuline ning ideoloogiline mitmekesisus ning poliitiline ja majanduslik killustatus.

*Euroopa ühendamise lugu ei ole olnud sirgjooneline, kindla plaani kohaselt kulgenud protsess.* Pärast Teist maailmasõda loodi Euroopas mitmeid rahvusvahelisi organisatsioone, millel olid erinevad, kuigi kohati kattuvad eesmärgid. Euroopa Liit on tänaseks tuntuim, kuid ta ei ole esimene ega ainus oluline üle-Euroopaline organisatsioon. Seejuures ei ole Euroopa riikidel olnud ühtset visiooni integratsioonist – Euroopa lõimumise lugu iseloomustavad segased ning tihti keerulised riikide- ja inimestevahelised suhted, erinevad vajadused ning arusaamad sellest, mis vajalik ja võimalik. Seega võib väita, et Euroopa lõimumine on olnud ebakindel ning etteennustamatu protsess, mis on läinud üle kivide ja kändude ning milles põimuvad erinevad poliitikategemise tasemed ja areenid, eesmärgid ja protsessid.

Kuidas periodiseerida Euroopa Liidu arengut? Kõige lihtsam on Euroopa Liidu kujunemislugu mõtestada läbi kahe paralleelse arengu, milleks on *integratsiooni süvenemine ja liidu laienemine* (*deepening and widening*).

### *Integratsiooni süvenemine*

***Integratsiooni süvenemise peamisteks tunnusteks on EL-i institutsioonide tugevnemine, liidu pädevuse laiendamine uutesse poliitikavaldkondadesse ning rahvusülesuse kasv.***

Integratsiooni senise dünaamika võib kokku võtta järgmiselt. Euroopa ühendamise esimest kümnendit 1950. aastatel iseloomustas hoogne areng ning funktsionalistlike institutsioonide loomine. 1960-ndatel ning 1970-ndatel areng soikus. 1980. aastate keskel toimus taas elustumine ja rahvusüleste institutsioonide osatähtsuse kasv ning nii süvenemine kui laienemine jätkusid täie hooga 1990. aastatel. Integratsiooni süvenemine on pidev protsess, mis ei toimu hüppeliselt lepingumuudatuse tulemusena, vaid ka läbi liidu institutsioonide igapäevase tegevuse. Ometi on järgmised lepingud olulisteks verstapostideks Euroopa Liidu arengus.

#### ***Euroopa integratsiooni süvenemine:***

- 1951 Euroopa Söe- ja Teraseühenduse asutamine (*European Coal and Steel Community*);
- 1957 Rooma lepingud: Euroopa Majandusühenduse ja Euroopa Aatomiühenduse asutamine (*European Economic Community – EEC; European Atomic Energy Community – Euratom*);
- 1986 Ühtse Euroopa akt (*Single European Act*);
- 1992 Maastrichti leping (*tuntud ka kui Treaty on the European Union*);
- 1997 Amsterdami leping;
- 2001 Nice'i leping;
- 2004 Euroopa Liidu Põhiseadusliku lepingu eelnõu;
- 2007 Lissaboni leping

Integratsiooni süvenemise juures on keskse tähtsusega liidu tegevuse laienemine uutesse poliitikavaldkondadesse. Algselt oli Euroopa ühendamise keskmes ühisturu loomine ning kaupade, teenuste, kapitali ja inimeste vaba liikumise tagamine. Aja jooksul on sellele lisan-

dunud ridamisi uusi valdkondi: põllumajanduspoliitika, keskkonnakaitse, tarbijakaitse, töötajate õigused, transport, telekommunikatsioon, energia. Oluliseks sammuks on rahaliidu loomine ning ühisraha kasutuselevõtt. Pikka aega oli liidu üheks tunnusjooneks vähene sekumine neis valdkondades, kus avaliku sektori kulud on traditsiooniliselt suurimad: sotsiaalpoliitika, haridus, tervishoid ning kaitsepoliitika. Nüüd on seegi muutumas. Alates Maastrichtist iseloomustab EL-i arengut samuti integratsiooni ülekandumine majandussfäärist poliitilisse sfääri – Euroopa kodakondsuse loomine, koostöö sise- ja justiitsküsimustes, ühise välis- ja julgeolekupoliitika areng jne.

### *Integratsiooni laienemine*

Oma ajaloo vältel on Euroopa Liit kasvanud kuue liikmesriigiga ühendusest 27-liikmeliseks organisatsiooniks. 1970-ndatel, 1980-ndatel ning 1990-ndatel aastatel liitus selleaegse Euroopa Ühendusega igal kümnendil kolm riiki. Viimane laienemisvoor oli enneolematu, kuna 2004. aastal liitus korraga 10 riiki, millele lisandusid 2007. aastal veel Bulgaaria ja Rumeenia. Läbirääkimisi on alustatud Horvaatia ja Türgiga ning enamus Lääne-Balkani riikidest on alustanud ettevalmistusi ühinemisprotsessiks. Liikmete arvu kasv on toonud kaasa EL-i tähtsuse tõusu. Tänapäevane Euroopa Liit hõlmab kõiki peamisi Lääne-Euroopa riike, olles üheks maailma suurimaks majanduslikuks ja kaubanduslikuks jõuks. Laienemine on teinud EL-i institutsionaalse süsteemi ulatuslikumaks ja keerulisemaks, kuna see peab ühildama paljude erinevate osalejate huve. Et säilitada poliitilise protsessi efektiivsust liikmete arvu kasvades, on Euroopa Liit pidanud eemalduma konsensuslikust otsustamisest ning liikuma enamushääletuse suunas. Praegu juba eelviimane laienemine (2004. aastal) oli enneolematu nii liituvate riikide arvu kui kultuurilise ja keelelise mitmekesisuse, liidu territooriumi kasvu (34%) ning rahvaarvu suurenemise (+ 105 miljonit) poolest.



***Euroopa Liidu laienemine:***

- 1973: Taani, Iirimaa, Ühendkuningriik;
- 1981: Kreeka;
- 1986: Portugal, Hispaania;
- 1990: Saksamaa ühendamine ning Ida-Saksa hõlmamine Saksamaa ja EL-i koosseisu;
- 1995: Austria, Soome, Rootsi;
- 2004: Eesti, Küpros, Läti, Leedu, Malta, Poola, Slovakkia, Sloveenia, Tšehhi, Ungari;
- 2007: Bulgaaria, Rumeenia

**Erilisus 2: Euroopa Liidul on teistest rahvusvahelistest organisatsioonidest tunduvalt arenenum ja komplekssem institutsionaalne struktuur.**

*Euroopa Liidu institutsionaalse süsteemi kuus peamist institutsiooni on Euroopa Parlament, Euroopa Ülemkogu, Euroopa Liidu Nõukogu, Euroopa Komisjon, Euroopa Kohus ja Euroopa Kontrollikoda. Lisaks neile arvatakse eraldi institutsioonideks Regioonide komitee ning Majandus- ja sotsiaalkomitee.*

**Euroopa Ülemkogu** (*European Council*) kasvas välja riigipeade või valitsusjuhtide tippkonverentsidest. Ülemkogu on EL-i kõrgeim organ, ta käib koos valitsuse juhtide tasandil. Ülemkogu arutab üldküsimusi, mis ei pruugi alati kuuluda Euroopa Liidu reeglite alla. Tema üles-

anne on kehtestada poliitilised suunad Euroopa integratsiooniks. Samas ei ole Ülemkogul õigust langetada juriidiliselt siduvaid otsuseid.

**Euroopa Liidu Nõukogu** ehk ministrite nõukogu (*Council of Ministers*) on Euroopa Liidu keskne seadusandlik organ, mis koosneb liikmesmaade ministritest. Ministrid vahetuvad olenevalt arutlusel oleva küsimuse iseloomust. Nõukogu käes on Euroopa Liidu seadusandlik võim. Vastavalt seadusele teeb ministrite nõukogu oma lõpliku otsuse pärast seda, kui komisjoni koostatud ettepanek on läbi vaadatud parlamendis ja jõudnud nõukogu ette.

**Euroopa Parlament** (*European Parliament*) esindab ühenduse liikmesriike. Alates 1979. aastast valitakse parlamendisaadikud rahvusriikide parlamendiliikmete hulgast otse rahva poolt. Parlamendi roll on suhteliselt sümboolne – eelkõige saab rääkida nõuandvast funktsioonist. Samas on parlamendil järelevalvefunktsioon komisjoni töö üle – õigus avaldada komisjonile umbusaldust ning algatada uurimisprotseduure. Alates 1975. aastast on parlamendile antud otsustusõigus EL-i eelarvega seotud küsimustes ja uute riikide vastuvõtmises. Viimasel ajal volitused kasvavad.

**Euroopa Komisjon** (*European Commission*) on Euroopa Liidu täitevorganiks. Komisjoni kuuluvad volinikud nimetatakse liikmesriikide poolt ametisse viieks aastaks. Volinikud on sõltumatud oma riikide valitsustest. Komisjoni ülesanne on kujundada liidu poliitikat, esitades ministrite nõukogule vastavaid ettepanekuid ja eelnõusid. Ka kontrollib komisjon lepingute täitmist, andes vajadusel asja edasi Euroopa Kohtule. Piiratud ulatuses on komisjonil täidesaatev funktsioon.

**Euroopa Kontrollikoda** (*Court of Auditors*) tagab vastavalt Euroopa Liidu asutamislepingu artiklile 188a auditeerimise. Kontrollikoda koosneb 27 liikmest, kelle nõukogu nimetab peale parlamendiga konsulteerimist ametisse kuueks aastaks. Liikmed valitakse isikute hulgast, kes kodumaal kuuluvad või on kuulunud organisatsioonivälistesse auditeerimisasutustesse või kes on eriti pädevad selle ametikoha jaoks. Kontrollikoja sõltumatus peab olema väljaspool kahtlust. Kontrollikoja ülesandeks on kontrollida finantsjuhtimise korrektsust ja seaduspärasust. Iga eelarveaasta lõppemise järel koostab kontrollikoda aruande, mis avaldatakse Euroopa Liidu Teatajas (*Official Journal*).

**Euroopa Kohus** on ühenduse kõrgeim õigusorgan (pädevus puudub liidu kahe samba osas), kelle otsused on kohustuslikud nii liikmesriikidele, firmadele kui tavakodanikele. Tegemist on üheaegselt nii haldus-, tsiviil- kui eriti konstitutsioonikohtuga. Kohut võib vaadelda ka seadusandliku võimu teostajana, sest lepingu tõlgendamise ja loodavate pretsedentide mõju on ühenduses suur. Kohtu pädevusse kuulub ka liikmesriikide trahvimine ja teiste institutsioonide omavaheliste vaidluste lahendamine.

Seega toimivad Euroopa Liidus lisaks traditsioonilistele delegatsioonidele ja sekretariaadile regulaarsed kõrgetasemelised kokkusaamised, tegutsevad Euroopa Ühenduste Kohus ja Euroopa Parlament, mis on maailma ainus otseselt valitud riike ühendav esinduskoda.

### **Erilisus 3: Euroopa Liidu tegevussfäär on tunduvalt laiem kui teistel rahvusvahelistel organisatsioonidel.**

*Kuigi formaalselt on tegemist ühe moodustisega – Euroopa Liiduga –, hõlmab see endas nn. kolme sammast: ühenduse sammast ja liidu sambaid, mille puhul erinevad otsustus- ja va-  
litsemisprotseduurid ning osaliste pädevus kardinaalselt.*

**Esimese samba – Euroopa Ühenduse samba – raames** on Euroopa Liidu institutsioonide pädevus kas absoluutne (tolli-, konkurentsipoliitika, ühtne turg jne.) või jagatud (sotsiaalpoliitika, keskkonnapoliitika). Jagatud pädevuse raames sätestab liit teatud standardid ja nõuded, kuid jätab detailsema poliitika kujundamise ja osalise finantseerimise liikmesriikide kanda. Liidu seadusandlus on otsekohaldatav ja rahvuslike seadusloomete ees ülimuslik. Liidu institutsioonid saavad tegutseda piirides, mille liikmesriigid on lepingutega neile seadnud; nende piiride laiendamine nõuab uue lepingu sõlmimist ja selle ratifitseerimist liikmesriikide poolt. Väljaantud määrused ja otsused muutuvad automaatselt siseriikliku õiguse osaks, direktiivide osas on riikidel piiratud muutmisõigus. Teatud küsimustes on liikmesriikidele säilitatud nõukogu hääletamisel vetoõigus.

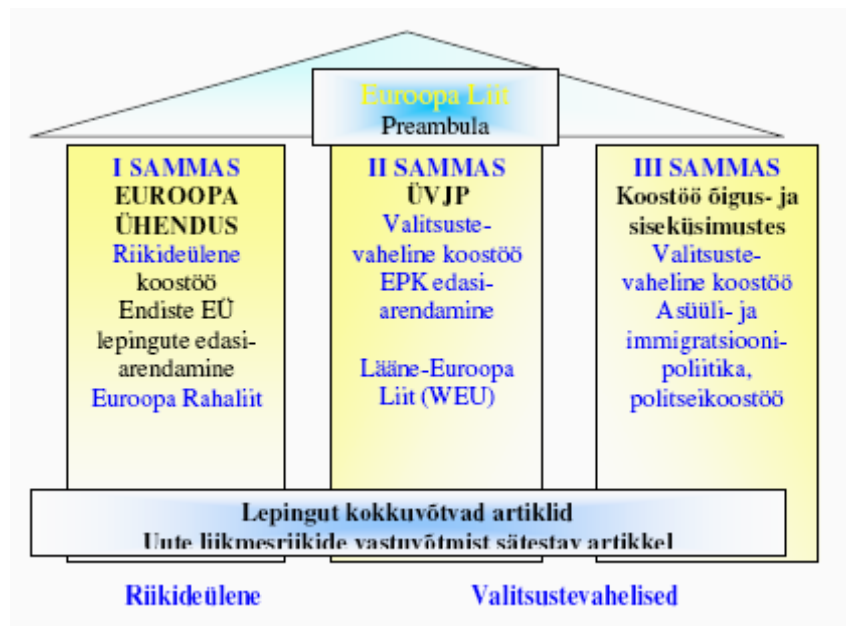
**Euroopa Liidu teise samba – ühise välis- ja julgeolekupoliitika** – eesmärgid on järgmised:

- liidu ühiste väärtuste, põhihuvid ja sõltumatus ning terviklikkuse kaitsmine;
- liidu julgeoleku tugevdamine;
- rahu säilitamine ja rahvusvahelise julgeoleku säilitamine vastavalt ÜRO põhikirjale ning Helsingi lõppakti ja Pariisi harta eesmärkidele;
- rahvusvahelise koostöö edendamine;
- demokraatia ja õigusriigi põhimõtete arendamine ja tugevdamine ning inimõiguste ja põhivabaduste austamine.

Teise samba meetmete osas sätestab Euroopa Liidu lepingu artikkel 12, et liit taotleb artiklis 11 seatud eesmärkide saavutamist järgnevalt:

- liit määratleb ühise välis- ja julgeolekupoliitika põhimõtted ning üldsuunised;
- teeb otsuseid üldstrateegia kohta;
- võtab kasutusele ühismeetmeid;
- võtab vastu ühiseid seisukohti;
- tugevdab liikmesriikide süstemaatilist koostööd poliitika elluviimisel.

**Euroopa Liidu kolmanda samba – õigus- ja siseküsimuste alase koostöö** – eesmärgiks on organiseeritud või muu kuritegevuse vastu võitlemine ning kuritegevuse preventatsioon. Kuritegevuse all peetakse eelkõige silmas terrorismi, inimkaubandust, lastevastaseid kuritegusid, ebaseaduslikku uimasti- ja relvaäri, korruptsiooni ja pettust. Kuritegevuse preventatsioon tagatakse liikmesriikide politsei- ja tolliasutuste ning muude pädevate ametiasutuste tiheda koostööga (nt. Europol või Eurojust). Ette on nähtud ka liikmesriikide kohtute koostöö ning vajadusel ka kriminaalõiguse normide ühtlustamine.



**Erilisus 4: Euroopa Liit on arenenud tunduvalt kaugemale rahvusvaheliste organisatsioonide traditsioonilisest valitsustevahelise koostöö vormist, hõlmates oma struktuuris ja tegutsemistavades rahvusülesuse elemente.**

Kas Euroopa integratsioon on olnud liikmesriikide valitsuste poolt kontrollitud protsess või rahvusüleste institutsioonide poolt kujundatud poliitikate tulem? See küsimus on olnud debattides integratsiooni ja EL-i olemuse üle kesksel kohal. Euroopa Liidus on alates integratsiooni algusest eksisteerinud paralleelselt mõlemad integratsioonitüübid.

**Valitsustevahelisus** (*intergovernmentalism*) – rahvusriikide koostöö ühiste huvide nimel, mis toimub tingimustes, mis ei õhnesta riikide suveräänsust. Otsusetegemine on valdavalt konsensuslik, säilib valitsustepoolne kontroll ning õigus otsustada koostöö vormi ja ulatuse üle (veto, kõrvalejäämine).

**Rahvusülesus** (*supranationalism*) – riikidevaheline koostöö ja integratsioon, mis ei ole enam üksnes valitsuste poolt juhitud ning kontrollitud. Integratsiooni tulemusena võivad riigid olla sunnitud toimima vastuolus oma eelistuste ja huvidega. Otsusetegemine toimub enamushääletuse alusel, riikidel puudub veto-õigus; rahvusülestel institutsioonidel on tugev mõju otsuste ja poliitikate kujundamisele ning elluviimisele.

*Peamised valitsustevahelise koostöö jooned EL-is:*

- mitmes keskses poliitikavaldkonnas toimub otsusetegemine jätkuvalt rahvusriigi tasandil, liidu institutsioonide mõju on piiratud;
- otsused, mis puudutavad EL-i üldist arengusuunda ja poliitilisi prioriteete, võetakse vastu riigipeade ja valitsusjuhtide poolt Euroopa Ülemkogu konsensusel alusel;
- kõik olulised õigusaktid peavad saama Ministrite Nõukogu heakskiidu, mitmes olulises küsimuses on tegemist konsensusliku otsustamisega;

- rahvusülesed institutsioonid (Euroopa Komisjon ja Euroopa Parlament) omavad üksnes piiratud rolli otsustetegemise protsessis.

*Samas on aga integratsiooni välitel tugevnenud Euroopa Liidus rahvusülesuse jooned:*

- Euroopa Komisjoni keskne roll EL-i päevakorra kujundamisel (*agenda setting*) ning sekundaarses seadusandluses;
- kvalifitseeritud hääleteenamuse kasutamine Ministrite Nõukogus;
- Euroopa Parlamendi suurenenud seadusandlik ja järelevalvefunktsioon;
- Euroopa õiguse ülimuslikkus ja otsekohaldatavus; Euroopa Kohtu roll Euroopa õiguse interpreteerimisel ning jõustamisel.

## **Erilisus 5: Euroopa integratsiooni ei saa üheselt põhjendada ühegi vastava teooriaga.**

***Ei ole olemas ühte domineerivat integratsiooniteooriat;*** valdkonda iseloomustab teoreetiliste lähenemiste paljusus ning erinevate koolkondade vaheline võistlemine. Euroopa Liitu on nimetatud ka sotsiaalteaduste suureks mõistatuseks – Euroopa Liit on ainulaadne nähtus, mis ei sobitu kergesti olemasolevate teooriate ja paradigmatte raamidesse.

Integratsiooniteooriad võib tinglikult jaotada kolme gruppi.

### ***I. Klassikalised integratsiooniteooriad***

***Föderalism*** – mõttevool rahvusvahelistes suhetes, mis rõhutab poliitilise visiooni olulisust ning suveräänsuse delegeerimist rahvusülestele institutsioonidele. Föderatsioon põhineb lepingul (*foedus*) või paktil, mis sätestab keskvoimu ja üksuste vahelised suhted ja pädevuse jaotumise. Väidetavasti ei suuda föderalism kuigi hästi selgitada integratsiooni esimeste aastakümnete arenguid, kuid on omandanud uue tähenduse seoses aluslepingute konstitutsionaliseerumisega, Euroopa Liidu pädevuse laienemisega uutesse valdkondadesse (rahapoliitika, välis- ja kaitsepoliitika), Euroopa Tulevikukonvendi tööga ning Euroopa põhiseaduse väljatöötamisega.

***Funktsionalismi*** keskmes on inimühiskonna huvid ja vajadused. Rahvusriigid üksi ei suuda vastata kõikidele inimvajadustele – teatud probleeme on otstarbekam lahendada rahvusvahelisel tasandil, luues uusi institutsioone, mis peavad vastama neile pandud ootustele. Rahvusvahelised organisatsioonid tekivad seega teatud ühiste huvide (majanduslike, poliitiliste) kokkupuutepinnalt. Riigid loobuvad oma suveräänsusest rahvusülestele institutsioonide kasuks valdkondades, kus see on otstarbekas. Funktsionalistide jaoks on prioriteetne avalik heaolu, mitte rahvusriigi puutumatus, suveräänsus, mingi kindel ideoloogia. Funktsionalism suudab edukalt seletada funktsionalistlike institutsioonide loomist 1950-ndatel, kuid ei suuda selgitada integratsiooni aeglustumist 1960-ndatel ja 1970-ndatel.

***Neofunktsionalism*** on kõige tuntum integratsiooniteooria, mis arenes käsikäes integratsioonipraktikaga, peegeldades Jean Monnet ja Robert Schumani visioone Euroopa ühendamisest. Neofunktsionalismi keskne tees on, et integratsioon kandub ühest majandussektorist üle teise (*spill-over effect*). Neofunktsionalismi loogika võib summeerida järgmiselt:



integreerimist tuleb alustada nn. „madala“ poliitika valdkondades, kuid tegu olgu strateegiliste majandussektoritega (näiteks söe ja terase tootmine). Tuleb luua rahvusülene või muorgan, mis juhib integratsiooniprotsessi. Teatud majandussektorite integratsioon loob funktsionaalse surve teiste sektorite integreerimiseks. Tekib lumepalliefekt, mille tulemuseks on riikide majanduste tihe läbipõimumine. Poliitiline integratsioon on majandusliku lõimumise vältimatu kaasnähe. Süvenev majanduslik integratsioon loob vajaduse tugevamate institutsioonide järele ning ühiskondlike huvigruppide lojaalsus kandub üle rahvusülesele tasandile, kuna seal tehakse suur osa inimeste heaolu puudutavatest otsustest. Järk-järgult toimuv majanduslik integratsioon ning tugevad rahvusülesed institutsioonid loovad tingimused pikaajaliseks rahuks.

**Transaktsionalism** väidab, et rahvusülesel/rahvusvahelisel integratsioonil on mitmeid olulisi ühisjooni rahvusriikide väljakujunemise ning ülesehitamisega (*nation-building*). Tihe kommunikatsioon teatud maa-ala asustavate inimeste vahel viib kogukonnatunde (ühise identiteedi) tekkimiseni. Sääraste kogukondade väljakujunemine vähendab agressiooni tõenäosust ning suurendab julgeolekut (*security communities*). Integratsioon ei eelda tingimata ühiste institutsioonide olemasolu; piisab ühistest väärtustest ning vastastikkusest usaldusest.

## **II. Teooriad, mis rõhutavad rahvusriikide valitsuste kesket rolli ning näevad EL-is eelkõige rahvusvahelist organisatsiooni**

**Valitsustevahelised teooriad** (*intergovernmental approaches*) kerkisid esiplaanile 1960. aastatel – perioodil, mida iseloomustas integratsiooni aeglustumine, natsionalistlike meeleolude tugevnemine ning suveräänsuse tähtsustamine. Valitustevaheline lähenemine on kasvanud välja sellistest suurtest rahvusvaheliste suhete koolkondadest nagu **realism ja neorealism**. Realistliku nägemuse kohaselt domineerivad rahvusvahelistes suhetes riikide *rahvuslikud huvid ning julgeolekukaalutlused*, mitte ühtekuuluvustunne. Koostöö osutub raskeks, kuna riigid ei usalda üksteist. Riigid on valmis koostööks üksnes äärmise vajaduse sunnil (väline oht), mitte aga ühiste huvide kattumise tulemusena. Euroopa ühendamise koostöö määra ja vormi määravad seega ära riikide huvid; peamised otsused langetatakse valitsustevaheliste läbirääkimiste tulemusel; rahvusülesed institutsioonid on kõigest liikmesriikide huvide teenrid. Liikmesriikidevaheline majanduslik integratsioon ei arene evolutsiooniliselt poliitiliseks integratsiooniks, kuna rahvusriigid ei ole nõus loovutama suveräänsuse põhialuseid (välis-, kaitse- ja julgeolekupoliitikat).

## **III. Teooriad, mis käsitlevad Euroopa Liitu kui riigilaadset poliitilist süsteemi ning rõhutavad rahvusüleste institutsioonide rolli**

**Rahvusülese valitsemise teooriad** (*supranational governance*) kerkisid esile seoses integratsiooni uue hoogustumisega 1980. aastate keskel. Teooriad üritavad seletada Ühtse Euroopa akti ja Maastrichti lepingu järgset „uut Euroopat,“ mida iseloomustasid tugevad rahvusülesed institutsioonid ning integratsiooni kiire laienemine uutesse poliitikavaldkondadesse. Rahvusülene valitsemine (RÜV) on üldnimetus, mis koondab mitmeid kesktaandide teooriaid, millel on märgatavaid ühisjooni neofunktsionalismi, föderalismi ja transaktsionalismiga. RÜV teooriad tuginevad võrdleva poliitika lähenemisele ning näevad Euroopa Liidus keerukat, mitmetasandilist valitsemissüsteemi. Selle suuna esindajad väidavad, et integratsiooni mootoriteks on olnud rahvusülesed institutsioonid, eelkõige Euroopa Komisjon ja Euroopa Kohus. Sellistel institutsioonidel on märkimisväärne autonoo-

nia ja ulatuslik mõju. Nad ei ole üksnes liikmesriikide huvide teenrid, vaid on omandanud oma eesmärgid ja institutsionaalsed huvid.

Samas tuleb meil endilt küsida, kas ühtse seletuse leidmine, ühes paradigmas kokku leppimine üldse peaski olema eesmärk (ei ole ju olemas ühtset teooriat näiteks Rootsi riigist)? Ehk tuleks EL-i mõtestada kui mitmetahulist sotsiaalset nähtust, mille erinevaid tahke uurivad erinevad distsipliinid? Ühe kõikehõlmava seletuse (*grand theory*) otsimise asemel keskendutaksegi üha enam nn. kesktasandi teooriatele, mis uurivad EL-i toimimise erinevaid aspekte (nt. otsustetegemise protsess, kohtusüsteem, huvigruppide roll jne).

### **Erilисus 6: Euroopa Liitu peetakse pigem eliidi projektiks kui kodanike huve teenivaks: üldsuse rahulolu, usaldus Euroopa Liidu poliitikate ja institutsioonide suhtes on langenud alates 1992. aastast. Samal ajal on Euroopa Liit seadnud endale üheks eesmärgiks kodanikuläheduse.**

Aastakümneid on masside suhtumist Euroopa integratsiooni iseloomustatud väljendiga „vaikiv nõusolek” – keskmine kodanik on Euroopa Liidu poliitikast vähe informeeritud, peab Euroopa ühinemist enda jaoks väheoluliseks protsessiks ning seetõttu ei oma ses küsimuses üldse mingisugust arvamust või on vaikimisi nõus sellega, mida poliitiline eliit otsustab. Need tendentsid on süvenenud koos integratsiooni süvenemisega 1990. aastatel – Maastrichti lepinguga suurenesid Euroopa institutsioonide volitused ning Euroopa Liidu tegevust laiendati üha uutesse valdkondadesse ning alates sellest ajast on ilmnenu d ka selged liidust võõrandumise ilmingud.

- 1990-ndate esimesel poolel langes toetus Euroopa integratsioonile järsult; kodanike hinnangud ühenduse liikmeks olemisele halvenesid tunduvalt. Negatiivsed trendid kajastuvad selgelt Eurobaromeetri uuringutes.
- Valimisaktiivsus Euroopa Parlamendi valimistel on veelgi langenud. Kui 1999. aasta Euroopa Parlamendi valimistel osales vaid 52% hääleõiguslikest kodanikest (liikmesriikide keskmine), siis 2004. aasta valimistel osales alla poole valimisõiguslikest kodanikest (Eestis vaid 38%).
- Integratsiooniteemaliste referendumite läbikukkumine. 1990-ndatel aastatel on liikmes- ja kandidaatriikide kodanikud hääletanud korduvalt eliidi poolt kavandatud integratsiooniplaanide vastu. Näiteid läbikukkunud referendumitest võib tuua mitmeid – Maastrichti leping (1993) Taanis, Norra liitumine (1994), euro kasutuselevõtt (2000) Taanis ja (2003) Rootsis, Nizza leping Iirimaa l (2001), Põhiseaduse Leping Prantsusmaal ja Hollandis (2005), Lissaboni leping Iirimaa l (2008).
- Massirahutused, mis käivad kaasas Euroopa Liidu tippkohtumistega (näiteks viimaste aastate Euroopa Ülemkogu istungid Nizzas, Göteborgis, Laekenis, Barcelonas, Sevillass).



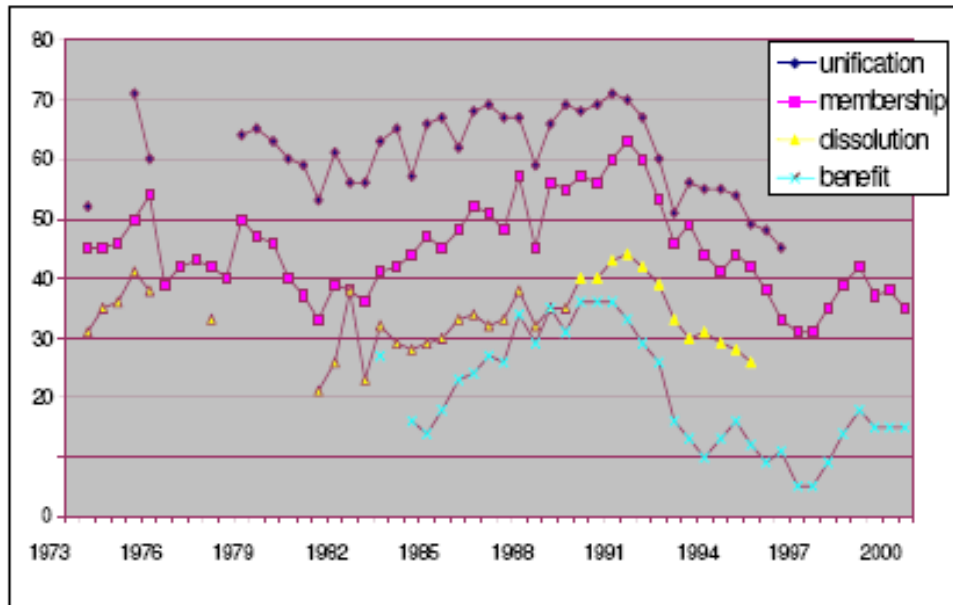
Alates 1973. aastast on Euroopa Komisjon korraldanud ulatuslikke avaliku arvamuse uurin-  
guid liikmesriikide ja kandidaatriikide kodanike seas. Küsitluste kirjeldused ning tulemuste  
kokkuvõtted on üleval Euroopa Komisjoni avaliku arvamuse koduleheküljel aadressil  
[http://europa.eu.int/comm/public\\_opinion/](http://europa.eu.int/comm/public_opinion/).

Näiteks hindab Eurobaromeeter kodanike üldist suhtumist Euroopa Liitu järgmiste küsimuste  
alusel:

- “Kas Te pooldate Lääne-Euroopa integreerumist või mitte?”
- “Kas (Teie riigi) kuulumine Euroopa Liitu on Teie meelest üldjoontes positiivne või  
negatiivne nähtus?”
- “Kui Teile homme öeldaks, et Euroopa Liit on laiali saadetud, kas Teil oleks kahju, tun-  
neksite kergendust või jätaks see Teid ükskõikseks?”
- “Kas arvate, et Euroopa Liitu kuulumisest on (Teie riigile) kokkuvõttes kasu olnud või  
mitte?”

Nende nelja näitaja põhjal on koostatud indikaatorid, mida nimetatakse vastavalt “hinnang in-  
tegratsioonile,” “hinnang EL-i kuulumisele,” “hinnang EL-i laialisaatmisele” ning “hinnang  
kasulikkusele.”

Nimetatud küsimuste baasil võib üldise arenguna täheldada negatiivsete meeleolude süvene-  
mist 1990-ndate aastate esimesel poolel. Selgeks murdepunktiks on olnud Maastrichti leping,  
millega kaasnes rahulolematuse tuntav kasv. Aastatel 1992–1997 langes keskmine hinnang  
EL-i kuulumisele tervelt 30% võrra. Kuigi 1997. aastast alates võib märgata teatavat parane-  
mist, on üldine toetuse tase siiski märgatavalt madalam kui eelnevate kümnendite puhul.



Joonis 1.1. Hinnangud Euroopa integratsioonile ja Euroopa Liitu kuulumisele, 1973-2000.  
*Allikas: Standard Eurobarometer 1973–2000.*

Hinnangud Euroopa Liidu tegevusele varieeruvad riikide lõikes. Kõige eurooptimistlikumateks riikideks on Luksemburg, Holland, Kreeka ja Iirimaa. Kõige euroskeptilisemateks riikideks võib pidada Ühendkuningriiki ning 1990. aastate laienemisvoorus liitunud riike (Rootsi, Soome, Austria). 2003. aasta Eurobaromeetri andmed näitasid, et enamus Rootsi, Austria ja Briti kodanikest leiavad, et nende riik ei ole liikmeks olemisest kasu saanud.

Hinnangute muutused on toimunud erinevas suunas ja tempos. Iirimaa ja Luksemburgi eurooptimistlikele kodanikele pole Maastrichti järgne europessimism peaaegu mingit mõju avaldanud – hinnangud on jätkuvalt väga positiivsed. Ühendkuningriigi kodanike hinnangud olid suhteliselt negatiivsed juba 1980-ndatel aastatel ning on tänu suhteliselt euroskeptiliselt meelestatud ajakirjandusele ajapikku ainult süvenenud.

## **Erilисus 7: Euroopa Liit on seadnud endale äärmiselt ambitsioonikad eesmärgid.**

Euroopa Liit on kahe viimase aastakümne vältel teinud läbi silmapaistva muutuse – 1980-ndate alguse mõõnaperioodi järel on astunud suuri samme siseturu lõplikuks teostumiseks ning jõutud ühise välis- ja julgeolekupoliitika loomiseni ja ühisraha kasutuselevõtuni. Liidu koosseisu kuuluvad praegu juba 27 liikmesriiki. See aga tähendab, et ajaga sammu pidamiseks on tulnud muutuda ka Euroopa Liidul endal. Üheks peamiseks põhjuseks on siin kindlasti kodanikkonna toetuse vähenemine integratsioonile ja laienemisele (viimane eriti vanades liikmesriikides). Kriitikat on põhjustanud ka ühise välis- ja julgeolekupoliitika ebatõhus rakendamine ning enamuse arvates liidu ebademokraatlik valitsemine ja reguleerimise jätkuv suurenemine. Ka on uute riikide lisandumine teinud raskemaks mitme võtmepoliitika sama-laadse jätkamise.

Nende suhteliselt praktiliste küsimuste kõrval on üha sagedamini tõusetunud küsimused ka liidu üldisest tulevikust:

- Milline on integratsiooniprotsessi lõppeesmärk?

- Milliseks kujuneb tulevase Euroopa Liidu valitsemismudel ja suhe rahvusriikidega?
- Kuidas tagatakse demokraatlikkus ja läbipaistvus liidu struktuurides?
- Kui kaugele geograafiliselt Euroopa Liidu laienemine ulatub?
- Mis saab rahvuslikest eripäradest ja rahvuskultuuri arendamisest?
- Kuidas muuta liit kodanikulähedasemaks?

Tavapärast liidu struktuurides varjatult toimuv ja arenev diskussioon on sedavõrd suurte küsitavuste tõttu levinud praeguseks laialdaselt ka rahvusliku poliitilise eliidi hulka ning tõmmanud kaasa akadeemilisi ringkondi. Arutelu algust dateeritakse tihti Saksamaa välisministri Joschka Fischeri kõnega “*From Confederation to Federation – Thoughts on the finality of European integration*” 12. mail 2000. aastal Humboldti Ülikoolis Berliinis. Edasisele deбатile andsid ametliku staatuse ning selgelt püstitatud raamistiku Nizza ja Laekeni tulevikudeklaratsioonide tekstid. Täna on nende arutelude tulemusel valminud Lissaboni leping.

### **3. EUROOPA LIIDU INTEGRATSIOONIPROTSSESI UUS TÕUS JA VÄLJAKUTSED: ÜHTSEST EUROOPA AKTIST NICE LEPINGUNI**

#### **3.1. Valitsustevaheline lähenemine versus rahvusülene valitsemine**

1980-ndate aastate keskel koges Euroopa Ühendus erakordseid muutusi — sõlmiti Ühtse Euroopa akt (ÜEA), mis kujutas endast Rooma lepingute uuendatud varianti ning toetas ühtse turu programmi. Ühtse Euroopa akt tegi lõpu stagnatsiooniperioodile ning andis tugeva tõuke integratsiooni kiirenemisele ning koostöö süvenemisele. ÜEA peamisteks eesmärkideks oli siseturu programmi lõpuleviimine, ühenduse institutsioonide tugevdamine ning otsusetegemise tõhusamaks muutmine. Samas ei tähista ÜEA mitte üksnes liberaalse turu võidukäiku, vaid ka ühtekuuluvuspoliitikate sisseviimist. Sellele andis tõuke vaesemate riikide liitumine 1980-ndatel aastatel (Kreeka, Hispaania, Portugal) — oli selge, et ilma kompensatsioonimehhanismideta oleks ühtse turu programmi lõpuleviimine toonud kaasa sotsiaalseid ja majanduslikke tüsistusi ning süvendanud lõhet Euroopa Ühenduse rikaste ja vaesemate riikide vahel.

Integratsiooni süvenemine jätkus täie hooga 1990-ndatel aastatel — 1991. a. sõlmitud Maastrichti lepinguga loodi seniste ühenduste baasil Euroopa Liit. Leping tugevdas veelgi ühenduse institutsioone ning nägi ette majandus- ja rahaliidu loomise ning liidu pädevuse laienemise uutesse poliitikavaldkondadesse. Maastrichti leping tugevdas rahvusüleseid institutsioone, ent samas tõi sisse kaks uut ja olulist valdkonda, kus otsustamine toimub valitsustevahelisel tasandil (ühine välis- ja julgeolekupoliitika ning koostöö sise- ja justiitsküsimustes). 1997. aastal sõlmitud Amsterdami lepingus nähakse Maastrichti „vigade parandust“ ning suuresti ebaõnnestunud katset seada liidu institutsionaalne struktuur valmis liidu edasisteks laienemisteks.

Paralleelselt integratsiooni süvenemisega jätkus 1990-ndatel aastatel ka liidu laienemine. 1995. aastal liitusid Soome, Rootsi ning Austria. Alates raudse eesriide kokkuvarisemist olid päevakorras ka liidu suhted Kesk- ja Ida-Euroopa riikidega. Liitumistingimused ning protsess konkretiseerusid 1990-ndate teiseks pooleks ning kümnendi lõpuks alustas liit läbirääkimisi 12 riigiga. Võimaliku laienemisega seoses oli liit sunnitud revideerima ka olemasolevaid institutsioone ning poliitikaid — reeglid ja mehhanismid, mis loodi kuueliikmelise organisatsiooni jaoks, osutusid ebapiisavaks 25-liikmelise liidu puhul. Ühenduse institutsioonide ja po-

liitkate reformile keskendusid nii Nice'i leping (2001) kui ka 2002. aastal tegevust alustanud Euroopa Konvent, mille eesmärgiks oli Euroopa Liidu põhiseaduse väljatöötamine.

## **Kuidas seletada integratsiooni hoogustumist 1980-ndatel ja 1990-ndatel aastatel?**

Integratsiooni hoogustumine puhus uue elu sisse ka vahepeal hääbunud integratsiooniteooria-  
le. 1990-ndate aastate alguses muutus populaarseks klassikaliste teooriate (neofunktsionalism, föderalism, transaktsionalism) juurde tagasipöördumine ning nende argumentide ümberhinda-  
mine. 1990-ndate aastate arengud näitasid, et 1970-ndatel aastatel võimust võtnud uskumus, et neofunktsionalistlikud argumendid on oma tähtsuse minetanud (vt. Haas 1975), ei pea pai-  
ka. Alates 1980-ndate aastate keskpaigast võime täheldada mitut sorti ülekandefekti (*spill-over*) toimimist. Funktsionaalne spill-over tähistab liikumist ühtsest turust majandus- ja raha-  
liiduni, mis omakorda loob surve ühtekuuluvuspoliitikate väljaarendamiseks ning sotsiaalpo-  
liitika harmoneerimiseks. Poliitilise liidu loomine vastab neofunktsionalistlikule nägemusele  
integratsiooni ülekandumisest poliitilisse sfääri (Tranholm-Mikkelsen, 1991). Neofunktsiona-  
listliku loogika paikapidavust kinnitavad ka uurimused Euroopa õigussüsteemi arengust: Bur-  
ley ja Mattli väidavad, et integratsioon toimub esmalt valdkondades, mis on kaitstud otsese  
poliitiliste huvide eest. Funktsionalistlik spill-over seletab, miks Euroopa Kohus on ajapikku  
andnud Rooma lepingute algselt „tagasihoidlikele“ artiklitele nii ulatusliku tähenduse, kasuta-  
des EL-i õiguse ülimuslikkuse ning otsekohaldatavuse printsiipe.

Samas ei saa rääkida vanade teooriate muutumatul kujul tagasitulekust vähemalt kolmel põh-  
jusel:

- 1) enamik uusi teooriaid mõtestavad EL-i kui valitsemissüsteemi (nn. *governance turn in EU studies*);
- 2) enamik uute lähenemiste autoritest kahtlevad nn. *grand theory* vajalikkuses;
- 3) enamik tänapäevastest uurijatest leiavad, et traditsiooniline rahvusvaheliste suhete teooria ei suuda integratsiooni seletada.

Eelnevatel kümnenditel oli integratsiooniteooria keskmes neofunktsionalismi ja riigikesksete  
lähenemiste vastuolu. 1990-ndatel aastatel asendus see uue debatiga, mille kesketeks märk-  
sõnadeks said rahvusüleline valitsemine ning liberaalne valitsustevahelisus (*supranational gov-  
ernance* ja *liberal intergovernmentalism*). Kui vana diskursus tugines peamiselt rahvusvahe-  
liste suhete teooriale, siis uues debatis domineerivad teooriad, mis kujutavad Euroopa Liitu  
valitsemissüsteemi ja poliitikate tegemise areenina. Kaasaegsete rahvusülese valitsemise  
(RÜV) teooriate kohaselt on rahvusriigi ja Euroopa Liidu vastandamine kohatu ja ekslik. Eu-  
roopa Liit ei ole üksnes kõrgetasandi läbirääkimiste areen — suur osa sellest, millega EL tege-  
leb, on igapäevane tehniline ja regulatiivne poliitika. Simon Hix (1994, 1999) näitab, kuidas  
võrdleva poliitika kesksed küsimused on EL-i konteksti ülekantavad — ressursside jaotamine,  
küsimused esindusdemokraatiast ning huvide vahendamisest, poliitilised konfliktidimensioo-  
nid. Selle asemel, et otsida kõikehõlmavat seletust Euroopa integratsioonile, peaksime rahvus-  
ülese lähenemise pooldajate meelest uurima Euroopa Liidu poliitika ja poliitilise süsteemi  
erinevaid tahke.

Rahvusülese valitsemise (RÜV) lähenemine mõtestab Euroopa Liitu kui rahvusülese valitse-  
mise süsteemi. Selle suuna esindajad väidavad, et integratsiooni mootoriteks on olnud rahvus-  
ülesed institutsioonid, eelkõige Euroopa Komisjon ja Euroopa Ühenduste Kohus. Sellistel ins-  
titutsioonidel on märkimisväärne autonoomia ja ulatuslik mõju. Nad ei ole üksnes liikmesrii-

kide huvide teenrid, vaid on omandanud oma eesmärgid ja institutsionaalsed huvid. RÜV lähenemised väidavad, et integratsiooni ei tehta mitte üksnes valitsusjuhtide poolt tippkohtumistel prožektorite valguses, vaid see sünnib Brüsseli koridorides läbi Euroopa institutsioonide igapäevase tegevuse. RÜV teooriad rõhutavad, et integratsioonil on olemas nii nõudluse kui pakkumise pool: tihenend rahvusvaheline suhtlemine (kommunikatsioon, reisimine, kaubandus) loob nõudluse rahvusüleste regulatsioonide järele, millele Euroopa institutsioonid püüavad vastata (võrdle Karl Deutschi transaktsionalismiga!). Maailmas, mida iseloomustab vastastikune sõltuvus, on rahvusülesed institutsioonid sageli suutelised paremini elanikkonna vajadusi teenima kui rahvusriikide valitsused. Rahvusvahelise suhtlemise tihenemine, rahvusüleste institutsioonide tegevus ning üha tihenev rahvusüleste reeglite võrgustik tekitavad olukorra, kus liikmesriikide valitsuste kontroll integratsiooni väljundite üle on üha nõrgem (Stone, Sweet ja Sandholtz, 1997).

Ehkki rahvusülene valitsemine on 1990-ndate aastate integratsiooniteooria keskne märksõna, ei ole ka riigikesksed teooriad päriselt arenilt kadunud. Uue valitsustevahelise koolkonna juhtfiguuriks on Andrew Moravcsik (Stanley Hoffmanni kunagine õpilane Harvardis).

**Moravcsiku liberal intergovernmentalism põhineb väitel, et** Euroopa integratsioon on mäng kahel tasandil: kui siseriiklikul tasandil toimub rahvuslike huvide kujundamine huvigruppide eelistuste baasil, siis rahvusvahelisel tasandil toimub nende huvide kaitsmine valitsustevaheliste läbirääkimiste vormis. Läbirääkimistel ei ole valitsused autonoomsed, vaid nende mänguruum on piiratud sellega, mis on avalikkusele ja huvigruppidele vastuvõetav. Samas võivad siseriiklikud piirangud anda valitsusele eelise oma positsioonide läbisurumisel (vt. Putnam, 1988).

Moravcsiku põhiteos **The Choice for Europe** (1998) keskendub peamistele otsustele ja arengutele integratsiooniprotsessis (Ühtne Euroopa akt, Maastricht, jne.) ning üritab tõestada, et sellised läbimurded on valitsustevaheliste läbirääkimiste tulemus ning rahvusülesed institutsioonid ning transnatsionaalsed huvigrupid on seejuures mänginud väga piiratud rolli. Näiteks on Ühtse Euroopa akt Moravcsiku käsitluses eelkõige kolme võimsaima liikmesriigi – Ühendkuningriigi, Prantsusmaa ja Saksamaa – riigipeade vahelise kauplemise tulemus.

Kokkuvõttes näib, et 1990-ndate aastate integratsiooniteooriat iseloomustab vana vastuolu uues kuues. Sel määral, kui võistlevad teooriad pürgivad *grand theory* staatusesse, on tegemist liiga lihtsakoelise lähenemisega. Küsimus „Kas olulisemad on rahvusülesed institutsioonid või liikmesriikide valitsused?“ on lihtsustatud ega võimalda anda ühest vastust. Pärast sambastruktuuri sisseviimist on Euroopa Liit senisest veelgi mitmetahulisem ja asümmeetrilisem organisatsioon, mis hõlmab nii rahvusülesuse kui valitsustevahelisuse elemente. Ühenduse institutsioonide ning liikmesriikide valitsuste mõju ning osatähtsus varieerub sammaste, poliitikavaldkondade ja lepinguartiklite lõikes. Eelöeldu valguses tundub Simon Hixi üleskutsese pöörduda *grand theory* juurest kesktasandi teooriate juurde igati mõistlik.

### 3.2. Ühtse Euroopa akt (Single European Act) ja ühtse turu loomine

1986. aasta veebruaris allkirjastatud Ühtse Euroopa akt (ÜEA) on esimene leping, mis tegi olulisi parandusi Ühenduse aluslepingutesse (1951. aasta Pariisi leping ja 1957. aasta Rooma leping). ÜEA jõustus alles 1987. aasta keskel, kuna Iirimaal oli probleeme selle ratifitseerimisega. ÜEA on segu erinevatest meetmetest, mille eesmärgiks on aluslepingute lihtsustamine, integratsiooni kiirendamine ning otsustussüsteemi muutmine. Ühtse Euroopa akt laiendas olu-



liselt ühenduse pädevust majanduspoliitika valdkonnas, lisas lepingusse sätted välispoliitilise koostöö kohta ning kaasas uue poliitikana sotsiaalpoliitika. Siiski oli ÜEA keskseks eesmärgiks ühtse turu loomine, mis pidi 1993. aastaks tagama kaupade, teenuste, kapitali ja tööjõu vaba liikumise kogu ühenduse territooriumil. ÜEA laiendas oluliselt riikideüleste institutsioonide — Euroopa Komisjoni ja Euroopa Parlamendi — pädevust. Komisjon sai senisest enam otsustusruumi ühtse turu toimimise juhtimisel ja liikmesriikide järelevalvel, parlament sai aga vetoõiguse liitumis- ja assotsieerumislepingute osas ning nn. koostöömenetluse kasutuselevõtu teisese seadusandluse puhul kümnes uues valdkonnas, mis võimaldas senise vaatlejarolli asemel seadusandlikus protsessis realselt osaleda (Nugent, 1999).

Jacques Delors, Euroopa Komisjoni president aastatel 1985–1995 võttis ÜEA eesmärgid kokku järgnevalt: „**The Single Act means, in a few words, the commitment of implementing simultaneously the great market without frontiers, more economic and social cohesion, an European research and technology policy, the strengthening of the European Monetary System, the beginning of an European social area and significant actions in environment.**“

#### **Ühtse Euroopa akti peamised sisseviidud muudatused on järgnevad:**

1. Plaan viia siseturu loomise kava lõpule 1993. aastaks (kaupade, teenuste, isikute ning kapitali vaba liikumise tagamine). Konkreetne eesmärk ja tähtaeg (artikkel 8A) kinnitas ning hõlbustas 1985. aastal Milanos vastu võetud siseturu tegevuskava elluviimist. ÜEA viis sisse kvalifitseeritud häälteenamuse kasutamise Ministrite Nõukogus siseturgu puudutavates küsimustes.
2. ÜEA viis lepingusse sisse mitmed uued poliitikavaldkonnad ning suurendas ühenduse pädevust keskkonna, teaduse, tehnoloogia arendamise ning majandusliku ja sotsiaalse ühtekuuluvuse vallas.
3. Institutsionaalsetest reformidest olulisemad olid Euroopa Ülemkogu töö formaliseerimine (regulaarsed riigipeade kohtumised Euroopa Ülemkogu vormis, mis olid aset leidnud alates 1975 aastast, said legaalse aluse). Loodi uus seadusandlik protseduur — koostöömenetlus (*cooperation procedure*), mille eesmärgiks oli suurendada Ministrite Nõukogu töö efektiivsust ning suurendada Euroopa Parlamendi volitusi. Koostöömenetlust kasutati järgmistes valdkondades: siseturg, sotsiaalpoliitika, regionaalarengu fond ning uurimis- ja arendustegevus. Samuti suurendati Euroopa Parlamendi volitusi — nn. *assent procedure* kohaselt pidi Euroopa Parlament andma nõusoleku uute liikmete vastuvõtuks ning assotsiatsioonilepingute sõlmimiseks kolmandate riikidega.
4. Sotsiaalmajandusliku sidususe ja ühtekuuluvuse suurendamine ning struktuurifondide ja Regionaalarengu fondi ning Euroopa Sotsiaalfondi reformimine.

## **Olulisemad arengud ÜEA ettevalmistamisel**

### **Genscheri-Colombo plaan ja Solemni deklaratsioon**

1981. aastal algasid Ühtse Euroopa akti eelnõu (Genscheri-Colombo plaan) loomisega esimesed realsed ettevalmistused majandusliku integratsiooniprotsessi hoogustamiseks ja poliitilise koostöö süvendamiseks. Arutati ka Euroopa julgeoleku- ja kaitseskeemi NATO struktuuride väliselt ja EPC süsteemi loodeti kaasata ka liikmesriikide kaitseministrid. Euroopa Parlamendi pädevust ja rolli poliitikate kujundamisel sooviti liikmesriikide esindajate arvelt aga oluliselt kasvatada. Kahjuks ei õnnestunud plaanitud eelnõud oodatud tempoga rakendada,

seada eeskätt Prantsusmaa jaheda suhtumise tõttu kogu ettepanekusse, Iirimaa vastuseisu tõttu julgeolekupoliitika arendamisele ja Taani vastuseisu tõttu kultuurikoostööle (ibid. 120-126).

1983. aastal tehti Euroopa Ülemkogu poolt Stuttgartis Solemni deklaratsiooniga ettepanek kutsuda ellu Euroopa Liit, mille raames loodaks senisest laiaulatuslikum koostöö liikmesriikide vahel ning mis hõlmaks ka välis- ja julgeolekupoliitikat. Eeskätt seadis deklaratsioon eesmärgiks liita EPC ühenduse valitsemisüsteemi ja laiendada ühenduse julgeoleku majanduslikke ja poliitilisi aspekte. Genscheri-Colombo plaanile ja Solemni deklaratsioonile toetudes kiitis Euroopa Parlament 1984. aastal heaks eelnõu Euroopa Liidust, mis seadis eesmärgiks arendada riikidevahelise kauplemise baasil edasi ühenduse poliitilist sfääri ning toetada ühenduse ühist käitumist rahvusvahelisel areenil.

### Jacques Delors ja tema juhitud Euroopa Komisjon



**Jacques Delors,**  
**President of the European**  
**Commission (1985-1995)**

1985. aastal nimetati ametisse Euroopa Komisjoni uus koosseis eesotsas Jacques Delors'iga. Delorsi juhitud komisjon asus aktiivselt välja töötama nii majandus- kui poliitilise sfääri reformikavasid, mille eesmärgiks oli ühtse turu programmi elluviimine ning majandus- ja rahaliidu (EMU) loomine. Delors teadvustas, et tema plaane ei suudeta saavutada ilma ulatuslike muudatusteta otsusetegemise protsessis. Seega eeldas ühtse turu ja EMU elluviimine senisest ulatuslikumat tuginemist kvalifitseeritud hääletamusele Ministrite Nõukogus.

Ühtsele Euroopa aktile järgnenud aastail pühendus Delors isiklikult peamiselt Majandus- ja Rahaliidu moodustamisele. Euroopa Monetaarsüsteemi suhteliselt edukas tegutsemine tiivustas teda veelgi.

Samas sundis poliitiline pragmatism teda ettevaatlikkusele eeskätt Majandus- ja Rahaliidu küsimuses, kuna rahapoliitika on võrdlemisi lähedal rahvuslikule suveräänsusele ning võib osutada poliitiliselt tundlikuks teemaks. Delors pooldas ka Sotsiaalharta vastuvõtmist 1989. aastal, nähes sellest tasakaalutavat jõudu EMU realiseerimisel.



Delorsi poliitika oli teravas vastuolus Briti peaministri Margaret Thatcheri seisukohtadega. Thatcheri ja Ronald Reagani neoliberaalne revolutsioon tugines sellistele põhimõtetele nagu riigi rolli vähendamine majanduses ja sotsiaalsfääris, majandussektorite dereguleerimine, ametiühingute mõju kahandamine ning maksukoormuse vähendamine. Thatcher taunis rahvusüleste joonte tugevnemist, EMU loomist ning sotsiaalpoliitika koordineerimist. Alates 1980-ndate aastate algusest taotles Thatcher Briti panuse vähendamist Euroopa Ühenduse eelarvesse.

## Margaret Thatcher

1988. aasta septembris pidas Thatcher Bruggesi Euroopa Kolledžis kõne, milles avaldus selgelt tema skepsis Ühenduse reformikavade suhtes: „**To try to suppress nationhood and concentrate power at the centre of a European conglomerate would be highly damaging (...) We certainly do not need new regulations which raise the cost of employment and make Europe's labour market less flexible and less competitive with overseas suppliers (...) And certainly we in Britain would fight attempts to introduce collectivism and corporatism at the European level – although what people wish to do in their own countries is a matter for them**“.

## Milano kohtumine ja Dooge'i raport

Institutsiooniline reform oli tegelikult päevakorras juba Milano tippkohtumisel 1985. aastal, seda mitte üksnes kaudselt (nn. Valge raamatu ehk *White Paperi* kujul), vaid ka otseselt — Dooge'i raportina. Juba Fontainebleau kohtumisel 1984. aastal oli Mitterrand ärgitanud moodustama kahte komiteed, mis valmistaksid ette raportid Euroopa Liidust:

- Esimene oleks vaadelnud Euroopa integratsiooni mõju Euroopa Ühenduse kodanike igapäevaelule (haridus, väljaõpe/koolitus, reisimine vms.).
- Teise eesmärgiks jäi poliitilise, majandusliku ja institutsioonilise reformi väljatöötamine. Viimase tulemusena sündiski Dooge'i raport.

Dooge'i raportis olid ära toodud esmased prioriteedid:

- homogeenne siseturg,
- piirangud ühehäälsuse printsiibile Ministrite Nõukogus,
- Euroopa Parlamendi suurendatud seadusandlik roll,
- Euroopa Komisjoni suurem täidesaatev roll,
- uued initsiatiivid erinevate poliitikate osas.

Olles hõivatud laienemistemaatikaga, lükkas Euroopa Ülemkogu Dooge'i raporti arutamise edasi Milano tippkohtumisele. Milanos eelistas Thatcher astuda mitteformaalseid samme selleks, et kiirendada otsustetegemise protsessi Euroopa Ühenduste Nõukogus. Mitterrand ja Kohl olid radikaalse institutsionaalse reformi poolt, kuid ei nõustunud Euroopa Parlamendi suurema mõjuvõimuga. Bettino Craxi suutis suruda läbi idee, mille kohaselt valitsustevaheline konverents peab läbirääkimisi välispoliitika ja julgeoleku koordineerimise alal ning Rooma lepingute ümbervaatamise osas nendes küsimustes, mis puudutavad otsustetegemise mehhanismi täiustamist ja Euroopa Ühenduse kompetentsi laienemist. Suurbritannia, Taani ja Kreeka olid selle vastu, kuid Itaalia pani asja uuesti hääletusele lepingu artikkel 236 järgi, mille kohaselt võib valitsustevahelise konverentsi kokku kutsuda, kui enamik liikmesriike nii otsustavad. Valitsustevahelistel konverentsidel olid Suurbritannia ja Taani selgelt vastu laialdastele muudatustele, samas kui Prantsusmaa ja Saksamaa neid igati toetasid. Euroopa Komisjon seisis Ühtse Euroopa Akti sõlmimisel läbirääkimistel esirinnas.

Delorsi projekt nägi ette Euroopa Ühenduse majanduspoliitika ühtlustamise, mis võimaldaks ühendusel tähtsustada oma rolli maailmamajanduses. Suurbritannia oli ettepaneku vastu, Prantsusmaa poolt, Saksamaa seisukoht oli lahtine. Taani arvamusel kohaselt tingis ühtne Euroopa akt liiga ulatusliku integratsiooni ning Itaalia meelest on ühtse Euroopa akti võimalused piiratud. Seetõttu liitusid Ühtse Euroopa aktiga 1986. aastal Luksemburgis ainult üheksa liikmesriiki. Taani, Kreeka ja Itaalia olid vastu. Taani ootas ära referendum tulemus, millele järgnes asja arutelu veel Euroopa Parlamendis. Itaalia vajas asja aruteluks rohkem aega ning

Kreeka otsustas viivitada seni, kuni teised riigid olid juba otsustanud. Pärast Taani edukat referendumit ja Itaalia parlamendi otsust liitusid kõik kolm kuu aega hiljem ühtse Euroopa aktiga.

Ühtse Euroopa akti ratifitseerimine liikmesriikide parlamentides ei osutunud nii keeruliseks kui Maastrichti lepinguga seonduv kuus aastat hiljem. Üldiselt loodeti, et ÜEA jõustub kuu aja jooksul pärast seda, kui kõigi liikmesriikide parlamentid on selle ratifitseerinud (plaanide kohaselt 1987. aasta alguses.). Kriitilise olukorra põhjustas aga Iirimaa — viimane riik, kus ratifitseerimine ette võeti. Iirimaa välispoliitika edasise sõltumatuse pärast muret tundes pöördus üks Iirimaa kodanik konstitutsioonilise kohtu poole. Euroopa Ülemkohus arutas tõstatatud küsimust ning leidis, et Ühtne Euroopa akt oli tõepoolest Iirimaa põhiseadusega vastuolus. Iirimaa valitsus viis seejärel läbi referendumi konstitutsiooniliste paranduste osas. Põhimõtteliselt tähendas referendum Iirimaa otsust, kas jäädakse Euroopa Ühenduse koosseisu või mitte. Referendumi tulemusena (70% poolt, 30% vastu) rakendus ÜEA 1987. aasta jaanuaris.

## ÜEA rakendamine ja mõju

### Ühtsel Euroopa akt aitas oluliselt kiirendada Euroopa Ühenduse arengut:

- Kvalifitseeritud enamushääletamine mitte ainult ei kiirendanud siseturu põhimõtete rakendamist, vaid julgustas Ministrite Nõukogu olema paindlikum nendes valdkondades, kus reeglina oli normiks ühehäälsus.
- Ühisturu programm võimaldas edendada eurointegratsiooni majandus- ja sotsiaalsfääris.
- Valge raamat (*White Paper*) ja Euroopa Ühenduse kompetentsi formaalne laienemine parandasid Euroopa Komisjoni positsiooni.
- Koostöö seadusandluse vallas aitas leevendada ühenduse demokraatia defitsiiti ja rõhutada Euroopa Parlamendi institutsiooniliselt tähtsust.
- Ühtse Euroopa akti liitmine Rooma lepingute poliitilist koostööd puudutavate punktidega ning nõusolek koordineerida välispoliitikat aitas suurendada Euroopa Ühenduse mõju välisarenil.

## Portugali ja Hispaania liitumine

Ühenduse arengut 1980-ndatel aastatel ilmestas ka järjekordne laienemislaine. Formaalsed läbirääkimised ühenduse uue laienemise osas algasid 1978. aastal Portugaliga ja 1979. aastal Hispaaniaga. Tullis autoritaarsest režiimist, nägid mõlemad riigid ideaalis liitumist Euroopa Ühendusega, et:

- lõpetada rahvusvaheline isolatsioon,
- ehitada üles demokraatia
- arendada riikide suhteliselt mahajäänud majandusi.

Sarnaselt Kreekale otsustasid Euroopa Ühenduse liikmesriigid toetada nimetatud riikide ühinemist, et seeläbi kiirendada sealseid reforme. Samas oli tegemist võrdlemisi vaeste riikidega, kes võimaliku liitumise korral moodustanuks 20% ühenduse elanikkonnast, 30% põllumajanduslikust maast ja 25% agraarsektoris hõivatutest.

Portugal tunnetas, et regiooni majanduslikud ja sotsiaalsed tegurid võivad hakata mõjutama läbirääkimiste käiku ning üritas seetõttu jõuda läbirääkimiste alustamiseni Hispaaniast eraldi, mis ka õnnestus. Kahtlemata mõjutas Hispaania liikmeksastumine ka Portugali, kuid mõned

Portugalile ainuomased asjaolud — eeskätt tekstiilitööstus (40% tööstustoodangust ja 33% ekspordist), võõrtöölised ja põllumajandussektor — põhjustasid Euroopa Komisjonis viivitusi. Euroopa Komisjon määras järelevaataja majanduslike, struktuursete ja administratiivsete küsimuste lahendamiseks kandidaatriikides enne võimalikku ühinemist, kuid keeldus konkreetse ajagraafiku paikapanekest. Sellest hoolimata surus Portugal Euroopa Komisjonis läbi liitumiskuupäeva — 1. jaanuar 1983. Samas ei alanud läbirääkimised enne 1980. aastat ning Portugalil oli vähe lootust jõuda tegeliku liitumiseni kolme aastaga. Mõlemad osapooled leppisid siiski kokku abiprogrammis, mis pidi valmistama Portugali liitumiseks ette. Abi oli mõeldud eeskätt majanduse moderniseerimiseks, hõlmates tööstust, põllumajandust, kalandust ja regionaalarengut. Veel 1982. aastal olid lahenduseta tekstiilitööstus, kalandus ning tööjõu vaba liikumine.

Sisepoliitilistest pingetest tingituna arvas Valery Giscard d'Estaing, et enne järjekordset laienemist tuleb viia lõpule esimene laienemine. Helmut Schmidt leidis, et ilma vajalike hädaabi-nõude rakendamiseta ühenduse põllumajanduspoliitikas käib lõunasuunas laienemine ühendusele üle jõu. Thatcher toetas Portugali liitumist traditsioonilistel (pooldas laiemat ja nõrgemat ühendust) ning välispoliitilistel põhjustel — Portugal on olnud läbi ajaloo Suurbritannia liitlane. Seni aga, kuni Prantsusmaa oli laienemise vastu, polnud Portugalil suurt lootust kiireks liitumiseks. Pärast Prantsusmaal toimunud uusi presidendivalimisi (Francois Mitterrand) otustas Portugal Prantsusmaa lobby kasuks (nii Soares kui ka Mitterrand olid sotsialistid).

**Helmut Schmidt**

**Valéry Giscard d'Estaing**

**Francois Mitterrand**

Prantsusmaad muutis laienemise juures murelikuks sarnaste majandustega riikide ühinemine, mis tähendas konkurentsi tugevnemist puu- ja köögivilja, veini ja oliiviõli turustamisel. Alles 1984. aastal Dublini tippkohtumisel jõuti Hispaaniat rahuldavate tulemusteni, kuid Dublinis tuli ilmsiks veel üks probleem. Nimelt nõudis Kreeka peaminister Andreas Papandreu Integreeritud Vahemere Programmi lõpuleviimist enne võimalikku laienemist. Nimetatud programm, mis pärines Euroopa Komisjoni 1982. aasta ettepanekust, keskendus eelkõige Kreeka finantsilisele toetamisele, kuid hõlmas ka Itaaliat ja Lõuna-Prantsusmaad, et edendada nende regioonide põllumajandust, turismi ja väikeettevõtlust. Integreeritud Vahemere Programmi küsimus suudeti lahendada 1985. aastal Brüsseli tippkohtumisel, mille tulemusena eraldati programmile 6,6 miljardit eküüd, millest 30% laekus Kreekale. Sellega kõrvaldati viimane takistus Portugali ja Hispaania liitumiseks.

### 3.3. Ühtse turu majanduslik sisu – ideed ja praktika

Eelnevast kokkuvõtlikult — nii 1970-ndate aastate majanduslanguse kui kasvava protektsionismi tõttu oli 1980-ndate aastate alguses keskendunud tähelepanu taas siseturu loomise ideele. Oma rolli mängis siin nii Euroopa integratsiooniprotsessis osalevate riikide suurenenud huvi antud küsimuse vastu kui ka Euroopa Komisjoni uue koosseisu ametissenimetamine 1985. aastal. Seejuures olid muidugi eri riikide huvid ning positsioonid erinevad. Suures osas just liikmesriikide vastuseisu tõttu ei viidudki ellu Jacques Delorsi poolt juhitud Euroopa Komisjoni esialgset kava moodustada Euroopa Monetaarsüsteemi baasil Majandus- ja Rahaliit. Tihedamat majandusintegratsiooni soodustas ka struktuurifondide rolli tähtsustumine 1980-ndatel aastatel.

Pärast omavaheliste tolliliste ning koguseliste kaubanduspiirangute tühistamist jäid siseturu realiseerumist takistama mittetollilised kaubandusbarjäärid liikmesriikide kaubavahetuses. Nende kaotamiseks avaldas Euroopa Komisjon 1985. aastal nn. Valge raamatu siseturu loomise kohta, mis sisaldas vastavat tegevusprogrammi ning Euroopa Ühenduse poolseid soovituslikke ettepanekuid täiendavate seadusandlike aktide kohta, mille vastuvõtmine ja jõustumine olid esmatähtsad siseturu tegelikuks teostumiseks. Sisuliselt keskenduti kolmele eesmärgile:

- füüsiliste tõkete kõrvaldamisele;
- tehniliste piirangute kõrvaldamisele;
- fiskaalsete tõkete kõrvaldamisele.

Ühtse turu ideed hakati ellu viima märkimisväärse kiirusega. 1986. aastal allkirjastatud ning 1. juulil 1987 jõustunud ühtse Euroopa Aktiga võeti vastu Euroopa Majandusühenduse ning Euroopa Aatomienergiaühenduse asutamislepingu (Rooma lepingute) täiendus, kus fikseeriti ühtse turu loomine 1. jaanuariks 1993. a. Lisaks muudeti otsuste langetamise mehhanismi, lubades näiteks ühtset välist tollimaksumäära, teenuste ning kapitali piiranguteta liikumist jms. käsitleva seadusandluse vastuvõtmisel langetada otsuseid kvalifitseeritud häälteenamusega.

Hinnanguliselt õnnestus liikmesriikidel just tänu kvalifitseeritud häälteenamuse kasutamisele viia 1993. aastaks oma seadusandlusesse sisse ligikaudu 90% Euroopa Komisjoni poolt Valges raamatus sätestatud ettepanekutest seadusandluse muutmiseks. Samas aga hõlmas just puudujääv 10% selliseid ettepanekuid, mis olid kõige olulisemad ühtse turu reaalseks teostumiseks — isikute liikumiselt täieliku kontrolli kaotamine, transpordisektori täielik liberaliseerimine, maksude harmoneerimine jms. Ning sageli ei piisanud pelgalt direktiivide ülevõtmisest — isegi juhul, kui liikmesriik oli oma seadusandlust vastavalt Euroopa Komisjoni soovitudele muutnud, ilmnas raskusi nende sätete reaalsel rakendamisel. 1990-ndate alguses kandus tähelepanu siseturult ära ka seetõttu, et taas kerkis päevakorda ühisraha sisseviimise küsimus.

Seetõttu on viimasel aastakümnel pööratud suurt tähelepanu ühtse turu idee reaalsele teostumisele.

- Alates 1993. aastast otsustati pidevalt analüüsida nelja vabaduse rakendamise tegelikku olukorda. Analüüsi tulemuseks on vastavad Euroopa Komisjoni raportid.
- 1996. aastal valmis Euroopa Komisjoni tellimusel põhjalik analüüs ühtse turu mõjudest ning efektiivsusest, mis sai aluseks 1997. aastal välja pakutud „Ühtse turu tegevusplaa-

nile“ („*Action plan for the single market*“). Viimane sisaldas 62 tegevust, mis peaksid aitama kaasa siseturu teostumisele.

- Novembris 1999 valmis „Strateegia Euroopa siseturuks“ („*The strategy for Europe’s internal market*“), mis kujutas endast kombinatsiooni keskpika ning lühiajalise perspektiivi eesmärkidest, fikseerides lähima viie aasta eesmärgid.
- Euroopa Komisjon otsustas enam tähelepanu pöörata sellele, et liikmesriigid rakendasid meetmeid, mis on vajalikud ühtse turu teostumiseks. Selleks edastavad liikmesriigid näiteks regulaarseid raporteid oma edusammudest.
- 2001. aastal töötas Euroopa Komisjon välja uue strateegia teenuste piiranguteta liikumise parandamiseks („*Internal Market Strategy for services*“), mida nähakse tänapäeval keskse elemendina selleks, et Euroopa Liit võiks muutuda kõige konkurentsivõimelisemaks majandusblokkiks maailmas.

Võib öelda, et suuresti eeltoodu tulemusena on paranenud siseturu puudutava seadusandluse ülevõtmine liikmesriikide poolt. Samas ei ole ka praegu märgata olulist progressi nende probleemide lahendamises, mis ilmnesis vahetult pärast ühtse turu vormilist teostumist 1993. aastal.

### Ühtse turu idee realiseerumine praktikas

Euroopa majandusintegratsiooni viimaste sammude ellurakendamine on valdavalt olnud planeeritust pikaajalisem protsess (vt. tabel 3.1).

Tabel 3.1

#### Majandusintegratsioon Euroopa Liidus – ajakava ja tegelikkus

Eesmärk	Kavandatud tähtaeg	Tegelik teostumine	Hinnang
<b>TOLLILIIT</b> Liikmesriikide vaheliste tollimaksude kaotamine ning ühtse välise tollimaksumäära rakendamine	1. jaanuar 1970	1. juuli 1968	Varem!
<b>ÜHISTURG</b> Piirangute kaotamine kaupade, teenuste, isikute ja kapitali liikumiselt	1. jaanuar 1970	31. detsember 1992	23 aastat hiljem, nimi muudetud ühtseks turuks/ siseturuks ning sisuliselt ikka lõpetamata
<b>RAHALIIT</b> Ühisraha sisseviimine	1980	1. jaanuar 2002	22 aastat hiljem
<b>EUROOPA MAJANDUSRÜUM</b> Siseturu laiendamine mõnedele EFTA riikidele	1. jaanuar 1993	1. jaanuar 1994	1 aasta varem

Nelja vabaduse põhimõtte elluviimise osas võib väita, et kõige paremini on see realiseerunud kaupade piiranguteta liikumise osas, kuid raskusi ja puudujääke on ilmnenu teenuste, isikute ja kapitali liikumise puhul. On mitmeid valdkondi, kus ühtse turu idee elluviimine on kogenu märkimisväärsed takistusi, näiteks energiasektor, telekommunikatsioonide turg, transpordisektor, jaekaubandus jms. Järgnevalt käsitletakse mõningaid võimalikke põhjusi, miks nelja vabaduse idee pole praktikas teostunud.

## Liikmesriigid kasutavad endiselt meetmeid omavahelise kaubavahetuse piiramiseks

Kuigi ühtse turu loomine plaaniti juba 1993. aastaks, fikseeris Euroopa Komisjon näiteks veel 1995. aastal 258 kaupade vaba liikumise põhimõtte rikkumist liikmesriikide poolt, kusjuures teistest oluliselt enam kasutasid kaubavahetust piiravaid meetmeid Saksamaa, Prantsusmaa, Itaalia ja Hispaania (vt. tabel 3.2).

Tabel 3.2

### Kaupade vaba liikumise põhimõtte rikkumised mõnede EL-i liikmesriikide poolt 1995. aastal (fikseeritud Euroopa Komisjoni poolt)

Riik	Transpordi- vahendid	Toiduained	Kemikaalid	Farmaatsia	Telekommunikatsi- oon	Muud	KOKKU
EL-i liikmesriikides kokku	71	66	15	10	9	87	258
Saksamaa	4	21	4	0	2	23	54
Prantsusmaa	23	10	1	0	1	13	48
Itaalia	10	5	1	3	3	10	32
Hispaania	4	7	1	1	0	13	26

Allikas: Genscher 1998.

## Kaupade hinnad erinevad liikmesriigiti oluliselt

Vaieldamatult on üldsuumana toimunud Euroopa Liidu liikmesriikides viimasel kahel aastakümnel oluline hinnatasemete ühtlustumine ehk konvergens. Hinnatase on ühtlustunud eeskätt nn. tüüpiliste siseturu kaupade osas — toidukaubad, riided, majapidamiskaubad vms. Samas on mõne kaubagrupi ning näiteks ka teenuste osas hinnatasemete erinevus hoopis suurenenud. Euroopa Komisjoni hinnangul tuleneb see osaliselt liikmesriikide poolt ikka veel kasutatud kaubanduspiirangutest, osaliselt konkurentsiprobleemidest ning osaliselt võivad siin rolli mängida ka tarbijate maitse-eelistused ning kaubamärgid.

## Olulisi puudujääke on tehniliste normide ühtlustamisel

Standarditel ja tehnilistel eeskirjadel on siseturu toimimises väga tähtis roll. Seepärast on Euroopa Liidu Nõukogu kehtestanud sätteid tehniliste eeskirjade ja standardite kehtestamise ja täitmise kohta ning võtnud vastu resolutsioone uue lähenemisviisi kohta tehnilisele harmoneerimisele ja standarditele (7. mai 1995 resolutsioon) ning Euroopa standardimise rollist Euroopa majanduses (18. juuni 1992 resolutsioon). Teisest küljest teeb Euroopa Komisjon ulatusliku koostööd ka Euroopa standardiseerimisorganitega. Ühendus kehtestab ainult olulised ohutusnõuded, millele turule jõudnud kaubad peavad liikumisvabaduse kasutamiseks vastama (nt. tooteohutuse direktiiv). Vajalike tehniliste spetsifikaatide kehtestamine jääb standardiseerimisorganite ülesandeks.



Hoolimata nimetatud meetmetest on standardite fikseerimisel ning tehniliste normide ühtlustamisel ilmnunud liikmesriikides siiski olulisi puudujääke. On tulnud ette ka olukordi, kus pole tunnustatud vastastikuse tunnustamise põhimõtet.

### **Oluliseks takistuseks isikute liikumisel on keelelised ning administratiivsed barjäärid**

Vastavalt Euroopa Komisjoni raportile 2002. aastast on nende põhjuste seas, miks töajõud on Euroopa Liidus vähem mobiilne, teisel kohal keelebarjääride olemasolu. Mobiilsuse suurendamiseks on loodud küll tervet Euroopa Liitu hõlmav süsteem EURES (*European Employment Service*), kuid olulist tulemust see andnud ei ole. Isikute vaba liikumist Euroopa Liidus tervikuna ei taga ka Schengeni leping.

*Lisaks nimetatud probleemidele takistavad nelja vabaduse põhimõtte reaalsel elluviimist ka näiteks liikmesriikide vahelised erinevused maksumäärades ning liikmesriikide valitsuste subsidierimispoliitika.*

## **3.4. Maastrichti, Amsterdami ja Nice lepingud**

1980-ndate aastate lõpu ja 1990-ndate aastate alguse poliitilised sündmused, Nõukogude Liidu kokkuvarisemine, Lahesõda, Jugoslaavia lagunemise kataklüsmid ja Ühenduse suutmatus lahendada Euroopa-siseseid konflikte (seda hoolimata silmapaistvast majanduslikust potentsiaalst) tingisid olulise vajaduse poliitilise integratsiooni arendamise järele. Uue etapi algust ühenduse arengus tähistab Maastrichti leping (tuntud ka kui *Treaty on the European Union* – TEU), mis sõlmiti 1992. aasta veebruaris ning jõustus 1993. a. novembris. Leping tegi parandusi olemasolevates lepingutekstides (Pariisi ja Rooma lepingud ning Ühtne Euroopa akt) ning pani aluse poliitilise liidu loomisele. Lepingu tähtsust on raske ülehinnata — see andis tohutu tõuke integratsiooni edasisele arengule.

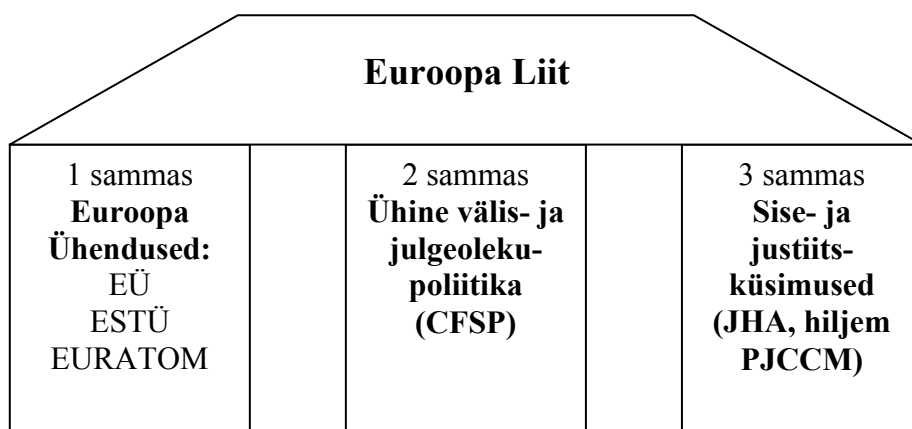
### **Maastrichti tippkohtumise peamised tulemused on järgmised:**

1. Euroopa Liidu loomine, mis tugineb kolmel sambal:
  - Euroopa Ühendused (EÜ, ESTÜ, EURATOM)
  - Ühine välis- ja julgeolekupoliitika (Common Foreign and Security Policy - CFSP)
  - Koostöö justiits- ja siseasjades (Justice and Home Affairs – JHA).
2. Selge ajakava majandus- ja rahaliidu loomiseks (*EMU – Economic and Monetary Union*). Leping nägi ette ühisraha kasutuselevõtu aastaks 1999 ning määratles täpselt ühisrahale ülemineku tingimused (*convergence criteria*). Samuti nägi leping ette Euroopa Keskpanga loomise.
3. Institutsioonide tugevdamine: kvalifitseeritud häälteenamusel põhineva otsustamise laiendamine ning uue seadusandliku protseduuri (kaasotsustusmenetlus) sisseviimine. Kaasotsustusmenetlus andis esimest korda ühenduse ajaloos Euroopa Parlamendile eelnõude osas vetoõiguse.
4. Euroopa kodakondsuse loomine ning sellega kaasnevate õiguste laiendamine (õigus elada ja töötada ükskõik millises liikmesriigis, õigus hääletada kohalikel ja Euroopa Parlamendi valimistel; diplomaatiline kaitse iga liikmesriigi esinduse poolt; õigus pöörduda Euroopa ombudsmani poole).
5. Sotsiaalpoliitika protokoll, mis nägi ette koostööd sotsiaalpoliitika vallas vastavalt eesmärkidele, mis sisaldasid 1989. aasta Strasbourgi tippkohtumisel vastuvõetud Sotsiaalhar-tas (liikumisvabadus, töö ja tasustamine, elamis- ja töötingimused, sotsiaalne kaitse, võrd-

sed võimalused, tööliste õigused, laste, vanurite ning puuetega inimeste kaitse). Sotsiaalpoliitika peatükk plaaniti lepingu osana, ent Ühendkuningriigi vastuseisu tõttu jäi see eraldiseisvaks protokolliks, millele britid alla ei kirjutanud. Protokollil oli kaks laiemat eesmärki: vältida „sotsiaalset dumpingut“ ning aidata kaasa Liidu „inimnäoliseks“ muutmisele.

6. Subsidaarsuse mõiste sisse viimine. Subsidaarsuse mõiste tuli esimest korda kasutusele 1989. aasta Sotsiaalhartas. Subsidaarsuse põhimõtte kohaselt tuleb otsused vastu võtta võimalikult kodanikulähedaselt, s.t. et Euroopa Liit on õigustatud õigusakte vastu võtma ainult neil juhtudel, kui liikmesriigid ise ei suuda täielikult kavandatavaid eesmärke saavutada ning EL-i meede peab alati pakkuma mingit lisaväärtust. Vastava lepinguartikli sisseviimise eesmärk on selgitada pädevuse jaotumist liidu ja liikmesriikide vahel.

### *Euroopa Liidu sambastruktuur pärast Maastrichti*



### **Sambastruktuur**

Kui Euroopa Ühenduste senised poliitikad olid suuresti rahvusülesed, siis Maastricht tõi sisse valitsustevahelise koostöö 2. ja 3. sambas (CFSP ja JHA). Maastrichti lepinguga loodud Euroopa Liit ei ole ühtse struktuuri ja otsusetegemiseprotsessiga sidus liit, vaid pigem polütsentristlik süsteem, nn. „*Europe of bits and pieces*“ (Phinnemore, 2003; Curtin, 1993). Kui Euroopa Ühenduse varasematel aastatel toimus kogu otsusetegemine nn. ühenduse meetodi kohaselt, siis Maastrichti lepingu järgselt on otsustusprotsess ning institutsioonide rollid erinevates poliitikavaldkondades erinevad. Ehkki CFSP ja JHA sisseviimine on oluliseks sammuks poliitilise koostöö edendamisel, oli kolmesambaline struktuur rahvusülesuse pooldajate jaoks pettumustvalmistav. Maastricht institutsionaliseeris valitsustevahelise koostöö, samas kui rahvusülesete institutsioonide (Euroopa Parlament, Euroopa Komisjon) roll teise ja kolmanda samba poliitikates on väga piiratud.

### **Suurem ühtsus või diferentseerimine?**

Ehkki Maastrichti leping tähistas olulist sammu integratsiooni süvenemise suunas, sisaldas see mitmeid vastuolulisi poliitikaid, mis tõi kaasa seniolematu diferentseerimise liikmesriikide seas. Mitte kõik liikmesriigid ei jaganud Maastrichti ambitsioonikaid eesmärke. Näited diferentseerumisest võib leida majandus- ja rahapoliitika vallast, kus Maastricht jagas liikmesriigid kolme gruppi: 1) EMU-s osalejad; 2) riigid, kes ei vasta tingimustele (*convergence criteria*); 3) riigid, kes ei soovinud liituda ning olid saanud õiguse kõrvale jääda (*opt-out*). Vastuolusid tekitas ka sotsiaalpoliitika, kus Ühendkuningriik sai õiguse jääda kõrvale sot-

siaalpoliitika-alastest kokkulepetest. Taani omakorda sai õiguse jääda kõrvale välispoliitilisest koostööst valdkondades, millel oli mõju kaitsepoliitikale. Ehkki sedalaadi kõrvalejäämisi oli ette tulnud ka varem, olid need olnud ajutised, kindla tähtajaga üleminekuperioodid.

Maastrichti-järgses põhimõttelises diferentseerumises nähti hirmutavat võimalust, et Euroopa Liit kujuneb *a la carte* ühenduseks, kus liikmesriigid valivad valdkondi, milles nad tahavad integreeruda, samamoodi „nagu restoranikülastaja valib menüüst roogi.“ Sellest tulenevalt on järgnevatel laienemisläbirääkimistel kehtinud põhimõte, et liitujad ei saa taotleda püsivaid erandeid ega kõrvalejäämist kehtivast *acquis*’st.

### Läbirääkimiste kulg ja riikide positsioonid

Maastrichti lepingule eelnesid kaks paralleelset valitsustevahelist konverentsi (VVK), millest üks keskendus majandus- ja rahaliidu ning teine poliitilise liidu loomisele. Rahvusüleste institutsioonide mõju valitsustevahelistel kohtumistel oli piiratud: Euroopa Komisjon oli üksnes formaalselt esindatud ning Euroopa Parlament jäeti praktiliselt kõrvalseisjaks. Läbirääkimised leidsid aset *valitsusjuhtide tasandil* (Euroopa Ülemkogud), *ministeeriumite tasandil* (igakuised finants- ja välisministeeriumite kohtumised) ja *ametnike tasandil* (kaks korda kuus liikmesriikide rahandusministeeriumite ja keskpankade ametnike kohtumised, et arutada majandus- ja rahaliiduga seonduvat, ning välisministeeriumite ametnike ja Brüsseli ametnike kohtumised toimusid igal nädalal, et arutada Euroopa Poliitilise Liiduga seonduvat).

Kui EMU-le keskenduv valitsustevaheliste kohtumiste päevakord oli selgelt defineeritud, siis poliitilise liiduga seonduvad arutelud jäid üpris üldsõnaliseks. Poliitilist liitu kirjeldati nelja põhilise elemendi kaudu: tugevam demokraatlik legitiimsus, efektiivsemad institutsioonid, majandusliku, finants- ja poliitilise tegevuse ühtlustamine, ühine julgeoleku- ja välispoliitika. Enamik liikmesriike nõustus poliitilise liidu eesmärkidega, kuid see, mil määral oleksid pidanud need rakenduma ja kuidas seda oleks teostatud, jäi lahtiseks.

Brüsseli arvates oleks tulnud EMU ja EPU arutelud ühendada. Seda seisukohta toetas üksnes Saksamaa, kes oleks poliitilisest liidust saanud kõige rohkem kasu. Nõustumine Majandus- ja Rahaliidu tingimustega tähendanuks loobumist nii Saksa margast kui samavõrd ka kontrollist Euroopa Monetaarsüsteemi üle. Selle eest soovis Saksamaa näha föderatiivse korraldusega Euroopa Ühendust, kus lahendatakse lahkarvamusi tekitavad probleemid (nagu põgenikeprobleem ja kaitseküsimused) ning milles Euroopa Parlamendil oleks seadusandluses senisest palju mõjuvõimsam roll.

- *Saksamaa oli üldiselt suhteliselt ükskõikne EMU suhtes.* EMU ja EPU-ga liitumist propageeris Saksa Bundestagi president Karl-Otto Pohl, kelle arvates oli põhiline fiskaalpoliitika jagamatus. Seoses majanduslikult ebahütlase arengutasemega Euroopa Ühenduse liikmesmaades tõstatas Pohl kahe- või mitmetasandilise (-kiiruselise) liitumisküsimuse EMU-ga.
- *Prantsusmaa* huvides oli EMU-ga liitumine. Euroopa Keskpanga loomises nähti võimalust vähendada *Deutsche Bundesbanki* domineerimist Lääne-Euroopa fiskaalpoliitikas. Mitterrand ei olnud küll Euroopa Keskpanga loomise poolt, kuid arvas, et see peaks juhtuma ikkagi pigem II kui III Majandus- ja Rahaliidu moodustamise etapis. Prantsusmaal olid ka omad reservatsioonid EPU suhtes, kuna leiti, et Euroopa Parlamendi volitusi ei tohiks suurendada ning pigem peaks Euroopa Ülemkogu omandama suurema otsustamisõiguse Euroopa Parlamendi ja Euroopa Komisjoni arvelt.
- *Suurbritannia* oli üldjuhul skeptiline nii EMU kui ka EPU suhtes. Jätkuvalt omas kandepeid Thatcheri visioon, mille kohaselt Euroopa ühendamine peaks lähtuma viiest juhtivast printsiibist: valitsustevaheline koostöö, efektiivsus, ettevõtlus, rahvusvaheline avatus

ning kaitsevõime säilitamine NATO abil. John Major pakkus algselt välja võimaluse kasutada ECU-d üheaegselt rahvuslike valuutadega, hiljem Suurbritannia aga kauges sellest ideest ning otsustas küll jääda Euroopa Ühenduse tuumikriikide hulka, kuid mitte osaleda ühisvaluuta projektis.

- Erinevalt Suurbritanniast pooldas *Itaalia* igati supranatsionalismi levikut Euroopa Liidu raames. Olles nõrga keskvõimu ning tugeva regionalismi vaimuga, toetas Itaalia föderaalset Euroopa teket. Nii Itaalia kui ka *Hispaania* kartsid nn. teise liigasse langemist ja taotlesid seetõttu pikemat siirdeperioodi II ja III etapi vahel ja täiendavaid finantssüste, et teistele kiiremini järele jõuda.

## Maastrichti ratifitseerimine

Maastrichti lepingu ratifitseerimine osutus tõsiseks katsumuseks. Raskendavate asjaoludena mõjusid Euroopas puhkenud majanduskriis, rahapoliitilised pinged ning ühenduse suutmatus lahendada Jugoslaavia kriisi. Lepingu tagasilükkamine Taanis korraldatud referendumil oli ühendusele tõeliseks hoobiks (50,7% vastu ja 49,3% poolt). Euroskeptitsismi laine laienes teistesse liikmesriikidesse — Prantsusmaal pälvis leping avalikkuse nabi heakskiidu (51,1% poolt ja 48,9% vastu). Referendum toimus ka Iirimaal, kus tulemuseks oli 69% poolt ja 31% vastu.

Taani vastuseisu põhjused:

- kardeti Majandus- ja Rahaliitu,
- kardeti rahvusliku identiteedi kaotust,
- kardeti väikeste riikide vähest rolli Euroopa Ühenduses,
- kardeti Euroopa Parlamendi kasvavat mõjuvõimu,
- kardeti ühisvaluuta kehtestamist,
- kardeti Saksamaa ühendamisest tulenevaid poliitilisi ja majanduslikke tagajärgi,
- kardeti võimalikku Euroopa ühise armee loomist, jne.

Seoses Maastrichti lepingu ebaõnnestunud ratifitseerimisega Taanis otsustas Euroopa Ühendus viia lepingusse sisse **subsidiarsuse** ja **transparentsuse** (ehk läbipaistvuse, mis viitas läbirääkimiste käigu ja otsuste tegemise mehhanismi avatusele) **põhimõtted**. Samuti sai Taani valitsus õiguse jääda kõrvale (*opt-out clause*) järgmistest poliitikatest:

- Majandus- ja Rahaliidu III etapp (ühisvaluuta, fiskaal- ja majanduspoliitika),
- kaitseküsimusi puudutavad arutelud ja otsuste tegemised.

Mais 1993. aastal korraldati Taanis uus referendum. Seekord oli lepingu ratifitseerimise poolt 56,8% valimaskäinutest.

## Euroopa Liidu areng pärast Maastrichti ning 1995. aasta laienemine



Jacques Santer, President of

1994. aasta detsembris lõppes Delorsi mandaat Euroopa Komisjoni presidendina ning tema asemele astus Jacques Santer, endine Luksemburgi peaminister. Hoolimata tormilistest poliitilistest arengutest Euroopas, EL-i kasvuraskustest ning seniolematust euroskepsisest jätkus 1990-ndatel aastatel liidu laienemine. Austria oli esitanud liikmeksastumise avalduse 1989. aastal, Malta ja Küpros 1991. aastal ning Soome, Norra ja Šveits 1992. aastal (Šveits võttis oma avalduse mõni kuu hiljem negatiivse referendumitulemuse

**the European Commission  
(1996-1999)**

tõttu tagasi.) Läbirääkimised Austria, Rootsi, Soome ja Norraga algasid 1993. aastal ning osutusid suhteliselt lihtsateks tänu liitujate kõrgele arengutasemele. Norra EL-iga siiski ei liitunud, kuna 1994. aastal toimunud referendumil ütlesid valijad teistkordselt liitumisele „ei.“

### 1996. aasta VVK ja Amsterdami leping

1996. aastal toimus valitsustevaheline konverents, mis viis välja 1997. aasta oktoobris sõlmitud Amsterdami lepinguni. Amsterdami leping pälvis märksa vähem avalikku tähelepanu kui Maastricht, mis aga ei tähenda, et tegemist oleks olnud tähtsusetu leppega. 1997. aasta Amsterdami tippkohtumise põhiküsimusteks olid ühisraha kehtestamine 1999. aastal, ühtse välis- ja julgeolekupoliitika (k.a. sisemine julgeolek) tulevik ja Lääne-Euroopa Liidu osa selles (peamine integratsioonisuund pärast Maastrichti), institutsionaalsed muudatused (ehk kui suure esindatuse iga riik rahvusülestes institutsioonides pärast laienemist saab) ning laienemise endaga seonduv probleemistik. Leping lisas Euroopa Liidule uue konstitutsioonilise eesmärgi (*establishment of an „area of freedom, security and justice“* – edaspidi AFSJ) ning nihutas suure osa kolmanda samba sise- ja justiitsküsimustest Ühenduse samba alla (*communitarization*). Kolmanda samba alla jäid peamiselt politsei ja kohtute koostööd puudutavad poliitikad – vastavalt sellele muutus ka samba nimi (*Police and Judicial Cooperation in Criminal Matters*). Ühtlasi liideti EL-i struktuuridega Schengeni lepingul põhinev koostöö, mis oli alguse saanud juba 1980-ndatel aastatel.

Amsterdami leping näitas, et liidusisene diferentseerumine jätkub — Ühendkuningriik, Iirimaa ning Taani said õiguse jääda kõrvale mitmesugustest AFSJ ning Schengeni koostööd puudutavatest kokkulepetest. Amsterdam viis sisse tugevdatud koostöömehhanismid (*enhanced cooperation*), mis võimaldasid grupil riikidel teatud valdkondades teistest kiiremini edasi liikuda (v.a. CFSP vallas!).

**Amsterdami saavutusi on sobilik analüüsida läbi kolme suure ülesande, mille Euroopa Komisjon tippkohtumisele ja sellele eelnenud valitsustevaheline konverentsile püstitas.**

Need olid järgmised:

- 1) tuua EL kodanikele lähemale,
- 2) muuta EL tuntavaks jõuks maailmapoliitikas;
- 3) tagada EL-i toimimine tõhusa organisatsioonina ka pärast uute liikmete vastuvõtmist.

### Euroopa Liidu lähendamine kodanikele

Elanikkonna reaktsioonid Maastrichtile näitasid, et Euroopa Liit peab rahva poolehoiu nimel rohkem pingutama. Otsusetegemine peab muutuma avatumaks ja läbipaistvamaks. Kodanikele lähemaks muutmise üheks tahuks on ka nelja põhivabaduse veelgi tugevam väljaarendamine, mille loogiliseks jätkuks on Euroopa kodakondsuse rakendumine. Euroopa kodakondsus tagaks selle, et erinevate riikide õigussüsteemid kohtleksid Euroopa kodanikke sarnaselt. Seetõttu tahtis Euroopa Komisjon, et osa riikide sise- ja õigusasjadest läheks üle komisjoni pädevusse. Eriti peeti silmas inimeste liikumise, piirivalve, narkootikumide ja immigratsiooniga seotud probleeme.

## Euroopa Liidu roll maailmapoliitikas

Jugoslaavia kriis 1990-ndatel aastatel näitas ilmekalt Euroopa Liidu välispoliitika nõrkust. Sidusa välispoliitika väljatöötamisele on takistuseks riikide mure oma suveräänsuse ja julgeoleku pärast. Sellest tulenevalt ei leidnud CFSP kommunitariseerimise (s.t. ühenduse samba alla viimise) ettepanekud Amsterdams toetust. Siiski suurendati Euroopa Ülemkogu rolli välispoliitika kujundamisel ning viidi sisse Kõrge esindaja ametikoht, loodi poliitika planeerimise üksus ning defineeriti selgemini EL-i julgeolekuvisioon ning arusaamad rahuvalvest, kriisiohjamisest, jne.

## Efektiivsuse tagamine ja institutsionaalne valmidus laienemiseks

Kolmanda projekti all mõeldakse nii erinevate Euroopa lepingute ühtlustamist, otsustetegevise mehhanismi lihtsustamist kui ka institutsioonide laienemisejärgset kohandamist. Eelseisev laienemine viitas vajadusele laiendada kvalifitseeritud häälteenamuse rakendamist Ministrite Nõukogus, sest ühehäälsuse nõue oleks 25-liikmelise liidu puhul otsustetegevist halvav. Institutsionaalse reformi osas oli Amsterdami kohtumine suhteliselt edutu. Põhiküsimused, mis puudutasid laienemiseks vajalikke institutsionaalseid reforme (Euroopa Komisjoni suurus, häälte jaotumine Ministrite Nõukogus, enamushääletuse kasutamine) lükati edasi. Peamisteks saavutusteks jäid Euroopa Parlamendi rolli tugevdamine, aluslepingute artiklite ümbernummerdamine ning ühehäälsuse asendamine kvalifitseeritud häälteenamusega 19 valdkonnas. Kompromissina ühehäälsuse ja enamushääletuse vahel pöörati palju tähelepanu ka mitmesugustele paindliku integratsiooni võimalustele ning arutati elavalt selliste kontseptsioonide üle nagu „tuumik-Euroopa,“ muutuva geomeetriaga Euroopa ning mitme-kiiruseline Euroopa Liit (*flexibility, core Europe, Europe of variable geometry, multi-speed Europe*).

## 2000. aasta valitsustevaheline konverents ja Nice'i leping

Juba Amsterdami lepingu jõustumise ajaks (1 mai 1999) oli vajadus uute institutsionaalsete reformide järele muutunud ilmselgeks. 2000. aastal alustas tööd uus valitsustevaheline konverents (VVK), mis pidi Euroopa Liidu valitsemisüsteemi laienemiseks valmis panema. Ehkki Euroopa Komisjon ja Euroopa Parlament olid huvitatud sellest, et VVK päevakord hõlmaks ka muid küsimusi (sh. Lääne-Euroopa Liidu liitmine Euroopa Liiduga kui oluline samm ühise kaitsepoliitika suunas), kujunesid konverentsi põhiküsimusteks ikkagi nn. Amsterdami ülejäägid — Euroopa Komisjoni suurus ja kohtade jaotus, häälte jagunemine Ministrite Nõukogus ning kvalifitseeritud häälteenamuse senisest laiendamisest rakendamine. Uue valitsustevahelise konverentsi kokkukutsumist kiirendas asjaolu, et peale 1999. aasta Kosovo kriisi otsustas Euroopa Liit alustada liitumisläbirääkimisi kõigi kandidaatidega (v.a. Türgi). Senine strateegia, mille kohaselt esimesse laienemise ringi oleksid kuulunud vaid 1997. aastal kutse saanud riigid (Eesti, Küpros, Poola, Tšehhi, Ungari), oleks võimaldanud institutsionaalset reformi veelgi edasi lükata. Kui viie riigi surumine olemasolevasse institutsionaalsesse raamistikku oleks veel kuidagi võimalik olnud, siis 10 liitja puhul ei tulnud see kõne allagi.

Institutsionaalsed reformid ning eelolev laienemine sundisid poliitikuid ning riigijuhte mõtlema EL-i tulevikule laiemalt. Joschka Fischeri, Jacques Chiraci jt. kõned sisaldasid ambitsioonikaid ettepanekuid. Valitsustevahelise konverentsi päevakord jäi aga märksa piiratumaks,

läbirääkimised kujunesid erakordselt rasketeks ning nende tulemused pälvisid palju kriitikat. Samas on Nice leping siiski oluline samm laienemise suunas, mis aitas vältida EL-i institutsionaalset halvatust peale kümne riigi liitumist.

#### **Nice'i tippkohtumise peamised tulemused on järgmised:**

1. Euroopa Komisjoni volike arv
  - Seni oli viiel suuremal liikmesriigil õigus määrata kaks volinikku, teistel üks.
  - Uue süsteemi kohaselt määrab iga liikmesriik ühe voliniku. Kui liikmete arv tõuseb üle 27, siis volike arv ei suurene, vaid viiakse sisse rotatsioonisüsteem.
2. Uus häälte jagunemise süsteem Ministrite Nõukogus:
  - Seni oli 15 liikmesriigil kokku 87 häält, kvalifitseeritud häälteenamuse kohaselt oli otsuse läbi minemiseks vaja koguda 62 häält.
  - Uue süsteemi kohaselt on 27 liikmesriigil kokku 345 häält, kvalifitseeritud häälte enamus tähendab 255 poolthäält ning otsust peab toetama liikmesriikide enamus, mis esindab 62% Liidu rahvastikust.
3. Kvalifitseeritud häälteenamuse rakendamine veel ligi 40 lepinguartikli puhul.
4. Tugevdatud koostöö (*enhanced cooperation*) tingimuste täpsustamine (osalevad vähemalt kaheksa liikmesriiki; avatus kõigile liikmesriikidele; iga riigi vetoõigus ühise välis- ja julgeolekupoliitika vallas).
5. Euroopa Parlamendi suuruse piiramine 732 kohaga.
6. Põhiõiguste Harta vastuvõtmine.

Institutsionaalsed küsimused, eelkõige häälte ja kohtade ümberjaotamine tekitas läbirääkimistel palju paksu verd:

- 59 miljoni elanikuga Prantsusmaa ei olnud nõus sellega, et 82 miljoni elanikuga Saksamaa saab Ministrite Nõukogus rohkem hääli. Prantsuse esindajad viitasid asjaolule, et ühenduse loomisest saadik on keskseks põhimõtteks olnud Saksa-Prantsuse võrdsus ja tasakaal. Ka Belgia ja Holland ning Hispaania ja Portugal ei suutnud kaua aega häälte jagunemises kokku leppida.
- Suurriigid pooldasid seisukohta, et Euroopa Komisjoni volinike arvu vähendamine peaks toimuma väikeriikide arvelt.
- Euroopa Komisjon püüdis vähendada Ministrite Nõukogu pädevust, tahes teha lõppu segavale „rahvusliku veto kultuurile.“ Rahvusriigid aga tahtsid iga hinna eest säilitada vetoõigust sellistes tundlikes valdkondades nagu maksud, immigratsioon, ühtekuuluvuspoliitika ning sotsiaalne kaitse.



Treaty of Nice

Nice'i leping allkirjastati 26 veebruaril 2001. Ehkki Nice'i tippkohtumisel suudeti raskete katsumuste ja kompromisside hinnaga leppida kokku Euroopa Liidu laienemisejärgses struktuuris, jättis uus leping mitmed olulised küsimused siiski lahtiseks. Nii nagu Amsterdami puhul, lükati osad otsused lihtsalt edasi ning lepiti kokku, et järgmine valitsustevaheline konverents toimub 2004. aastal.

Kui meedia heitis poliitikutele ette totaalset Euroopa ühisvaimu puudumist Nice's, siis Prantsuse president Jacques Chirac ja Rootsi peaminister Goran Persson üritasid avalikkust veenda, et Nice'i tulemused on realistlikud ning piisavad ajaloolise laienemise toimumiseks.

### Ratifitseerimisprobleemid

Seekord ilmnemid ratifitseerimisprobleemid üllatuslikult riigis, kus avalik arvamus EL-i suhtes on traditsiooniliselt olnud vägagi positiivne. Hoolimata kõigi peamiste parteide pooldavast suhtumisest hääletas enamus (54%) referendumil osalenud Iiri valijatest 2001. aastal Nice'i lepingu vastu. Valijaskonna hirmud ei olnud seotud mitte niivõrd eeloleva laienemisega, kui Iirimaa suveräänsust ning traditsioonilist sõjalist neutraliteeti puudutavate küsimustega. Kuna viivitus lepingu ratifitseerimisel ähvardas pidurdada laienemist, tõttas Iiri valitsus uusi läbirääkimisi pidama ning rahvale selgitustööd tegema. 21 juunil 2002 võeti Sevilla Ülemkogul vastu kaks deklaratsiooni, kus Iiri valitus ja Euroopa Ülemkogu kinnitasid, et Iirimaa osalemine CFSP raamistikus ei ohusta riigi neutraliteedipoliitikat, ei kohusta osalema kaitsepoliitikas ega Euroopa armee loomises. 2002. aasta oktoobris toimus uus referendum, kus 63% valimaskäinutest hääletasid lepingu ratifitseerimise poolt.



## 4. IDEELISED JA AKADEEMILISED DEBATID INTEGRATSIOONITEOORIAE TEEMAL

Jan Zielonka

### ENLARGEMENT AND THE FINALITY OF EUROPEAN INTEGRATION



The major reason behind Joschka Fischer's argument for deepening European integration is the forthcoming eastward enlargement of the European Union. As he puts it:

In the coming decade, we will have to enlarge the EU to the east and south-east, and this will, in the end, mean [a] doubling in the number of members. And at the same time, if we are to be able to meet this historic challenge and integrate the new Member States without substantially denting the EU's capacity for action, we must lay the last brick in the building of European integration, namely political integration.

According to Fischer, the outcome of the integration process will be a European federation, preceded by the formation of a "centre of gravity" within the Union; an "avant-garde, the driving force for the completion of political integration."

Fischer's vision has been met with a great dose of scepticism, if not open hostility, among officials of the Eastern European applicant states. Some of them are worried that any ambitious reform project might further delay their entrance to the Union.<sup>1</sup> Others fear erosion of the national sovereignty that they fought so hard to regain in their struggles against Soviet domination.<sup>2</sup> Others again fear that far reaching reforms might arrive before they are in a

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<sup>1</sup> See, for example, the Report of the meeting of the parliaments of the Member States and applicant countries of 17<sup>th</sup> June, 2000, that is readily available on the Internet at: <http://www.europarl.eu.int/dg3/sdp/backg/en/b000717.htm>.

<sup>2</sup> See, a commentary of Poland's Foreign Minister, Bronislaw Geremek quoted by PAP (Polska Agencja Prasowa), that is available, in electronic form, at the following address:

position to shape them as full EU members.<sup>3</sup> These are all important concerns that are being ignored by Western commentators debating the future of European integration in a most self-centred manner.

Candidates from Eastern Europe have no interest in paralysing European institutions. Like Fischer, they want the Union to work efficiently after their accession.<sup>4</sup> However, as I will argue in this paper, enlargement and Fischer's vision are basically incompatible, despite all the assurances and qualifications spelled out by Fischer himself. I will try to show that a political federation within an enlarged Union is no longer possible, while the creation of a core group is set to undo the basic rationale for enlargement. Enlargement will greatly enhance the diversity within the Union and result in an ever greater disjunction between the EU's geographic and functional boundaries. The Union will increasingly act in overlapping circles and along a variable geometry resembling a neo-medieval empire more than a post-Westphalian federal state.<sup>5</sup> If this is unavoidable, the Union should try to find ways of making the emerging neo-medieval empire work better, rather than attempting to re-construct a neo-Westphalian state writ large. A neo-medieval empire does not need to be seen as a recipe for chaos and paralysis. Effective governance is today about recognising complexity, flexibility and dispersion. However, the increased diversity and multiplicity of governing arrangements might also have negative side effects, especially in terms of democracy and cultural identity. The Union should try to find ways of coping with various negative aspects of the new diversified Europe while utilising positive aspects for the benefit of the entire continent.

## 1. The Logic of Core and Periphery

Fischer realises that a European federation cannot spontaneously emerge overnight. It needs to be pushed forward by a few determined states; "a centre of gravity", as he put it. Fischer does not use the terms such as "hard core" or "a two-speed" Europe that produced hefty debates and conflicts in the past. However, most commentators notice that a difference between a core group and a centre of gravity is only rhetorical. As M. Hubert Védrine, French Minister of Foreign Affairs, put it in his open letter to Fischer:<sup>6</sup>

Over the past few weeks several present or former European political leaders proposed that the countries determined to make a big leap forward into political integration should create a "hard core" or a "vanguard" together. This is tantamount to accepting the idea that was challenged vehemently for a long time, of a two-speed Europe. This is the line you adopted, after Jacques Delors and others, by suggesting the creation, in stages, of a centre of gravity that would one day become the core of a future federation.

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<http://euro.pap.com.pl/cgi-bin/europap.pl?grupa=1&ID=81>.

<sup>3</sup> See, an interview with the Hungarian Prime Minister, Victor Orbán, for the Austrian newspaper Standard, June 18, 2000.

<sup>4</sup> As the Polish government stated unequivocally: "It is Poland's intention to join an effective EU with all the consequences involved." See, Intergovernmental Conference 2000: the Polish Position, Warsaw, 12 June 2000, which is available on the Internet at: <http://www.msz.gov.pl/english/unia/IGC.htm>.

<sup>5</sup> The term neo-medieval empire was first been used in Ole Waeber's, "Imperial Metaphores: Emerging European Analogies to Pre-Nation State Imperial Systems", (Waeber 1997:61)

<sup>6</sup> "Future of Europe", a Letter from M. Hubert Védrine, Minister of Foreign Affairs, to Joschka Fischer, Minister of Foreign Affairs of the Federal Republic of Germany, Paris, 8 June 2000, an English translation provided by the French Embassy in the UK (internet source: <http://194.216.217.67/db.phtml?id=4116>). The French President, Jacques Chirac in his speech at the German Bundestag also avoided the controversial term "core group", and instead used the term, "groupe pionnier".

The discussion about the pros and cons of an avant-garde core is usually conducted from a Western European perspective. However, the picture is much clearer from an Eastern European perspective, leaving little room for any debate. The idea of a European hard core is viewed as an East European nightmare because it condemns the post-communist states to an inferior peripheral status.

The concept of “core” goes hand-in-hand with the concept of “periphery”. They are like two sides of a coin that cannot be separated. Those countries that form the core are on one side of the coin, while those unwilling or unable to join the core are on the other side. Clearly, the contrast between the core and the periphery does not need to be great; but if there is little difference between the core and the periphery, why does one need a core in the first place? Fischer insists that he intends to overcome the division of Europe, but the creation of a core group cannot but create a division between the “ins” and “outs”. This has been well grasped by Robin Cook, the British Foreign Minister:<sup>7</sup>

We want those countries [i.e., applicant countries from Eastern Europe] to be joining as full members of a Europe of equals, not finding that some other countries have moved on to an inner chamber from which they are excluded.

Great Britain fears a core group for different reasons to those which are arousing fear among the applicant states from Eastern Europe.<sup>8</sup> The latter might be willing to join the core group, but may be unable to do so for many years to come; Great Britain might be able, but is unwilling, to join the core group. For Great Britain, access to the integrated system of decision-making is at stake; for Eastern Europeans, the ability to catch up with the centre of prosperity and effective government is at stake. Before the fall of communism, the threat of a core group was often used to prod hesitant integrationists into more co-operative attitudes with regard to agendas set in Paris, Bonn and Brussels. Today, however, the threat of a core group has an entirely different meaning and implications. It is largely about perpetuating the division of Europe between an affluent and stable core, and an impoverished and unstable periphery.<sup>9</sup>

Recent proposals suggesting some kind of a core group in the Union resemble similar efforts aimed at Eastern European exclusion put forward a decade ago. On the eve of the European transformation, some Western politicians hoped that integration within the EU could continue unabated among only the most developed European states for a long time. Eastern Europeans have been offered alternative forms of pan-European co-operation, such the Organisation for Security and Co-operation in Europe, or a European Confederation project launched by the French President, François Mitterand. When it proved impossible to arrest the process of the eastward enlargement, the idea of a core Europe became an alternative strategy to keep the less developed Eastern European countries outside the frame of advanced integration. Fischer’s promise that each member of the Union will be welcome to join the core group is not very credible. If everybody can join the core group, there is no reason for having it. The whole point of a core group is to impose even stricter criteria for admission than is presently the case in order to join the existing European Union framework. Needless to say, the post-communist countries already have enough problems in trying to meet the latter criteria for admission.

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<sup>7</sup> Robin Cook in an interview for *The Times*, 29 June 2000.

<sup>8</sup> For a detailed analysis of the British position, see Helen Wallace’s contribution to this volume.

<sup>9</sup> This has been well argued in Jonathan Story’s “The Idea of the Core: The Dialectics of History and Space”, (Story 1997).

In short, creation of a core group would undo the greatest benefit of the enlargement project; namely, allowing the less advanced countries of Eastern Europe to join the most advanced countries of Western Europe on equal terms. Joining the Union, but not its newly created core, might well have a positive symbolic meaning for those who have made little progress in meeting the Copenhagen criteria for admission. However, those who champion the meeting of these criteria as a precondition for admission will surely feel demotivated, if not cheated, when told that the centre of gravity, prosperity and peace has moved further away from them. If Fischer truly believes that enlargement is not only unavoidable, but also beneficial for the Union, he should recognise all these negative implications of a core group. He cannot have it both ways, because enlargement and the creation of a core group are largely in conflict.

Supporters of a core group, Fischer presumably among them, believe that it is better to dilute the meaning of enlargement rather than to dilute the meaning of European integration. They argue that paralysing the EU's institutions through a fully fledged enlargement is in nobody's interest, and not least in the interests of Eastern European nations dependent on Western help. Can the Union avoid a major restructuring if it is going to have about 30 very divergent Member States? The solution is a European federation gradually developed by a small group of the most developed and determined countries. Is such reasoning correct? The answer might be either normative or empirical. The former would say what the Union should do, while the latter would try to indicate what the Union is able to do under the current circumstances. As I find it futile to debate on whether a certain model is desirable before knowing whether it is possible, I will leave the normative approach to one side.

One question is whether the creation of a core group is possible, and another is whether the creation of a European federation is possible. I will try to answer the latter question because, for Fischer, a core is not an end in itself, but a means of building a federal European state. Without this ambition, the creation of a core makes little sense. However, the answer to the first question is not predetermined either. There is much evidence to suggest that efforts to create a core group would meet fierce resistance from the current Member States likely to find themselves outside the core. There is also evidence to suggest that a core, when created, would not be likely to work. This is the argument outlined by the Czech President, Václav Havel, in his speech to the European Parliament:<sup>10</sup>

The idea that there could forever be two Europes — a democratic, stable and prosperous Europe engaged in integration, and a less democratic, less stable and less prosperous Europe — is, in my opinion, totally mistaken. It resembles a belief that one half of a room could be heated and the other half kept unheated at the same time. There is only one Europe, despite its diversity, and any weightier occurrence anywhere in this area will have consequences and repercussions throughout the rest of the continent.

Fischer apparently agrees with Havel's general evaluation of the situation in the present-day Europe, and yet he suggests building a European federation by a newly created avant-garde group of only few EU Member States.<sup>11</sup> Let us examine whether such a federation is a viable project in the post-modern and post-Soviet European setting.

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<sup>10</sup> Václav Havel, "Overcoming the Division of Europe" (A speech given to the European Parliament on 15th June 2000) is available, in electronic form, on the Internet at: [http://www.TheEPC.be/Challenge\\_Europe/text/122.asp?ID=12](http://www.TheEPC.be/Challenge_Europe/text/122.asp?ID=12).

<sup>11</sup> As Fischer put it: "Following the collapse of the Soviet empire, the EU had to open up to the east, otherwise, the very idea of European integration would have undermined itself and eventually self-destructed. Why? A glance at the former Yugoslavia shows us the consequences, even if they would not always and everywhere have

## 2. Neo-Westphalian State versus Neo-Medieval Empire

Fischer assumes that exclusion of Eastern European nations from more advanced forms of integration is only a temporary phenomenon. In due course, they are also likely to join the European federation. My argument is that a level of diversity in a broader pan-European setting prevents the creation of such a federation, thus exclusion would need to have a more permanent character. However, I will go a step further and argue that Fischer's vision of a European federation is not even possible in a narrower setting confined to only the Western part of the continent. This is partly due to the persisting divergence among the EU's existing Member States, and partly due to the forces of interdependence and globalisation currently at work in Europe and elsewhere.

Fischer's term "European federation" has alarmed most Euro-sceptics. But the key element of Fischer's vision is not so much a European federation, but a (federal) European state. As Tanja A. Börzel and Thomas Risse show in another contribution to this volume, there are already plenty of federal elements within the current Union despite the strong positions of individual Member-States. The point is, therefore, not whether the Union will transform itself from a confederation into a federation, but whether it will become a federal state. At present, the Union is anything but a state: it has no proper government, no fixed territory, no army or police, no constitution, nor even a normal legal status. And the federalist argument is that integration should produce most, if not all, of these characteristics. In short, the final state of integration would be the creation of a post-Westphalian type of state with clear borders, hierarchical governing structures and a distinct cultural identity. A contrast to this Westphalian model is provided by a neo-medieval model in which the borders are soft and never fixed, authority is dispersed, and multiple cultural identities co-exist. Table 4.1 illustrates these two possible extreme outcomes of the current political, economic and cultural developments in Europe. Of course, abstract models cannot but oversimplify complex processes and structures.<sup>12</sup> But if the current trend suggests that there is a neo-imperial empire rather than a post-Westphalian federation in the making, then it is difficult to reverse this trend by a simple act of institutional engineering.

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been so extreme. An EU restricted to Western Europe would forever have had to deal with a divided system in Europe: in Western Europe integration, in Eastern Europe the old system of balance with its continued national orientation, constraints of coalition, traditional interest-led politics and the permanent danger of nationalist ideologies and confrontations. A divided system of states in Europe without an overarching order would, in the long term, make Europe a continent of uncertainty, and, in the medium term, these traditional lines of conflict would shift from Eastern Europe into the EU again."

<sup>12</sup> For more about the use of models in analysing the future of European integration, see, Munch (1996) or Caparoso (1996).

Table 4.1

### Two Contrasting Models of a Future EU

<b>Westphalian super-state</b>	<b>Neo-medieval empire</b>
Hard & fixed external border lines	Soft border zones in flux
Relatively high socio-economic homogeneity	Socio-economic discrepancies persist without consistent patterns
A pan-European cultural identity prevails	Multiple cultural identities coexist
Overlap between legal, administrative, economic & military regimes	Disassociation between authoritative allocations, functional competencies and territorial constituencies
A clear hierarchical structure with one centre of authority	Interpenetration of various types of political units and loyalties
Distinction between EU members & non-members is sharp & it is most crucial	Distinction between the European centre and periphery is most crucial, but blurred
Redistribution centrally regulated within a closed EU system	Redistribution based on different types of solidarity between various transnational networks
One single type of citizenship	Diversified types of citizenship with different sets of rights and duties
A single European Army and Police force	Multiplicity of various overlapping military and police institutions
Absolute sovereignty regained	Divided sovereignty along different functional and territorial lines

The key variable in determining the future course of developments is the degree of convergence and divergence in Europe. A neo-Westphalian European state could only work in a relatively homogenous environment. Free trade zones can, admittedly, operate in a vastly diversified setting. However, this does not equally apply to more ambitious projects of political, economic and military integration. Common laws and administrative regulations cannot cope well with a highly diversified environment, and consequently various complicating opt-outs and multi-speed arrangements are required. A degree of common values and habits is also needed for a system to function efficiently and legitimately. The existence of largely incompatible members multiplies the EU's internal boundaries, however informal, and creates incentives for some smaller groups of countries to "go it alone".<sup>13</sup>

From a broader historical perspective, Western Europe certainly shares some important common cultural, economic, and political characteristics with Eastern Europe. However, crossing the East-West divide during the Cold War was like entering a totally alien, if not hostile, empire with different laws and a different economy, education, ideology and culture. Bridging this gap is seen as crucial for the EU's enlargement policy to succeed. Without closing this gap, the creation of a Westphalian type of state is virtually impossible. The EU accession strategy is based on a strict conditionality principle. Applicant states are confronted with an ever-growing list of conditions that would make them compatible with the current members and fit them into the existing system, and the Union does its best to help the applicant countries to meet these conditions by providing financial help and human

<sup>13</sup> For an analysis of the problem of managing diversity in the European Community in the early 1980s, see, Wallace & Ridley (1985).

expertise.<sup>14</sup> However, the process of adjustments cannot but take many decades. Economic discrepancies between the Eastern and the Western parts of Europe are great. Although some applicant states from Eastern Europe are currently enjoying much higher rates of economic growth than are the existing EU members, catching up with the affluent West will take at least 15 or 20 years, even according to the most optimistic scenarios.<sup>15</sup> The adoption of an 80,000 pages long *acquis communautaire* should also be counted in decades not years, especially if we expect Eastern European countries to adopt not only the letter but also the spirit of Western European laws and regulations.

Moreover, the progress of adjustment is doomed to be unequal for different countries and in different functional fields. This will create a very complex map of divergence and convergence that defines geography, history and existing cultural patterns.

Finally, the Europeanisation of post-communist countries will go hand in hand with Americanisation and globalisation. In other words, some of these countries might, in due course, come to resemble less and less a “European model” in a given functional field. In the field of social policy, for instance, countries like Hungary have already adopted a system that more resembles the United States of America than Germany or Sweden. The US also has much more influence in shaping the police and military forces in these countries.

Divergence is also significant among current EU Member States, and this possibly explains why the federal project has not “got off the ground” before now.<sup>16</sup> In many respects, Great Britain also resembles America more than Germany or France. Average support for democracy in Finland is much lower than in any other EU Member State (and lower than in some applicant states), while in Spain the average rejection of violence as a political instrument is strikingly below the EU average.<sup>17</sup> Austria’s GDP per capita is more than double that of Portugal: \$25,666 compared to \$10,167 (figures for 1997). Slovenia’s GDP per capita (\$9,039) is nearly as high as that of Portugal. In fact, the lines of divergence in various functional fields of the economy, law, and culture do not correspond with the Cold War divide between the East and West. These lines run across the continent in chaotic zigzags and create a very complex picture indeed.

But what about a Westphalian state confined only to a hard core of the most developed and compatible countries? If one looks at the historical process of state formation, success has largely been determined by the degree to which states were able to assure overlap between administrative borders, military frontiers, cultural traits and market fringes.<sup>18</sup> As Stefano Bartolini put it:<sup>19</sup>

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<sup>14</sup> The 1997 EU’s document entitled Agenda 2000 envisaged an “enlargement package” of assistance to the applicant Member States of no less than ECU 75 billion: see, [http://europa.eu.int/comm/agenda2000/index\\_en.htm](http://europa.eu.int/comm/agenda2000/index_en.htm).

<sup>15</sup> See, for example, Vaughan-Whitehead (2000).

<sup>16</sup> As Fritz Scharpf points out, (Scharpf 1994), the current EU lacks three of the crucial attributes which confer a degree of policy-making autonomy on federal states: relatively homogeneous political culture and public opinion, political parties operational at both levels of governance and a high degree of economic and cultural homogeneity.

<sup>17</sup> For detailed data, Fusch & Klingemann (forthcoming).

<sup>18</sup> See, Rokkan et al (1987:17-18); Kratochwil (1986:25-52).

<sup>19</sup> Stefano Bartolini, “Exit options, boundary building, political restructuring”, paper presented at the Departmental Seminar, European University Institute, Florence, October 28, 1997, p. 27 (unpublished).

Nation states of the European type are characterised by boundaries which are simultaneously military, economic, cultural and functional. By crossing the boundary of the state, one passes, at the same time, into the imperium of alternative extractive agencies, into a different economic market, into a different community and into a different set of functional regimes such as educational systems, welfare state, legal jurisdiction, and so forth. This (territorial) coincidence of different type boundaries has been their distinctive trait — which distinguishes them from earlier or different forms of politische Verbände — and their legitimacy principle.

If the core group of the EU is serious about constructing a Westphalian type of state, it will also need to provide an overlap between different the types of borders, frontiers, fringes and triads. However, this will not be easy to accomplish. The Union currently acts in concentric circles and variable geometric patterns due to various opt-outs negotiated by individual Member States in the areas of foreign, monetary or social policy. At the same time, its laws and regulations are increasingly being applied beyond the EU's borders, particularly in Eastern European applicant states. The Union also lacks a strong and coherent sense of cultural identity, let alone a European demos. In short, there is a significant disjunction between the Union's functional and territorial boundaries, and it would be difficult to overcome this disjunction by the creation of a core group. In fact, the creation of a core group is likely to complicate, rather than simplify, relations between individual EU's Member States because an additional set of co-operative frameworks would be added to the existing ones.

Moreover, and probably more crucially, globalisation has eroded the capacity of any integrated political unit to maintain a discrete political, cultural, or economic space within its administrative boundary. Economic sovereignty, in particular, has been eroded by massive international labour and capital flows that constrain individual abilities of governments to defend the economic interests of their units. Territorial defence along border lines has been made largely obsolete by modern weapons technology. Migration and other forms of cross-border movements are on the rise, despite all the efforts of border guards and surveillance technology to seal the frontiers. Normative models and cultural habits are spreading via satellite television and the internet in a largely uncontrolled manner. Both the Union and its Member States are losing control over the legal and administrative regimes within their respective borders because they are increasingly being defined by supranational bodies such as the WTO.

In short, the instruments of a Westphalian type of state are no longer available to contemporary territorial units. It is no longer possible to control trans-border flows, suppress multiple cultural identities or defend particular lines of demarcation. It is difficult to regain an absolute form of sovereignty even among a largely compatible set of states. A core group would find it difficult to build up a Westphalian type of federation in a post-modern environment of cascading interdependence and globalisation.

### **3. Conclusions: Crafting European Integration**

The argument thus far suggests that a neo-medieval empire rather than a neo-Westphalian state is in the making. This is bad news for supporters of a European federal state, but it is not necessarily bad news for supporters of European integration. There is no reason to assume that building a neo-Westphalian state is the only solution for the enhancement of European integration. In particular, there is no need to demonise diversity, overlapping authorities and multiple identities. Divergence is a normal state of affairs. Some would even argue that



divergence is “pluralism” by another name, and that it is Europe’s greatest historical and cultural treasure. Divergence is also a prerequisite of modernity (or, if one prefers, “post-modernity”), in the sense that only highly diversified and pluralistic societies acting in a complex web of institutional arrangements are able to succeed in conditions of modern competition. As Philippe Schmitter argues, effective governance requires “growing dissociation between authoritative allocations, territorial constituencies and functional competencies”.<sup>20</sup> It requires an opening of the way for institutional diversity, “for a multitude of relatively independent European arrangements with distinct statuses, functions, resources that operate under different decision rules”.<sup>21</sup> A particular form of territoriality — “disjoint, fixed, and mutually exclusive”, to use John Gerard Ruggie’s words — is no longer the basis of political life, and the Union is, in fact, very good at “unbundling territoriality”.<sup>22</sup> The Union is transforming politics and government at both European and national levels into a system of multi-level, non-hierarchical, deliberative and apolitical governance”.<sup>23</sup>

All this does not necessarily mean that we are condemned to neo-medievalism. Nor does it mean that there is nothing wrong with the rise of a neo-medieval empire in Europe. Consider, for instance, two basic prerequisites of political legitimacy: democracy and cultural identity. Democracy can hardly work in a complicated, if not impenetrable, system of multi-layered and multi-speed arrangements run by an ever-changing group of unidentified and unaccountable people. Similarly, affection and identity can hardly develop in a complex system of open-ended arrangements with fluid membership, variable purposes, and a net of cross-cutting functional frames of co-operation. Cultural identity and democracy require transparency, simplicity and a sense of belonging to a defined community, and these are difficult to acquire in a highly diversified and open-ended environment.

We should, therefore, work hard to mitigate the negative effects of neo-medievalism.<sup>24</sup> In fact, some of Fischer’s suggestions could well be employed for this end. For instance, it would be good to clarify, possibly in the form of a treaty, what is to be regulated at European level and what is to be regulated at national level. It would also be good to codify a catalogue of basic human and civil, and possibly also social, rights of Europe’s citizens. It would, furthermore, be good to clarify which applicant countries are going to join the Union, why and when. Such steps would inject a degree of order and predictability into a highly diversified, and sometimes chaotic, European setting. Such steps could also enhance the Union’s legitimacy. The ambiguity of successive European arrangements prevents any democratic controls and makes it difficult for Europe’s citizens to identify with them. However, efforts to create a core group of countries trying to construct a federal European state should be discouraged. In the long term, these efforts are probably doomed to failure, and, in the short term, they are doomed to produce artificial divisions and conflicts.

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<sup>20</sup> Schmitter (1996b:132).

<sup>21</sup> Schmitter (1996b:127).

<sup>22</sup> Ruggie (1993).

<sup>23</sup> Hix (1998:54).

<sup>24</sup> I suggested some specific ways of handling the issue of democracy and cultural identity in a complex and highly diversified European setting of today in *Explaining Euro-paralysis* (Zielonka 1998:82-85 and 152-156).

**Speech by Joschka Fischer at the Humboldt University in Berlin, 12 May 2000**

**FROM CONFEDERACY TO FEDERATION – THOUGHTS ON THE FINALITY OF EUROPEAN INTEGRATION**

Fifty years ago almost to the day, Robert Schuman presented his vision of a “European Federation” for the preservation of peace. This heralded a completely new era in the history of Europe. European integration was the response to centuries of a precarious balance of powers on this continent which again and again resulted in terrible hegemonic wars culminating in the two World Wars between 1914 and 1945. The core of the concept of Europe after 1945 was and still is a rejection of the European balance-of-power principle and the hegemonic ambitions of individual states that had emerged following the Peace of Westphalia in 1648, a rejection which took the form of closer meshing of vital interests and the transfer of nation state sovereign rights to supranational European institutions.

Fifty years on, Europe, the process of European integration, is probably the biggest political challenge facing the states and peoples involved, because its success or failure, indeed even just the stagnation of this process of integration, will be of crucial importance to the future of each and every one of us, but especially to the future of the young generation. And it is this process of European integration that is now being called into question by many people; it is viewed as a bureaucratic affair run by a faceless, soulless Eurocracy in Brussels — at best boring, at worst dangerous.

Not least for this reason I should like to thank you for the opportunity to mull over in public a few more fundamental and conceptional thoughts on the future shape of Europe. Allow me, if you will, to cast aside for the duration of this speech the mantle of German Foreign Minister and member of the Government — a mantle which is occasionally rather restricting when it comes to reflecting on things in public - although I know it is not really possible to do so. But what I want to talk to you about today is not the operative challenges facing European policy over the next few months, not the current intergovernmental conference, the EU's enlargement to the east or all those other important issues we have to resolve today and tomorrow, but rather the possible strategic prospects for European integration far beyond the coming decade and the intergovernmental conference.

So let's be clear: this is not a declaration of the Federal Government's position, but a contribution to a discussion long begun in the public arena about the “finality” of European integration, and I am making it simply as a staunch European and German parliamentarian.

I am all the more pleased, therefore, that, on the initiative of the Portuguese presidency, the last informal EU Foreign Ministers' Meeting in the Azores held a long, detailed and extremely productive discussion on this very topic, the finality of European integration, a discussion that will surely have consequences.

Ten years after the end of the cold war and right at the start of the age of globalization one can literally almost feel that the problems and challenges facing Europe have wound themselves into a knot which will be very hard to undo within the existing framework: the introduction of the single currency, the EU's incipient eastern enlargement, the crisis of the last EU Commission, the poor acceptance of the European Parliament and low turn-outs for European elections, the wars in the Balkans and the development of a Common Foreign and Security Policy not only define what has been achieved but also determine the challenges still to be overcome.

Quo vadis Europa? is the question posed once again by the history of our continent. And for many reasons the answer Europeans will have to give, if they want to do well by themselves and their children, can only be this: onwards to the completion of European integration. A step backwards, even just standstill or contentment with what has been achieved, would demand a fatal price of all EU member states and of all those who want to become members; it would demand a fatal price above all of our people. This is particularly true for Germany and the Germans.

The task ahead of us will be anything but easy and will require all our strength; in the coming decade we will have to enlarge the EU to the east and south-east, and this will in the end mean a doubling in the number of members. And at the same time, if we are to be able to meet this historic challenge and integrate the new member states without substantially denting the EU's capacity for action, we must put into place the last brick in the building of European integration, namely political integration.

The need to organize these two processes in parallel is undoubtedly the biggest challenge the Union has faced since its creation. But no generation can choose the challenges it is tossed by history, and this is the case here too. Nothing less than the end of the cold war and of the forced division of Europe is facing the EU and thus us with this task, and so today we need the same visionary energy and pragmatic ability to assert ourselves as was shown by Jean Monnet and Robert Schuman after the end of the Second World War. And like then, after the end of this last great European war, which was - as almost always - also a Franco-German war, this latest stage of European Union, namely eastern enlargement and the completion of political integration, will depend decisively on France and Germany.

Two historic decisions in the middle of last century fundamentally altered Europe's fate for the better: firstly, the USA's decision to stay in Europe, and secondly France's and Germany's commitment to the principle of integration, beginning with economic links.

The idea of European integration and its implementation not only gave rise to an entirely new order in Europe — to be more exact, in Western Europe — but European history underwent a fundamental about-turn. Just compare the history of Europe in the first half of the 20<sup>th</sup> century

with that in the second half and you will immediately understand what I mean. Germany's perspective in particular teaches a host of lessons, because it makes clear what our country really owes to the concept and implementation of European integration.

This new principle of the European system of states, which could almost be called revolutionary, emanated from France and her two great statesmen Robert Schuman and Jean Monnet. Every stage of its gradual realization, from the establishment of the European Coal and Steel Community to the creation of the single market and the introduction of the single currency, depended essentially on the alliance of Franco-German interests. This was never exclusive, however, but always open to other European states, and so it should remain until finality has been achieved.

European integration has proved phenomenally successful. The whole thing had just one decisive shortcoming, forced upon it by history: it was not the whole of Europe, but merely its free part in the West. For fifty years the division of Europe cut right through Germany and Berlin, and on the eastern side of the Wall and barbed wire an indispensable part of Europe, without which European integration could never be completed, waited for its chance to take part in the European unification process. That chance came with the end of the division of Europe and Germany in 1989/90.

Robert Schuman saw this quite clearly back in 1963: “We must build the united Europe not only in the interest of the free nations, but also in order to be able to admit the peoples of Eastern Europe into this community if, freed from the constraints under which they live, they want to join and seek our moral support. We owe them the example of a unified, fraternal Europe. Every step we take along this road will mean a new opportunity for them. They need our help with the transformation they have to achieve. It is our duty to be prepared.”

Following the collapse of the Soviet empire the EU had to open up to the east, otherwise the very idea of European integration would have undermined itself and eventually self-destructed. Why? A glance at the former Yugoslavia shows us the consequences, even if they would not always and everywhere have been so extreme. An EU restricted to Western Europe would forever have had to deal with a divided system in Europe: in Western Europe integration, in Eastern Europe the old system of balance with its continued national orientation, constraints of coalition, traditional interest-led politics and the permanent danger of nationalist ideologies and confrontations. A divided system of states in Europe without an overarching order would in the long term make Europe a continent of uncertainty, and in the medium term these traditional lines of conflict would shift from Eastern Europe into the EU again. If that happened Germany in particular would be the big loser. The geopolitical reality after 1989 left no serious alternative to the eastward enlargement of the European institutions, and this has never been truer than now in the age of globalization.

In response to this truly historic turnaround the EU consistently embarked upon a far-reaching process of reform:

- In Maastricht one of the three essential sovereign rights of the modern nation-state — currency, internal security and external security — was for the first time transferred to the sole responsibility of a European institution. The introduction of the euro was not only the crowning-point of economic integration, it was also a profoundly political act, because a currency is not just another economic factor but also symbolizes the power of the sovereign who guarantees it. A tension has emerged between the communitarization of economy and currency on the one hand and the lack of political and democratic structures

on the other, a tension which might lead to crises within the EU if we do not take productive steps to make good the shortfall in political integration and democracy, thus completing the process of integration.

- The European Council in Tampere marked the beginning of a new far-reaching integration project, namely the development of a common area of justice and internal security, making the Europe of the citizens a tangible reality. But there is even more to this new integration project: common laws can be a highly integrative force.
- It was not least the war in Kosovo that prompted the European states to take further steps to strengthen their joint capacity for action on foreign policy, agreeing in Cologne and Helsinki on a new goal: the development of a Common Security and Defence Policy. With this the Union has taken the next step following the euro. For how in the long term can it be justified that countries inextricably linked by monetary union and by economic and political realities do not also face up together to external threats and together maintain their security?
- Agreement was also reached in Helsinki on a concrete plan for the enlargement of the EU. With these agreements the external borders of the future EU are already emerging. It is foreseeable that the European Union will have 27, 30 or even more members at the end of the enlargement process, almost as many as the CSCE at its inception.

Thus we in Europe are currently facing the enormously difficult task of organizing two major projects in parallel:

1. Enlargement as quickly as possible. This poses difficult problems of adaptation both for the acceding states and for the EU itself. It also triggers fear and anxiety in our citizens: are their jobs at risk? Will enlargement make Europe even less transparent and comprehensible for its citizens? As seriously as we must tackle these questions, we must never lose sight of the historic dimension of eastern enlargement. For this is a unique opportunity to unite our continent, wracked by war for centuries, in peace, security, democracy and prosperity. Enlargement is a supreme national interest, especially for Germany. It will be possible to lastingly overcome the risks and temptations objectively inherent in Germany's dimensions and central situation through the enlargement and simultaneous deepening of the EU. Moreover, enlargement — consider the EU's enlargement to the south — is a pan-European programme for growth. Enlargement will bring tremendous benefits for German companies and for employment. Germany must therefore continue its advocacy of rapid eastern enlargement. At the same time, enlargement must be effected carefully and in accordance with the Helsinki decision.
2. Europe's capacity to act. The institutions of the EU were created for six member states. They just about still function with fifteen. While the first step towards reform, to be taken at the upcoming intergovernmental conference and introducing increased majority voting, is important, it will not in the long term be sufficient for integration as a whole. The danger will then be that enlargement to include 27 or 30 members will hopelessly overload the EU's ability to absorb, with its old institutions and mechanisms, even with increased use of majority decisions, and that it could lead to severe crises. But this danger, it goes without saying, is no reason not to push on with enlargement as quickly as possible; rather it shows the need for decisive, appropriate institutional reform so that the Union's capacity to act is maintained even after enlargement. The consequence of the irrefutable enlargement of the EU is therefore erosion or integration.

Fulfilling these two tasks is at the heart of the current intergovernmental conference. The EU has pledged to be able to admit new members by 1 January 2003. Following the conclusion of Agenda 2000, the aim now is to put in place the institutional preconditions for the next round

of enlargement. Resolving the three key questions — the composition of the Commission, the weighting of votes in the Council and particularly the extension of majority decisions — is indispensable for the smooth continuation of the process of enlargement. As the next practical step these three questions now have absolute priority.

Crucial as the intergovernmental conference is as the next step for the future of the EU, we must, given Europe's situation, already begin to think beyond the enlargement process and consider how a future “large” EU can function as it ought to function and what shape it must therefore take. And that's what I want to do now.

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Permit me therefore to remove my Foreign Minister's hat altogether in order to suggest a few ideas both on the nature of this so-called finality of Europe and on how we can approach and eventually achieve this goal. And all the Eurosceptics on this and the other side of the Channel would be well advised not to immediately produce the big headlines again, because firstly this is a personal vision of a solution to the European problems. And, secondly, we are talking here about the long term, far beyond the current intergovernmental conference. So no one need be afraid of these ideas.

Enlargement will render imperative a fundamental reform of the European institutions. Just what would a European Council with thirty heads of state and government be like? Thirty presidencies? How long will Council meetings actually last? Days, maybe even weeks? How, with the system of institutions that exists today, are thirty states supposed to balance interests, take decisions and then actually act? How can one prevent the EU from becoming utterly intransparent, compromises from becoming stranger and more incomprehensible, and the citizens' acceptance of the EU from eventually hitting rock bottom?

Question upon question, but there is a very simple answer: the transition from a union of states to full parliamentarization as a European Federation, something Robert Schuman demanded 50 years ago. And that means nothing less than a European Parliament and a European government which really do exercise legislative and executive power within the Federation. This Federation will have to be based on a constituent treaty.

I am well aware of the procedural and substantive problems that will have to be resolved before this goal can be attained. For me, however, it is entirely clear that Europe will only be able to play its due role in global economic and political competition if we move forward courageously. The problems of the 21st century cannot be solved with the fears and formulae of the 19th and 20th centuries.

Of course, this simple solution is immediately criticized as being utterly unworkable. Europe is not a new continent, so the criticism goes, but full of different peoples, cultures, languages and histories. The nation-states are realities that cannot simply be erased, and the more globalization and Europeanization create superstructures and anonymous actors remote from the citizens, the more the people will cling on to the nation-states that give them comfort and security.

Now I share all these objections, because they are correct. That is why it would be an irreparable mistake in the construction of Europe if one were to try to complete political integration against the existing national institutions and traditions rather than by involving

them. Any such endeavour would be doomed to failure by the historical and cultural environment in Europe. Only if European integration takes the nation-states along with it into such a Federation, only if their institutions are not devalued or even made to disappear, will such a project be workable despite all the huge difficulties. In other words: the existing concept of a federal European state replacing the old nation-states and their democracies as the new sovereign power shows itself to be an artificial construct which ignores the established realities in Europe. The completion of European integration can only be successfully conceived if it is done on the basis of a division of sovereignty between Europe and the nation-state. Precisely this is the idea underlying the concept of “subsidiarity”, a subject that is currently being discussed by everyone and understood by virtually no one.

So what must one understand by the term "division of sovereignty"? As I said, Europe will not emerge in a political vacuum, and so a further fact in our European reality is therefore the different national political cultures and their democratic publics, separated in addition by linguistic boundaries. A European Parliament must therefore always represent two things: a Europe of the nation-states and a Europe of the citizens. This will only be possible if this European Parliament actually brings together the different national political elites and then also the different national publics.

In my opinion, this can be done if the European parliament has two chambers. One will be for elected members who are also members of their national parliaments. Thus there will be no clash between national parliaments and the European parliament, between the nation-state and Europe. For the second chamber a decision will have to be made between the Senate model, with directly-elected senators from the member states, and a chamber of states along the lines of Germany's Bundesrat. In the United States, every state elects two senators; in our Bundesrat, in contrast, there are different numbers of votes.

Similarly, there are two options for the European executive, or government. Either one can decide in favour of developing the European Council into a European government, i.e. the European government is formed from the national governments, or — taking the existing Commission structure as a starting-point — one can opt for the direct election of a president with far-reaching executive powers. But there are also various other possibilities between these two poles.

Now objections will be raised that Europe is already much too complicated and much too intransparent for the citizen, and here we are wanting to make it even more complicated. But the intention is quite the opposite. The division of sovereignty between the Union and the nation-states requires a constituent treaty which lays down what is to be regulated at European level and what has still to be regulated at national level. The majority of regulations at EU level are in part the result of inductive communitarization as per the “Monnet method” and an expression of inter-state compromise within today's EU. There should be a clear definition of the competences of the Union and the nation-states respectively in a European constituent treaty, with core sovereignties and matters which absolutely have to be regulated at European level being the domain of the Federation, whereas everything else would remain the responsibility of the nation-states. This would be a lean European Federation, but one capable of action, fully sovereign yet based on self-confident nation-states, and it would also be a Union which the citizens could understand, because it would have made good its shortfall on democracy.

However, all this will not mean the abolition of the nation-state. Because even for the finalized Federation the nation-state, with its cultural and democratic traditions, will be irreplaceable in ensuring the legitimation of a union of citizens and states that is wholly accepted by the people. I say this not least with an eye to our friends in the United Kingdom, because I know that the term “federation” irritates many Britons. But to date I have been unable to come up with another word. We do not wish to irritate anyone.

Even when European finality is attained, we will still be British or German, French or Polish. The nation-states will continue to exist and at European level they will retain a much larger role than the Länder have in Germany. And in such a Federation the principle of subsidiarity will be constitutionally enshrined.

These three reforms — the solution of the democracy problem and the need for fundamental reordering of competences both horizontally, i.e. among the European institutions, and vertically, i.e. between Europe, the nation-state and the regions — will only be able to succeed if Europe is established anew with a constitution. In other words: through the realization of the project of a European constitution centred around basic, human and civil rights, an equal division of powers between the European institutions and a precise delineation between European and nation-state level. The main axis for such a European constitution will be the relationship between the Federation and the nation-state. Let me not be misunderstood: this has nothing whatsoever to do with a return to renationalisation, quite the contrary.

The question which is becoming more and more urgent today is this: can this vision of a Federation be achieved through the existing method of integration, or must this method itself, the central element of the integration process to date, be cast into doubt?

In the past, European integration was based on the “Monnet method” with its communitarization approach in European institutions and policy. This gradual process of integration, with no blueprint for the final state, was conceived in the 1950s for the economic integration of a small group of countries. Successful as it was in that scenario, this approach has proved to be of only limited use for the political integration and democratization of Europe. Where it was not possible for all EU members to move ahead, smaller groups of countries of varying composition took the lead, as was the case with Economic and Monetary Union and with Schengen.

Does the answer to the twin challenge of enlargement and deepening, then, lie in such a differentiation, an enhanced cooperation in some areas? Precisely in an enlarged and thus necessarily more heterogeneous Union, further differentiation will be inevitable. To facilitate this process is thus one of the priorities of the intergovernmental conference.

However, increasing differentiation will also entail new problems: a loss of European identity, of internal coherence, as well as the danger of an internal erosion of the EU, should ever larger areas of intergovernmental cooperation loosen the nexus of integration. Even today a crisis of the Monnet method can no longer be overlooked, a crisis that cannot be solved according to the method's own logic.

That is why Jacques Delors, Helmut Schmidt and Valéry Giscard d'Estaing have recently tried to find new answers to this dilemma. Delors' idea is that a “federation of nation-states”,



comprising the six founding states of the European Community, should conclude a “treaty within the treaty” with a view to making far-reaching reforms in the European institutions.

Schmidt and Giscard's ideas are in a similar vein, though they place the Euro-11 states at the centre, rather than just the six founding states. As early as 1994 Karl Lamers and Wolfgang Schäuble proposed the creation of a “core Europe”, but it was stillborn, as it were, because it presupposed an exclusive, closed “core”, even omitting the founding state Italy, rather than a magnet of integration open to all.

So if the alternative for the EU in the face of the irrefutable challenge posed by eastern enlargement is indeed either erosion or integration, and if clinging to a federation of states would mean standstill with all its negative repercussions, then, under pressure from the conditions and the crises provoked by them, the EU will at some time within the next ten years be confronted with this alternative: will a majority of member states take the leap into full integration and agree on a European constitution? Or, if that doesn't happen, will a smaller group of member states take this route as an avant-garde, i.e. will a centre of gravity emerge comprising a few member states which are staunchly committed to the European ideal and are in a position to push ahead with political integration? The question then would simply be: when will be the right time? Who will be involved? And will this centre of gravity emerge within or outside the framework provided by the treaties? One thing at least is certain: no European project will succeed in future either without the closest Franco-German cooperation.

Given this situation, one could imagine Europe's further development far beyond the coming decade in two or three stages. First the expansion of reinforced cooperation between those states which want to cooperate more closely than others, as is already the case with Economic and Monetary Union and Schengen. We can make progress in this way in many areas: on the further development of Euro-11 to a politico-economic union, on environmental protection, the fight against crime, the development of common immigration and asylum policies and of course on the foreign and security policy. In this context it is of paramount importance that closer cooperation should not be misunderstood as the end of integration.

One possible interim step on the road to completing political integration could then later be the formation of a centre of gravity. Such a group of states would conclude a new European framework treaty, the nucleus of a constitution of the Federation. On the basis of this treaty, the Federation would develop its own institutions, establish a government which within the EU should speak with one voice on behalf of the members of the group on as many issues as possible, a strong parliament and a directly elected president. Such a centre of gravity would have to be the avant-garde, the driving force for the completion of political integration and should from the start comprise all the elements of the future federation.

I am certainly aware of the institutional problems with regard to the current EU that such a centre of gravity would entail. That is why it would be critically important to ensure that the EU *acquis* is not jeopardized, that the union is not divided and the bond holding it together are not damaged, either in political or in legal terms. Mechanisms would have to be developed which permit the members of the centre of gravity to cooperate smoothly with others in the larger EU.

The question of which countries will take part in such a project, the EU founding members, the Euro-11 members or another group, is impossible to answer today. One thing must be

clear when considering the option of forming a centre of gravity: this avant-garde must never be exclusive but must be open to all member states and candidate countries, should they desire to participate at a certain point in time. For those who wish to participate but do not fulfil the requirements, there must be a possibility to be drawn closer in. Transparency and the opportunity for all EU member states to participate would be essential factors governing the acceptance and feasibility of the project. This must be true in particular with regard to the candidate countries. For it would be historically absurd and utterly stupid if Europe, at the very time when it is at long last reunited, were to be divided once again.

Such a centre of gravity must also have an active interest in enlargement and it must be attractive to the other members. If one follows Hans-Dietrich Genscher's tenet that no member state can be forced to go farther than it is able or willing to go, but that those who do not want to go any farther cannot prevent others from doing so, then the centre of gravity will emerge within the treaties. Otherwise it will emerge outside them.

The last step will then be completion of integration in a European Federation. Let's not misunderstand each other: closer cooperation does not automatically lead to full integration, either by the centre of gravity or straight away by the majority of members. Initially, enhanced cooperation means nothing more than increased intergovernmentalization under pressure from the facts and the shortcomings of the "Monnet Method". The steps towards a constituent treaty — and exactly that will be the precondition for full integration — require a deliberate political act to reestablish Europe.

This, ladies and gentlemen, is my personal vision for the future: from closer cooperation towards a European constituent treaty and the completion of Robert Schuman's great idea of a European Federation. This could be the way ahead!

## **SPEECH BY FEDERAL FOREIGN MINISTER JOSCHKA FISCHER ON THE CONVENTION ON THE FUTURE OF EUROPE TO THE GERMAN BUNDESTAG ON 22 FEBRUARY 2002 (EXCERPTS)**

Madam President, Ladies and Gentlemen,

If one looks forward to the year 2006, or shortly thereafter, it is clear that we are now facing three absolutely crucial tasks that will present an enormous challenge not just to Germany, but the whole of the European Union.

### **Accession of new member states**

The first task is finally to take that step, to achieve European integration, namely — as far as the geographical dimension of the EU is concerned — through the accession of new member states. Since the work is progressing well, this will hopefully be achieved by early summer 2004, in accordance with the Nice and Gothenborg European Council decisions, thus enabling the first new member states to participate in the next European Parliament elections.

### **Democratic deficit**

This will however be a major challenge for us all, from both a financial and institutional point of view. If ten new member states accede to the Union, as the Commission believes might be the case, we will have a European Union of 25. This will put in question the institutional structures, not just as regards their functioning, but also as regards democracy. An association of 25 member states will make compromises even less transparent and relations between the various nation states even more complex and fraught. It will be harder for the individual states to reach consensus, and the compromise packages will be understood less and less by the citizens. This would deepen the crisis of legitimacy now emerging with the result that support for the European decision-making level, so crucial for us all — for Europe is our common future — would diminish in the member states. This cannot be in our interest.

### **Functional shortfall**

But there is also a functional issue. The new member states have no interest in acceding to a European Union which is not working properly or is, even worse, stagnating. We must not delude ourselves about just how much patience and mutual understanding is required. This is a call for realism; we Germans, who have already experienced the difficulties of reunification and growing together, should be particularly aware of the amount of work involved. New member states will be joining the EU, states which have fought for their national independence from the Soviet Union and against dictatorships for over fifty years. We will be gaining new member states which have their own take on the idea of European integration and, most importantly, which will have to further develop their views of it as time continues.

### **Tasks of the Convention**

None of this will tend to increase the adhesion of an enlarged European Union. If the democratic difficulties were to be compounded by functional problems, the European Union would be in dire straits indeed. Precisely for this reason there is a direct connection between enlargement and deepening integration. Here lies the central task. Notwithstanding the party positions drawn on this point — for in politics it is results that count — I would like to say

that if the Convention does not sufficiently solve the democracy problem and the functionality problem, a Union of 25 will not achieve adequate results, and the consequences will fall short of what we need to achieve.

I would like to see the Convention guided by the following basic issues.

How can a European democracy of 25 member states function? What institutional structures are needed, what kind of relationship is required between the national and European level? I am in full agreement that competence for domestic organization must remain at national level. It would be ridiculous, given the broad spectrum of federal and centralist traditions, illustrated for example by Germany and France, to suddenly try to regulate such matters from Brussels. That would not work.

But the crucial question concerns the functionality of a European democracy. I expect this will be a very difficult task for the Convention. I believe that the success of the subsequent Intergovernmental Conference lies to 95% or more in the hands of the Convention. I do not suppose that the Intergovernmental Conference will achieve any results which the Convention had not previously delivered. We will see that national differences, constitutional traditions and different conceptions of Europe will not be argued out and settled in consensus by parliamentarians and government representatives, but rather within the Convention. The central differences of interest between the small and large countries will also come to bear.

### **Division of competence**

The suggested division of competence that you have just outlined with the Schäuble/Bocklet paper, Herr Müller, is viewed with great scepticism by very many, indeed I would even say by the majority of the European Union, and, to put it diplomatically, is shared only to a very limited extent.

(...) I am merely describing the complex situation to be dealt with by the Convention. I therefore ask you to be realistic, for the visionary power needed to attain such a compromise to be coupled with a good dollop of realism.

### **Confederation of states or federation**

There will be a multiplicity of ideas. For me, the central issue — and with this I will conclude, for I would like Herr Meyer and his deputy Herr Altmaier as representatives of the Parliament to take it with them — is this: can we leave the confederation of states behind and manage to take the step of creating a federation? Are we able to achieve, on the political level, the same progress we achieved at the monetary and common market level with the Maastricht Treaty — yes or no? This depends on whether we go beyond the confederation of states and go all the way to a federation, which would be the ultimate meaning of achieving political integration and creating a European democracy.

### **Dual role of the European Council**

We will have to see whether the dual role of the European Council can really be eliminated, according to any of a variety of methods, or whether its dual role will remain, in some form or other. If its dual role is maintained, we will continue to have a confederation of states. Then things will be far from easy with 25 member states. If we go beyond a confederation of states,

we will take the step towards federalism and the Council will have to decide between the legislative and executive role. This is for me the central issue.

There is no time now to go into details. But I am sure that we will have the opportunity in Committee, Mr Chairman, to discuss these issues with all those participating in the Convention. I wish you all, and us, success; for Europe is our common destiny.

Indeed, the most recent international political events show that if the Europeans remain divided and if we do not create a European democracy, we will not become a driving force in the world, but will be among those driven. I think it is in the interest of us all, together with our partners, to become and remain a driving force of the twenty-first century.

Thank you.

**Erkki Tuomioja**  
**Soome välisminister**

## **EUROOPA PEAB KAITSES ÜHISELT TEGUTSEMA**

Soome, nagu kõik teisedki Euroopa Liidu liikmed, on veendunud, et Euroopa ühist välis- ja julgeolekupoliitikat (CFSP) peab tugevdama. See nõuab omakorda Euroopa julgeoleku- ja kaitsepoliitika (ESDP) kindlustamist.

Euroopa peab kriisiohjamisel suutma vastutada senisest suuremate ülesannete eest. Ometi ähvardab arutlusel olev põhiseaduslik leping ühtset liitu hoopis lõhestada ja ühist välis- ja julgeolekupoliitikat nõrgendada.

Põhiseadusliku lepingu projekt näeb ette kriisides vastastikust toetust võimaldavat solidaarsusklauslit, uut Euroopa Liidu välisministrit, kohustust senisest nõudlikumateks rahuoperatsioonideks ja Euroopa relvastusagentuuri loomist. Leping kehtib kõigi 25 liikmesriigi kohta. Kuid leping sisaldab ka kahte artiklit riikidele, mille kaitsealane võimekus vastab kõrgemale mõõdupuule. Üks neist võimaldaks n.-ö. struktureeritud koostööd ja teine annaks võimaluse kehtestada vastastikune kaitsekohustus riikide vahel, mis sellega ühineda soovivad. Mõlemat tüüpi riikide rühmitused tegutseksid vormiliselt Euroopa Liidu sees ilma Euroopa Liidu tegevliku osaluseta.

Kerkib küsimus, miks peaks Euroopa soovima luua oma julgeoleku ja kaitsepoliitika arendamiseks ise end valivate riikide siseringi. Kahtlemata peame liikuma edasi, kuid niisugused pingutused peavad hõlmama Euroopa Liitu tervikuna. 1999. aastal jõustunud Amsterdami lepingu kohaselt tunnustas EL võimalust “süvendatud koostööks”, kuid ainult “viimase abinõuna, mis rakendub siis, kui on kindlaks tehtud, et vastavaid koostöö eesmärgi pole võimalik kohase aja jooksul EL-i kui terviku poolt saavutada”.

Tulevikukonvendi põhiseadusliku lepingu projekt tuleneb aga täiesti erinevatest alustest. See eeldab, et väike rühm riike tegutseb eelväena, proovimatagi kogu Euroopa Liitu protsessi kaasata. Raske on mõista, kuidas Euroopa Liidu lõhestamine Euroopa positsioonile maailmas kasuks tuleb. Umbusklikumad kahtleksid isegi, kas tulevikulepingu projekti näol pole mitte vähem tegemist kaitsega ja rohkem Euroopa tõelist usku valvavate tuumikriikide soovidega.

Valvatakse Euroopat, mida järgmisel aastal liituvad kümme riiki oletatavasti ohustama hakkavad.

Selle asemel et tekitada uusi kunstlikke siseringe, peaksime tugevdama EL-is olemasolevat kriisiohjamise suutlikkust. Otsustus-protsessist pole vaja ühtegi liikmesriiki välja jätta. Sama põhimõtte kehtib NATO võimekuse kahekordistamise kohta. Soome jaoks pole see mitte usuteaduslik, vaid pigem praktiline ja majanduslik küsimus.

Kostab väiteid, nagu võimaldaksid siseringid enam paindlikkust. Kuid Euroopa julgeoleku- ja kaitsepoliitika on juba vägagi paindlik. Mitte kõik meist ei ehita lennukikandjaid ega osale igal euromissioonil. Tõepoolest, vaid mõned liikmed on panustanud EL-i operatsiooni Kongo. Kui vajadus tekib, arendame seda paindlikkust teatud vältimatute “punaste joonte” piires veelgi. Aga me ei tohi lubada, et rühm riike kasutaks Euroopa Liidu kaubamärki ilma euroliidu mandaadita.

Põhiseadusliku lepingu nn. julge-olekugarantii artikkel vastastikusest kaitsest tõstatab delikaatse küsimuse EL-i ja NATO vahelistest suhetest ning transatlantilistest sidemetest. Soomele on enesestmõistetav, et ainult NATO saab praeguses Euroopas säärast garantiid anda. Kui Soome peaks loobuma sõjalisest neutraliteedist – milleks hetkel pole tarvidust ja millel praegu pole avalikkuse toetust —, saadaksime oma avalduse NATO-sse. Kuid tulevikulepingu projektis esitatud julgeolekugarantiide tagasitõrjumine ei välista võimalust, et lepingus võiks sees olla kõikidele liikmetele vastuvõetav solidaarsusklausel.

Meile on öeldud, et kui me ei võimalda EL-i ulatuses struktureeritud koostööd, leiab see aset väljaspool liitu. Ma ei mõista, miks see peaks ähvardusena mõjuma — lõppeks on ju olemas Lääne-Euroopa Liit (WEU) koos oma kaitsegarantiiga, mis tahes selle väärtus siis ka oleks. Samuti on teisi foorumeid multinatsioonalseks kaitsekoostööks. Pole midagi paha selles, kui neid arendatakse.

Arutluste tulemusel peaks tekkima põhiseaduslik leping, mis tugevdab mõistuse häält ja võtab sihi sisulisele multilateralismile. Lõppude lõpuks ootab maailm Euroopalt just seda.

**Winston Churchill**

**THE TRAGEDY OF EUROPE**

**Speech to the academic Youth, Zurich, 19 September 1946**

Mr. President, Ladies and Gentlemen,

I am honoured to-day by being received in your ancient university and by the address which had been given to me on your behalf and which I greatly value.

I wish to speak to you to-day about the tragedy of Europe. This noble continent, comprising on the whole the fairest and the most cultivated regions of the earth, enjoying a temperate and equable climate, is the home of all the great parent races of the western world. It is the fountain of Christian faith and Christian ethics. It is the origin of most of the culture, the arts, philosophy and science both of ancient and modern time. If Europe were once united in the sharing of its common inheritance, there would be no limit to the happiness, to the prosperity and the glory which its three or four million people would enjoy. Yet it is from Europe that have sprung that series of frightful nationalistic quarrels, originated by the Teutonic nations in their rise to power, which we have seen in this twentieth century and even in our own lifetime, wreck the peace and mar the prospects of all mankind.

And what is the plight to which Europe has been reduced? Some of the smaller States have indeed made a good recovery, but over wide areas a vast quivering mass of tormented, hungry, care-worn and bewildered human beings gape at the ruins of their cities and their homes, and scan the dark horizons for the approach of some new peril, tyranny or terror. Among the victors there is a babel of voices; among the vanquished the sullen silence of despair. That is all that Europeans, grouped in so many ancient states and nations, that is all that the Germanic races have got by tearing each other to pieces and spreading havoc far and wide. Indeed but for the fact that the great Republic across the Atlantic Ocean has at length realised that the ruin or enslavement of Europe would involve their own fate as well, and has stretched out hands of succour and of guidance, but for that the Dark Ages would have returned in all their cruelty and squalor. Gentlemen, they may still return.



Yet all the while there is a remedy which, if it were generally and spontaneously adopted by the great majority of people in many lands, would as if by a miracle transform the whole scene, and would in a few years make all Europe, or the greater part of it, as free and as happy as Switzerland is to-day. What is this sovereign remedy? It is to re-create the European Family, or as much of it as we can, and to provide it with a structure under which it can dwell in peace, in safety and in freedom. We must build a kind of United States of Europe. In this way only will hundreds of millions of toilers be able to regain the simple joys and hopes which make life worth living. The process is simple. All that is needed is the resolve of hundreds of millions of men and women to do right instead of wrong and to gain as their reward blessing instead of cursing.

Much work, Ladies and Gentlemen, has been done upon this task by the exertions of the Pan-European Union which owes so much to Count Coudenhove-Kalergi and which commanded the services of the famous French patriot and statesman Aristide Briand. There is also that immense body of doctrine and procedure, which was brought into being amid high hopes after the First World War. I mean the League of Nations. The League of Nations did not fail because of its principles or conceptions. It failed because these principles were deserted by those States who had brought it into being. It failed because the governments of those days feared to face the facts, and act while time remained. This disaster must not be repeated. There is therefore much knowledge and material with which to build; and also bitter dear bought experience to stir the builders.

I was very glad to read in the newspapers two days ago that my friend President Truman had expressed his interest and sympathy with this great design. There is no reason why a regional organization of Europe should in any way conflict with the world organization of the United Nations. On the contrary, I believe that the larger synthesis will only survive if it is founded upon coherent natural groupings. There is already a natural grouping in the western hemisphere. We British have our own Commonwealth of Nations. These do not weaken, on the contrary they strengthen, the world organization. They are in fact its main support. And why should there not be a European group which could give a sense of enlarged patriotism and common citizenship to the distracted peoples of this turbulent and mighty continent? And why should it not take its rightful place with other great groupings and help to shape the onward destinies of men? In order that this should be accomplished there must be an act of faith in which millions of families speaking many languages must consciously take part.

We all know that the two world wars through which we have passed arose out of the vain passion of a newly-united Germany to play the dominating part in the world. In this last struggle crimes and massacres have been committed for which there is no parallel since the invasion of the Mongols in the fourteenth century and no equal at any time in human history. The guilty must be punished. Germany must be deprived of the power to rearm and make another aggressive war. But when all this has been done, as it will be done, as it is being done, then there must be an end to retribution. There must be what Mr. Gladstone many years ago called "a blessed act of oblivion". We must all turn our backs upon the horrors of the past. We must look to the future. We cannot afford to drag forward across the years that are to come the hatreds and revenges which have sprung from the injuries of the past. If Europe is to be saved from infinite misery, and indeed from final doom, there must be this act of faith in the European Family and this act of oblivion against all the crimes and follies of the past. Can the free peoples of Europe rise to the height of these resolves of the soul and of the instincts of the spirit of man? If they can, the wrongs and injuries which have been inflicted will have been washed away on all sides by the miseries which have been endured. Is there any need for

further floods of agony? Is the only lesson of history to be that mankind is unteachable? Let there be justice, mercy and freedom. The peoples have only to will it, and all will achieve their hearts' desire.

I am now going to say something that will astonish you. The first step in the re-creation of the European Family must be a partnership between France and Germany. In this way only can France recover the moral and cultural leadership of Europe. There can be no revival of Europe without a spiritually great France and a spiritually great Germany. The structure of the United States of Europe, if well and truly built, will be such as to make the material strength of a single state less important. Small nations will count as much as large ones and gain their honour by their contribution to the common cause. The ancient states and principalities of Germany, freely joined together for mutual convenience in a federal system, might take their individual places among the United States of Europe. I shall not try to make a detailed programme for hundreds of millions of people who want to be happy and free, prosperous and safe, who wish to enjoy the four freedoms of which the great President Roosevelt spoke, and live in accordance with the principles embodied in the Atlantic Charter. If this is their wish, if this is the wish of the Europeans in so many lands, they have only to say so, and means can certainly be found, and machinery erected, to carry that wish to full fruition.

But I must give you a warning. Time may be short. At present there is a breathing-space. The cannons have ceased firing. The fighting has stopped; but the dangers have not stopped. If we are to form the United States of Europe, or whatever name it may take, we must begin now.

In these present days we dwell strangely and precariously under the shield, and I will even say protection, of the atomic bomb. The atomic bomb is still only in the hands of a state and nation which we know will never use it except in the cause of right and freedom. But it may well be that in a few years this awful agency of destruction will be widespread and the catastrophe following from its use by several warring nations will not only bring to an end all that we call civilisation, but may possibly desintegrate the globe itself.

I must now sum up the propositions which are before you. Our constant aim must be to build and fortify the strength of the United Nations Organization. Under and within that world concept we must re-create the European Family in a regional structure called, it may be, the United States of Europe. And the first practical step would be to form a Council of Europe. If at first all the States of Europe are not willing or able to join the Union, we must nevertheless proceed to assemble and combine those who will and those who can. The salvation of the common people of every race and of every land from war or servitude must be established on solid foundations and must be guarded by the readiness of all men and women to die rather than submit to tyranny. In all this urgent work, France and Germany must take the lead together. Great Britain, the British Commonwealth of Nations, mighty America and I trust Soviet Russia-for then indeed all would be well-must be the friends and sponsors of the new Europe and must champion its right to live and shine.

Therefore I say to you: let Europe arise!

## **VABARIIGI PRESIDENT TOOMAS HENDRIK ILVESE KÕNE EUROOPA PARLAMENDI TÄISKOGUL 11. MÄRTSIL 2008 STRASBOURGIS**

Head sõbrad. Lugupeetavad kolleegid,

kolleegid, sõna otseses mõttes. Sõbrad, kellest olen puudust tundnud viimased poolteist aastat. Ma vaatan teie poole ja näen teid kõiki – siit alt tundub teid olevat märksa enam kui toolilt number 131 vaadates.

Te ei kujuta ettegi, kui võimsad te olete. Teie, Euroopa Parlament. Mina kujutan; pidin siit lahkuma, et seda mõista. Aga lubage nüüd, et jätkan oma praeguses rollis, oma riigi presidendina.

Tänavu, mil Eesti alustab viiendat aastat Euroopa Liidu liikmena, pole me enam algajad, me pole “uued liikmed”. Usun tõesti, et on aeg heita kõrvale see mõiste “uus liikmesriik” kui anakronism, mis ei selgita midagi. Täna pole meil uusi ja vanu liikmeid. On ainult liikmed.

Mõiste “uus liikmesriik” ei tähenda tänapäeval isegi mitte vaesemat, sest paljud meist on “vanadele liikmesriikidele” järele võtnud. Täna moodustame ühenduse sees koalitsioone huvide või erakondlike seisukohtade alusel. Need liidud võivad võtta lugematuid vorme, koosneda suurtest või väikestest, tööstusriikidest või kaubandusriikidest jne. Kuid aluseks ei ole liikmelisuse kestvus.

Siin ja täna tahan ma vaadata kümne aasta kaugusele. Aega, mil me kõik oleme vanad või vanemad liikmed. Aega, mil 20. sajandi esimesest õudsest Euroopa kodusõjast on möödas 100 aastat. Me räägime, et meie liit on vastus teisele Euroopa kodusõjale; et see on viis, kuidas korraldada asju meie maailmajaos nii, et Teise maailmasõja koledused ei saaks korduda.

Aga me ei tohi unustada ka seda, et kolmandik või enamgi tänasest Euroopa Liidust võrsus iseseisvaks poliitiliseks üksuseks Esimese maailmasõja varemetest. Soome, Eesti, Läti, Leedu, pärast 140-aastast olematust ka Poola, endine Tšehhoslovakkia. Nagu ka tänased Ungari ja Austria, mis kerkisid 20. sajandil, kui varisesid kokku impeeriumid, need rahvusvahelised ülivõimud ning sündisid uued riigid, tuginedes rahvaste enesemääramisõigusele.

Ma räägin sellest, sest mitmed tänased liikmesriigid — minu kodumaa nende seas — alustasid oma teed, vabanedes sunnitud liikmelisuse ikkest suurtes, despootlikes või mittedemokraatlikes rahvusteülestes kooslustes. Teiste sõnadega, impeeriumides.

Eesti, nagu ka paljud teised, suutis välja murda koguni kaks korda. Ometi oleme me kõik täna siin koos, et ehitada meie enda, oma uut rahvusteülest kooslust. Ja identiteeti. Meie Euroopa Liitu.

Mitte sellepärast, et meid vallutati või et meid okupeeriti. Vaid seepärast, et meil on vabadus seda teha. Ja seepärast, et me usume, et nii on õige teha. See on otsekui meie uus enesemääramisõigus.

Ma räägin sellest, sest kümne aasta pärast on Eestil esimest korda õigus ja vastutus eesistumiseks. Ma loodan väga, et kui see aeg tuleb, ei maadle me enam nende küsimustega, millega heitleme täna. Just seetõttu tahan ma täna rääkida asjadest, mis on olulised vähemalt kümneaastasest ajaraamis.

Ja lõpuks räägin ma neist asjust põhjusel, et meie valimistsükkel ja väljakutsete tsükkel ei liigu samas rütmis. Me tegeleme hästi probleemidega, mis sobituvad nelja- või viieaastasest tsüklisse.

Kuid Liidu tänased väljakutsed ja vajadused — energiast keskkonnani, konkurentsivõimest laienemiseni, ühisest välispoliitikast rahvasterändeni —, on kõik strateegilised küsimused, mis nõuavad julgeid ja söakaid tegusid märksa pikema aja vältel kui kahed või kolmed valimised.

Mu daamid ja härrad.

Isegi siis, kui me tulevikku ennustada ei suuda, on teatud arengud ja ohud üldiselt hoomatavad. Kahe, õigemini kaksikohu puhul ei saa diskussiooni puudumise üle kurta. Neiks on globaalne soojenemine ja kahanevad fossiilsete kütuste varud. Ometi on need kaks probleemi globaalsed, ning lahendused, mis pole küll ilma Euroopa Liiduta võimalikud, saavad tulla samuti globaalselt.

Samas seisavad ka Liidu ees tõsised väljakutsed. Kui me nendega toime ei tule, siis ehk kümne aasta, kindlasti aga veerandsajandi jooksul kaotame osa sellest suhtelisest jõukusest, mida naudime täna. Need väljakutsed ja vajadused on kõik seotud Euroopa Liidu konkurentsivõimega.

Kus on meie konkurendid? Euroopa Liidu sees või maailmas? Vastus on selge: mõlemal pool. Me konkureerime turul Euroopa Liidu sees ja üleilmselt.

Aga kui me vaatame globaliseerumise pikaajalisi trende, peame olema tänulikud Jean Monnet'le ja Jacques Delors'le siseturu eest. See loodi ajal, mil globaliseerumine polnud veel hoomatav nähtus.

Just siseturg aitab üksikutel Euroopa riikidel hoida globaalset konkurentsivõimet. Avatus Euroopas, avanemine turujõudude konkurentsivõimele Euroopa sees on üleilmse konkurentsivõime mootor.

Praegune mõtteviis Euroopa Liidus ei anna põhjust optimismiks. Seda kahel põhjusel. Esiteks Euroopa Liidu Lissaboni protsess, meie endi parimatest kavatsustest kantud innovatsiooni ja

konkurentsivõime programmi hiilgusetu täitmine. Teiseks Liidu süvenev protektsionism mitte ainult muu maailma suhtes, vaid ka meie piiride sees.

Lubage, et käsitlen järgnevalt neid kaht teemat. Neil aegadel, mil mu oma kodumaa oli just tõusmas viiekümneaastasest Nõukogude peetusest, mõtlesin ma ahastusega: kui kaua küll võtab aega kogu Eestile tarviliku infrastruktuuri rajamine?

Ometi, valdkondades nagu infotehnoloogia, saime alustada teistega samalt kohalt. Riigi ja erasektori investeeringud infotehnoloogiasse lubasid Eestil jõuda üle Euroopa Liidu keskmise taseme. Juba 1990. aastate lõpuks olime saavutanud suisa olukorra, kus e-valitsuse ja näiteks panganduse pakutud teenustele oli Euroopas vähestel võrdväärset kõrvale pakkuda.

Minu kodumaa panustamine infotehnoloogia arengusse tasus ära, lubades meil tõsta konkurentsivõimet. Kuid sellest üksi ei piisa. Üldises ja laiemas plaanis jääb Eesti, nii nagu ka ülejäänud Euroopa, teistele jalgu innovatsiooni, teaduse ja arenduse valdkondades.

Innovatsioon pärineb hetkel eelkõige ja üle kõige Ühendriikidest, kus kõrge konkurentsivõime säilitamine sõltub omakorda ajude sissetõmbest. See sõltub helgematest peadest, mis tulevad Euroopast, kuid ka Indiast ja Hiinast. Me peame ometi kord sellega tõsiselt tegelema hakkama.

Me oleme tõrksad immigratsiooni suhtes. Meie lapsed eelistavad üha enam mitte õppida matemaatikat, reaali-, inseneri- ja loodusteadusi. Me oleme ise teinud valiku ja piiranud Euroopa Liidu sees vabale konkurentsile teenuste valdkonna, mis on kõige konkurentsitihedam kogu maailmas.

Konkurentsil — või pigem selle puudumisel Euroopa Liidus — on ka mõju julgeolekule. Arvestades energeetika tähtsust on mõistetav, et mitmed riigid liidus soovivad kaitsta oma ettevõtteid konkurentsist eest ega toeta energiaturu liberaliseerimist.

Seda reaktsiooni võib mõista. Aga... Täna on Euroopa suurimaks energiaallikaks riik, mis on kuulutanud ennast „energia ülivõimaks“ ning kuulutab oma välisministeeriumi koduleheküljel, et energia on välispoliitika instrument.

Selleks, et vältida Euroopa Liidu liikmete sattumist *divide et impera* poliitika meelevalda ning et hoida ära liikmete manipuleerimist paremate gaasitarneingimuste nimel, on ühtse energiapoliitika loomine vältimatu. Koos energeetikavolinikuga, kellel on sarnased volitused nagu kaubandusvolinikul.

Selleks, et luua ühtset energiapoliitikat nagu meil on ühtne kaubandusrežiim, on ühtse välispoliitika vältimatuks eelduseks energia siseturu liberaliseerimine.

Niisiis — kus me oleme, kui vaatame tulevikku? Korealaste ja jaapanlaste internetiseerituse tase on juba tunduvalt kõrgem kui enamikel eurooplastel. Lairibaühenduse puhul on see neil ka märksa parema hinnaga. Aasia ja Ühendriigid valmistavad ette — või USA ka harib ja värab — kaugelt enam insenere ja teadlasi.

See pole just paljulubav vaatepilt. Kõik see viib Euroopa ja meie konkurentsivõime astmelise allakäiguni globaalses majanduses. Välja arvatud muidugi juhul, kui me ise midagi ette võtame.

Esimeseks sammuks Eesti jaoks on reformilepe. Ma tahan tänada Portugali eesistumist selle suurepärase töö eest, mida lahenduse nimel tehti. Ilma kvalifitseeritud häälteenamusega vajuksime me halvatusse. Ilma presidendi ja välisministrita me heitleksime allpool oma kaalukategooriat.

Näide sellise alasoorituse kohta tuleb meie naabruspoliitika vallast. Tuntud mõttekoja, Euroopa Välissuhete Nõukogu analüüs ütleb, et:

“Vastupidiselt levinud arvamusele on Venemaa naabruspoliitika kaugemale arenenud, paremini koordineeritud ja tõhusamalt rakendatud kui Euroopa Liidu oma. Venemaa pühendab palju enam poliitilisi, majanduslikke ja isegi sõjalisi ressursse mõjutamaks oma naabrust kui seda teeb Euroopa Liit”.

See ei räägi hästi meie ülistet “pehmest jõust”.

Ometi on just naabruspoliitika seotud pikema-ajalise põhiküsimusega: millised me oleme 10 aasta pärast? Sel küsimusel on kaks tahku: kui suured me oleme ja milline on meid ümbritsev keskkond.

Kui suur on meie Euroopa Liit aastal 2018? Me ei tea, kuid see on meie otsustada. Kindlasti pole me mitte nii suured, kui mõned meist sooviksid. Aga kindlasti oleme suuremad kui täna. Meist idas ja lõunas on riike, kes kindlasti kunagi ei liitu.

Mulle tundub, et üks põhiline küsimusi seisneb selles: erinevused majanduslikus heaolus ja poliitilistes vabadustes Euroopa Liidu ja naabrite vahel ei tohiks olla nii suured, et meid tabaks suur illegaalsete immigrantide või poliitiliste pagulaste laine.

Tundub siiski, et me pole õppinud isegi iseenda suurepärasest kogemusest ehk möödunud laienemisest. Me kavatsime kasvaval määral suunata raha väljapoole, seadmata tingimuseks reforme. Me toetame oma arengupankade tegevuse kaudu selliste riikide arengut, kes näitavad Euroopa Liidu suhtes üles suisa kaubanduspoliitilist antagonismi.

Me peame ka mõistma, et meie mudel pole ainus. Francis Fukuyama ise nüüd tunnistab, et hegeliaanlik unistus ajaloo vääramatust marsist liberaalse demokraatia poole ei pea vett. Mis kasu on maailmapanga korruptsioonivastastest laenuitingimustest arengumaadele, kui suveräänsed jõukusfondid pakuvad paremaid tehinguid ilma kohustusteta?

Me eksisime, kui arvasime, et elame deideologiseeritud maailmas. Vastupidi, autoritaarse kapitalismi tõus kui alternatiiv demokraatlikule turumajandusele on ilmselt uusim ideoloogiline, intellektuaalne ja moraalne heitlus, mille tunnistajaks me oleme.

Jah, meil on vaja oma poliitikaid uuesti mõtestada.

Kuid ka sellest ei piisa. Me vajame enam julgust, me vajame visioone ja mõistmist omaenda ja maailma kohta kahekümne või kahekümne viie aasta pärast. Ajal, mil isegi Saksamaa-sugune majanduslik hiiglane saab India ja Hiina kõrval tunduda kääbusena.

Et olla veerandsajandi pärast valmis, tuleb planeerimist alustada täna. Loodan väga, et eelseisvatel Euroopa Parlamendi valimistel ei võistle erakonnad mitte tänase hoidmise, vaid tulevikuvisionide üle.

Mu daamid ja härrad.

Demokraatia on kodanike jaoks, kodanike tahte alusel ja heakskiidu tingimusel. Just selle jaoks oleme me loonud institutsioonid, mis peaksid uue lepingu jõustudes Euroopat edasi arendama.

Kuid ärge delegeerige institutsioonidele omi ülesandeid. Loodaval välisteenistusel või kvalifitseeritud häälteenamuse ulatuse laiendamisel on vähe edu, kui me ei süvenda põhimõtetel arusaamist Euroopa huvidest.

Ühtsete konsulaaresinduste loomine tõhustab bürokraatiat. Veto kasutamise keerukamaks muutmine, iseenesest teretulnud samm Euroopa jaoks, jääb aga väikeseks sammuks, kui liikmesriigid hakkavad arvama, et nende huvisid pole arvesse võetud.

Me peame pöörduma tagasi nende kõige põhilisemate, Euroopa Liidu aluseks olevate mõistete juurde: rahvuslikud huvid on kõige paremini kaitstud siis, kui me kõik loovutame neist ivakese, et liit tervikuna võidaks. Ma ei pea silmas raha loovutamist, poliitikate suhtes tõrksate liikmete äraostmist. Ma pean silmas meie kohta maailmas nii üksikult võttes rahvusriigina kui ka ühiselt võttes Euroopa Liiduna.

Kui me räägime tugevast Euroopast, peame me aru saama samadest tõdedest, mida teame kodumaisest poliitikast. Riik on maailma kontekstis, või ka Euroopas, tugev siis, kui ollakse tugevad kodus. Need valitsused, millel on tugev toetus, saavad tegutseda otsustavalt rahvusvahelisel areenil.

Ma olen veendunud, et sama probleem kehtib terves Euroopa Liidus. Selleks, et valijatel oleks tugevam Euroopa tunnetus, peame me minema kaugemale Euroopa Komisjoni ettepanekust, mis näeb tudengitele ette veeta üks aasta teise liikmesriigi ülikoolis. Oma koduriikides tuleb meil innukalt edendada ideed, et omavahel saaksid tuttavaks meie riikide kodanikud, mitte ainult ametnikud.

See tähendab loomulikult sedagi, et meil tuleb tõsta keeleõppe taset.

Kümne aasta pärast peaksime me nägema Euroopa Liitu, kus iga üliõpilane oskab mõne teise liikmesriigi keelt. Ma ei pea siin silmas inglise keelt, mida ei saa globaalse domineerimise tõttu teaduses ja äris, meelelahutuses ja internetis enam võõrkeeleks pidada. Ma pean silmas näiteks seda, et portugallane oskaks poola keelt, eestlane hispaania keelt ja rootslane sloveenia keelt.

Samuti peame me rohkem mõtlema piirkondlikult. Siin on parlament osutanud, et ta suudab võtta suuremat rolli kui kujutleda võib. Ma olen uhke, et initsiatiiv, milles ka mina osalesin — Läänemere Strateegia — on üks esimesi Euroopa Liidu poliitikaid, mis sai alguse just siin, Euroopa Parlamendis, mitte nõukogus või komisjonis. Täna on sellest saamas Euroopa Liidu programm.

Just parlament on see Euroopa Liidu institutsioonide ja kodanike vahelüli, mis tagab Liidu toimimise. Sest ainult siin, kallid kolleegid, kallid liikmed, leitakse see õrn tasakaal, kuidas tasakaalustada valijate ja liidu huvid. Seda ei saa teha ükski teine institutsioon. Ei saa seda teha niisama hästi kui teie.

Austatav Euroopa Parlament.

Euroopa kodanikele, Euroopa kodanike Euroopale pole sugugi vähem tähtis, et me teaksime – kes me kõik oleme, kust me kõik tuleme ja kuidas me kõik tänasesse jõudsim.

Siinsamas, nendes saalides, küsis üks kolleeg minult, kui teine parlamendisaadik oli kõnelemas massiküüditamistest oma kodumaal: miks te ei suuda minevikku unustada, miks te ei keskendu tulevikule?

Kui me kõik ütleme end tundvat Euroopa ajalugu, siis võib olla ebamugav kuulda, et *see* Euroopa on tegelikult ainult osa Euroopast, nagu suur Euroopa ajaloolane Norman Davies on veenvalt osutanud.

Ometi: tänasele Euroopa Liidule kuulub kogu Euroopa ajalugu, kogu selle hiilguses ja viletsuses. Me oleme täna Bismarcki sotsiaalreformide ja Salazari režiimi omanikud. Aga samuti maailma esimese konstitutsioonilise demokraatia ja brutaalse sisejulgeolekuteenistuse repressioonide omanikud.

Sellest, et esimene konstitutsiooniline demokraatia oli Poola ning et repressioonid toimusid sõna otseses mõttes *Wirtschaftwunderi* müüri taga, teame me tunduvalt vähem.

Meie ülesanne, mu kallid kolleegid, on tunda meie Euroopat. Selle sõnastas juba üks 20. sajandi suuri eurooplasi[, Javier Solana vanaisa] Salvador de Madariaga, kui ta elas paguluses Franco režiimi eest, järgmiselt: “See Euroopa peab sündima. Ja ta on sündinud, kui hispaanlased ütlevad “meie Chartres”, inglased “meie Krakow”, itaallased “meie Kopenhaagen” ja sakslased “meie Brügge”... Siis hakkab Euroopa elama. Ja siis saab see vaim, millest Euroopa juhindub, lausuda loomissõnad “Fiat Europa””.

Et jõuda Madariaga tulevikku, peame me õppima üksteist tundma. Tundma üksteise minevikku, sest ainult siis saame me ehitada tulevikku üheskoos. Ka see on meie ülesanne järgmise kümne aasta jooksul.

Head kolleegid, täna ma proovisin tuua teieni mõningaid väljakutseid, millega me seisame tulevikus silmitsi.

Euroopa pole kaugeltki valmis. Meil on palju teha. Kui minu kodumaal, Eestis, seisab ees suur töö, siis me soovime "Jõudu tööle!"

Jõudu tööle meile kõigile!

Täna.



## 5. KÕNED JA VÕTMEDOKUMENDID

### **The Schuman Declaration (Paris, 9 May 1950)**

“World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it. The contribution which an organized and living Europe can bring to civilization is indispensable to the maintenance of peaceful relations. In taking upon herself for more than 20 years the role of champion of a united Europe, France has always had as her essential aim the service of peace. A united Europe was not achieved and we had war.

Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity. The rassemblement of the nations of Europe requires the elimination of the age-old opposition of France and Germany. Any action taken must in the first place concern these two countries.

With this aim in view, the French Government proposes to take action immediately on one limited but decisive point. It proposes to place Franco-German production of coal and steel as a whole under a common higher authority, within the framework of an organisation open to the participation of the other countries of Europe. The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe, and will change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims.

The solidarity in production thus established will make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible. The setting-up of this powerful productive unit, open to all countries willing to take part and bound ultimately to provide all the member countries with the basic elements of industrial production on the same terms, will lay a true foundation for their economic unification. This production will be offered to the world as a whole without distinction or exception, with the aim of contributing to raising living standards and to promoting peaceful achievements. Europe, with new means

at her disposal, will be able to pursue the realization of one of her essential tasks: the development of the African Continent.

In this way there will be realised simply and speedily that fusion of interests which is indispensable to the establishment of a common economic system; it may be the leaven from which may grow a wider and deeper community between countries long opposed to one another by sanguinary divisions. By pooling basic production and by instituting a new higher authority, whose decisions will bind France, Germany, and other member countries; this proposal will lead to the realisation of the first concrete foundation of a European federation indispensable to the preservation of peace.

To promote the realisation of the objectives defined, the French Government is ready to open negotiations on the following bases:

- (1) that the task with which this common higher authority will be charged will be that of securing in the shortest possible time the modernization of production and the improvement of its quality;
- (2) the supply of coal and steel on identical terms to the French and German markets, as well as to the markets of other member countries;
- (3) the development in common of exports to other countries;
- (4) the equalization and improvement of the living conditions of workers in these industries.

To achieve these objectives, starting from the very different conditions in which the productions of member countries are at present situated, it is proposed that certain transitional measures should be instituted, such as the application of a production and investment plan, the establishment of compensating machinery for equating prices, and the creation of an amortization fund (*fonds de réconversion*) to facilitate the rationalization of production. The movement of coal and steel between member countries will immediately be freed from all Customs duty, and will not be affected by differential transport rates. Conditions will gradually be created which will spontaneously provide for the more rational distribution of production at the highest level of productivity. In contrast to international cartels, which tend to impose restrictive practices on distribution and the exploitation of national markets, and to maintain high profits, the organization will ensure the fusion of markets and the expansion of production.

The essential principles and undertakings defined above will be the subject of treaties signed between the States and submitted for the ratification of their Parliaments. The negotiations required to settle details of their application will be undertaken with the help of an arbitrator appointed by common agreement. He will be entrusted with the task of seeing that the agreements reached conform with the principles laid down, and, in the event of a deadlock, he will decide what solution is to be adopted.

The common higher authority entrusted with the management of the scheme will be composed of independent persons appointed by the Governments on an equal basis (*sur une base paritaire*).

A chairman will be chosen by common agreement between the Governments. The authority's decisions will have executive force in France, Germany, and other member countries. Appropriate measures will be provided for means of appeal against the decisions of the authority.

A representative of the United Nations will be accredited to the authority, and will be instructed to make a public report to the United Nations twice yearly, giving an account of the working of the new organisation, particularly as concerns the safeguarding of its specific objects.

The institution of the higher authority will in no way prejudge the methods of ownership of enterprises. In the exercise of its functions the common higher authority will take into account the powers conferred upon the International Ruhr Authority and the obligations of all kinds imposed upon Germany, so long as these remain in force.”

**Statement by René Pleven (24 October 1950)**  
**Mr René Pleven, President of the Council**

Ladies and gentlemen, the ideal of collective security has just won a victory in Korea that marks historic progress in the free nations’ efforts to create security conditions in the world that will put paid to any aggressive intentions. (Applause from the left, centre and right.)

The nations that have concluded the Atlantic Pact wanted to forge this security instrument for the region covered by the Pact. The progress that they have achieved over the past few months in drawing up their concepts of common defence and in starting to put them into effect has been unprecedented.

At the recent meetings in New York, the co-signatories of the Atlantic Pact broadly endorsed the suggestions of the French Government, represented by Mr Robert Schuman, Minister for Foreign Affairs, Mr Jules Moch, Minister for National Defence, and Mr Maurice Petsche, Minister for Finance.

The associated nations have recognised the need to protect the Atlantic Pact States from any form of aggression, along a line situated as far to the east as possible. To that end, they have decided to station more forces in Europe. They have agreed that all these forces, whatever their nationality, should be placed under a single command.

Finally, specific agreements were negotiated under which, as a result of the solidarity enshrined in the Atlantic Pact, France will receive substantial supplies of materials together with appreciable financial aid in order to carry out its re-armament programme.

In order to succeed with this programme, France and all the other nations will have to make major sacrifices, extending the length of military service and allocating more funds to defence.

Germany, albeit not a party to the Atlantic Pact, will nevertheless also benefit from the resulting security system. It is, therefore, only right for Germany to make its contribution to the defence of Western Europe. That is why the Government has decided to take the initiative and make the following declaration, in order to open up the discussion of this important issue in the National Assembly.

The solution to the problem of the German contribution must be uncompromising and sought without delay, looking both at the potential for immediate action and towards a future united Europe.

The states meeting in the Council of Europe established the very broad framework within which European issues are debated. Successive French Governments' initiatives were accompanied, however, by the hope that the ambitious plan accepted by all parties would soon be underpinned by obligations and institutions.

With that in mind, the French Government proposed, on 9 May 1950, that all the European countries should pool their coal and steel production. As it declared at the time: 'This will simply and speedily promote that fusion of interests which is indispensable if a common economic system is to be established; it may be the leaven from which a wider and deeper community between countries long opposed to one another by bloody divisions may grow.'

The inter-European talks that followed this proposal have made good progress and seem about to come to a successful conclusion. The French Plan provides for supranational institutions: a High Authority, a Council of Ministers, a Common Assembly and a Court of Justice, the key political bases of a European Community.

In the French Government's view, Europe will be created, firstly, by the accession or association of new states to these institutions and, secondly, by the rapid, step-by-step creation of analogous institutions in an increasing number of sectors of European activity, such as transport, agricultural production, price supervision, raw materials and energy distribution and compensation for social costs, all areas in which the process of unification would offer clear economic and social benefits.

The French Government believed that, if the coal and steel plan succeeded, people would become more used to the idea of a European Community before the extremely delicate issue of common defence was approached. World events leave it no option. Therefore, confident as it is that Europe's destiny lies in peace and convinced that all the peoples of Europe need a sense of collective security, the French Government proposes to resolve this issue by the same methods and in the same spirit.

Merely responding to events, however, is unlikely to provide a constructive solution. Any system that led, whether immediately or eventually, directly or not, with or without conditions, to the creation of a German army would give rise to renewed distrust and suspicion. (Applause from the left, centre and right.) The formation of German divisions, of a German Ministry of Defence, would sooner or later be bound to lead to the rebuilding of a national army and, by that token, to the revival of German militarism. (Renewed applause from the same benches.) This kind of outcome, which our allies have at all events unanimously condemned, would be a danger to Germany itself.

We hope that the signature of the coal and steel plan will very soon seal the agreement of the six participating countries, which will give all the peoples of Europe a guarantee that Western European coal and steel industries cannot be used for aggressive purposes.

As soon as the Plan has been signed, the French Government wants to see a solution to the question of Germany's contribution to the creation of a European force that takes heed of the

cruel lessons of the past and looks forward to the kind of future that so many Europeans from all countries hope to see in Europe.

It proposes the creation, for the purposes of common defence, of a European army tied to the political institutions of a united Europe. (Applause from many benches on the left, centre and right.)

This proposal is directly inspired by the recommendation adopted by the Assembly of the Council of Europe on 11 August 1950, calling for the immediate creation of a unified European army with a view to cooperating with American and Canadian forces in the defence of peace.

A European army cannot be created simply placing national military units side by side, since, in practice, this would merely mask a coalition of the old sort. Tasks that can be tackled only in common must be matched by common institutions. A united European army, made up of forces from the various European nations must, as far as possible, pool all of its human and material components under a single political and military European authority.

The Member Governments would appoint a Minister for Defence who would be accountable, in a manner yet to be determined, to those appointing him and to a European Assembly. This assembly could be the Strasbourg Assembly, or an offshoot of it, or an assembly made up of specially elected delegates. He would have the same powers over the European army that a national Minister for Defence has over his country's national forces. He would be responsible in particular for implementing such general directives as he might receive from a Council made up of Ministers from the participant countries. He would serve as the official channel between the European Community and third countries or international bodies as regards all aspects involved in the performance of his task.

The contingents provided by the participating countries would be incorporated in the European army, at the level of the smallest possible unit.

The European army would be financed from a common budget. The European Minister for Defence would be tasked with implementing existing international undertakings and negotiating and implementing new international undertakings on the basis of directives from the Council of Ministers. The European armaments and equipment programme would be adopted and conducted under his authority.

Participant states that already have national forces would retain their authority over those of their existing forces that were not incorporated into the European army.

Conversely, the European Minister for Defence could, with the authorisation of the Council of Ministers, place back at the disposal of a member government a part of its national forces forming part of the European force in order to meet requirements other than those of common defence.

The European forces placed at the disposal of the unified Atlantic command would respect the obligations entered into under the Atlantic Pact, as regards both general strategy and organisation and equipment.

The European Minister for Defence would be responsible for ensuring that the member countries of the European Community furnish this common army with the contingents, equipment, materials and supplies that they are required to supply.

There will have to be a transitional period before this European army is set up. During this period, it would probably be impossible immediately to incorporate part of the existing national armies, although placed under the unified Atlantic command, into the European army. This army would have to be built up gradually, with each country furnishing its contribution of men, in proportions determined by the Council of Ministers and taking into account the general defensive plan drawn up by the Atlantic Council.

Finally, both during the initial stage and when it has finally been established, the European army must not be used as a pretext for delaying the implementation of programmes, planned or under way, within the Atlantic organisation to set up international forces under a unified command. Quite the reverse, the plan to create a European army should make it easier to carry out the Atlantic programmes.

It is on this basis that the French Government proposes to invite Great Britain and the free countries of continental Europe that agree to take part in creating the European army jointly to devise how the principles that we have set out can be put into practice. This work is to begin in Paris as soon as the coal and steel plan is signed.

The Government is fully aware of the technical and psychological difficulties that will have to be overcome in order to attain the goal that it is proposing to the European nations. But all the obstacles can be surmounted, provided that there is the will, imagination and faith to do so and provided that the American people, like the peoples of Europe, actively sympathise with and support this project.

The Government also believes that this Plan, the general principles of which are merely sketched out in this declaration, is another example of the spirit of peace that inspires the French people who have suffered so much from the increasing discord among peoples who were once united in the fight to destroy Hitler's regime.

The Government remains convinced that war is not inevitable. (Loud applause from the left, centre and right.)

France has joined forces with the nations that are expressing the wish, at the United Nations, for talks to begin between the major powers (cries of 'Good! good!' from the centre) in order to examine the reasons for the current tensions. (Applause from various benches on the left and centre.)

This United Nations recommendation actually reflects the French Government's profound conviction that, with particular regard to European issues, it would be useful to maintain direct contacts between the United States, Great Britain, the Soviet Union and France, which, if repeated periodically, would help gradually break down the sources of distrust and conflict.

If these contacts are to prove fruitful, there must be no doubt whatsoever about the Western democracies' unswerving determination to defend their territory against any aggression and the system of free peoples against any subversion. (Applause from the left, the centre and many benches on the right.)

The Atlantic Pact nations must, therefore, tirelessly continue to implement the defence programmes that they have adopted.

France had already resolved to play a vigorous part in the common defence effort within the Atlantic Association. Today, it is taking the initiative and putting forward a constructive proposal for building a united Europe. This Europe must not forget the lessons of two world wars and, at a time when it is building up its forces again, it must ensure that they are never used for anything other than the defence of international security and peace. (Loud applause from the left, the centre and many benches on the right.)

[...]

### **Speech by Robert Schuman at the Council of Europe (Strasbourg, 10 August 1950)**

Mr. President, Ladies and Gentlemen, you have done me the honour of asking me to give an account in broad outline of the Proposal put forward by the French Government on 9th May last. This account will be strictly objective and will avoid anything of a polemical character.

It will not commit the Committee of Ministers.

I am speaking on behalf of the French Government, but you are already aware that studies of our Proposal and negotiations based upon it are now in progress between the representatives of seven countries. I am therefore in a position to inform you, if not of the final conclusions reached, at least of the horizons opened by these conversations.

You already know the main points of our Proposal: a Treaty, signed by the participating countries and ratified by their parliaments, is to place all coal and steel undertakings under a common Authority. This Authority will lay down general rules to ensure the rapid creation of a single market for these products, without quantitative or tariff restrictions. The Authority will see that these rules are applied, and at the same time that production is expanded while prices are kept at the lowest levels. These are our aims.

This system presents therefore, two essential characteristics: an independent Authority, and a single market. Let us examine these in turn.

What will this Authority be?

Let us first say what it will not be — at least in the view of the French Government. It will not be a Committee of Ministers or of Delegates of Ministers, the members of which would have the duty of defending the national interests of their own countries, in pursuance of definite instructions and subject to the permanent supervision of the different Governments.

With this clash of national interests, this search for compromises and mutual concessions obtained with more or less difficulty, we are already familiar. We are well acquainted with them because, up till now, such has been and is still our practice in all the international institutions that exist to-day as much as in those grouped about UNO as those of a regional or

European character. There unanimity is the rule. Your Assembly represented the first effort to be made outside and beyond this tradition; but it is only consultative and so far lacks any power of decision.

The common Authority which we propose will be a body representing neither management nor any other single private interest or group of interests. It will therefore be neither a cartel nor an organ of industrial alliance. The Authority will have the task of preserving the whole complex of interests of all the associated countries, those of the consumer as much as of the producer, those of the workers no less than those of the management.

The Authority will not be purely and simply a Committee or a board of directors. It will be an institution that is autonomous and, in consequence, one that has its own responsibilities. The signatories of the Treaty will, with certain guarantees, submit to the authority that they will have set up. In spite of its contractual origin, the Authority will exercise its powers according to an unfettered estimation of needs and possibilities, but always within the limits of its Charter. It will itself be subordinated only to the objectives specified and the rulings arising therefrom. The Authority thus set up will be the first example of an independent supra-national institution.

It will be invested with powers which will have to be precisely defined by the Treaty. Their nature and importance will be determined strictly in accordance with the proposed aim, namely: the establishment and maintenance of a single market. Certain participating States will be abandoning some degree of sovereignty in favour of the common Authority, and will be accepting a fusion or pooling of powers which are at present being exercised or capable of being exercised by the governments. Such a prospect gives rise in some quarters to apprehension or indeed provokes a refusal in principle to accept the scheme, in other quarters it evokes enthusiasm. You will allow me perhaps to observe that I fall into neither of these categories.

As far as I am concerned I accept the principle of a renunciation of sovereign rights not for its own sake alone, not as an end in itself, but as a necessity, as the sole means at our disposal for overcoming the national selfishness, the antagonism and narrow-mindedness which are destroying us.

Thus the participating nations will in advance accept the notion of submission to the Authority that they will have set up and within such limits as they themselves will have defined. The essential object of the Treaty will be to determine both the terms of reference and the competence of the Authority.

Firms will retain their present proprietors; in this respect national law will remain entirely sovereign. The owner will remain quite free to organise his business, to draw profits from his own personal skill, from any natural advantages he enjoys, and from the general combination of circumstances in which he finds himself, all this within the framework of the rules which the existence of a single market and the consequent discipline that this entails, will impose on him. Healthy and loyal competition will be not only permitted but welcomed.

It would be an error to suppose that the system we are commending would necessarily end in one gigantic controlled economy. On the contrary, there will be every call for the spirit of enterprise freed from the fetters imposed on it to-day by undesirable or dishonest practices. Neither is there any question of superimposing a new bureaucracy on commercial



undertakings. The Authority will be simply and essentially seeking to evolve general conceptions inspired by the common interest and checked as time goes on in the light of experience and events.

The Authority will have no political functions. Its task will be exclusively economic. Its sole pre-occupation must be the development of productivity in the industry and the raising of the standard of living. The aim is to produce and sell the greatest possible amount of coal and steel at the lowest possible prices.

The use of these products, however, will not be the business of the Authority. Questions of armament, for example, will remain outside its province. The manufacture of war material will no doubt entail rather large orders, and will provide rather easy markets; but in this respect, the Authority will have no power of decision or initiative. Its task will be to provide coal and steel in sufficient quantities and at the best rates.

If the Authority's powers are not in essence political, its decisions are nevertheless capable of having political influence, of having repercussions beyond the firms under its direction, upon the social and economic situation of the country, and of calling into question the principles which guide and inspire the general policy of Governments.

From the opposite angle, positions adopted in other fields may have very great consequences regarding the production of coal and steel.

An indispensable element, then, is the harmonisation of the action of the common Authority with that of Governments responsible for general policy.

By its attitude towards prices, for instance (and that will be its main concern), the Authority will have an influence, willy-nilly, upon other prices, upon wages, upon the labour market and upon the general availability of man-power. Decisions which, in themselves, relate to Coal and Steel alone will, therefore, have to take their place within the general framework of general economic policy. Governments cannot afford to remain indifferent to decisions which might well seriously upset the whole economic equilibrium or the social stability of the country. Safeguards and precautions will be needed, which, without raising the actual question of the transfer of sovereign power, contrive to avoid or to control conflicts between the different authorities involved. The political authorities which have the task and the responsibility of maintaining public order in a country, may have to preserve it against the dangers involved in any decisions which the Authority might take within the limits of its own power, and which ought have serious repercussions outside the sphere for which the Authority itself assumes responsibility.

By organising a permanent contact between Governments, on the one hand, and the Authority, on the other hand, for information and reciprocal consultation, we shall be able to avoid many pitfalls and prevent serious disagreements.

From what has been said, we can draw one conclusion: the Authority cannot be completely independent. We shall have to visualise, and from the outset we have visualised, precautionary measures, to be taken in the interests of the social and economic structure of the countries concerned. The greatest safeguard, and the essential condition, will be an exact definition of the powers of the Authority. The latter will have to be given all necessary powers for a wise administration of the production of Coal and Steel. It must have no other

powers. The Treaty must, therefore, define its powers as clearly as possible, without ambiguity or confusion.

Above all, we shall have to set clear limits to the objects we wish to achieve: the creation of a single market for Coal and Steel; their free circulation within that market; and the suppression of all unhealthy or artificially-fomented competition.

These aims cannot be achieved unless the production within participating countries is undertaken in conditions which, if not identical, are at least comparable. To this end it will be necessary to eliminate, gradually, the disparities between the cost prices and the cost of transport, to do away with all dumping and discrimination. There will be an opportunity of undertaking rapidly the progressive harmonisation of wages, of social, fiscal and financial charges, and of transport costs. Obviously, there would be no question of entrusting to the Authority itself any power of legislation or regulation, which can only appertain to political organs. At any rate it will be necessary to ensure that the Authority has the means of achieving the desired result, thanks to the undertakings signed by the Governments, and a constant and confident co-operation between the Authority and the political authorities.

We can calculate the complexity of these problems without difficulty. They will arise every time an economic integration or unification is undertaken. Moreover, it is not necessary to seek for uniformity in all respects between the social and economic legislation — this would be both useless and impossible. It will be sufficient to establish an overall balance of the burdens which production will have to bear. Moreover, this will only be reached by stages and by proceeding cautiously. Since the national Parliaments will necessarily be associated with this work, we need not, I believe, fear any precipitate action. In no case will the workers' standard of living have to be lowered; this is an absolute rule which we laid down as a basic principle from the very first.

Against the inequalities of Nature, on the other hand, we can do nothing. Nobody can make poor deposits rich. On the other hand, what will be both possible and necessary is to proceed in accordance with the general scheme to a new division of labour, to the avoidance of duplication of employment, and to the bringing together of companies doing complementary work. The action of the Authority, on these points, will essentially be of a persuasive nature.

In all this, we must constantly keep in view the maintenance of full employment, without any large-scale displacement of man-power. Since these structural reforms are to be elaborated and to become operative within a very vast framework, extremely diverse in resources, they will be realised more easily than they would be within the narrow limits of national frontiers.

Such a rational re-organisation will furthermore be made easier by the creation of equalisation, re-conversion or adjustment funds. Such funds will be derived from the sum total of the joint production. The re-organisation of production is in fact in the general interest, and will be in the end beneficial to all enterprises, even to those which are most favourably situated.

The governments also will, no doubt, have to contribute to this effort of re-organisation. They will not refuse to do so, for they will understand that such an effort in common will make it possible, at the lowest cost, to introduce reforms which will one day be inevitable, and which would prove a terrible burden were they to be undertaken with purely national resources.

Such a programme pre-supposes much clear thinking and great courage. It would be wrong and unjust to close our eyes to, or to minimise, the risks involved. But it would also be a mistake to believe that these difficulties would be the consequence of our Plan. They exist (even to-day) perhaps not acutely, but they are latent, and sometimes even obvious. It will be by the establishment of a supra-national solidarity that each of the associated countries will find solutions which will prove to be less onerous and more rational.

It is still too early in the day to draw up a detailed programme of reforms. That will be the business of the Authority, which will first of all undertake preliminary investigations such as have never yet been undertaken on the international plane. It is true that present-day inconsistencies and the increasingly menacing disorder of our European production were pointed out in statistics and in reports; but so far it has not been possible to undertake any structural reform outside the national plane. The mere fact of the existence of a supra-national Directorate will open up new horizons. Without being beguiled into excessive rationalisation, in blind disregard of social and political considerations, this Directorate will advance by easy stages, making progressive improvements which would be impracticable under the present system of water-tight compartments.

The very amplitude of these aims makes us overwhelmingly aware of the essential importance of the selection of the men on whom such a task will devolve. They will have to take into account all the problems and situations as a whole. They will not act within the Authority as the defenders of particular, national or class interests. True, the Authority will not be entitled to neglect such interests; it will have to reconcile them with the common interest. The common interest is identified with the prosperity of all the associated national economies; but the latter, for their part, will have to accept the principle and reality of a common discipline, and of that rational co-ordination which is a condition of their own improvement just as much as that of collective prosperity.

These ideas of solidarity, of the common good, of the pooling of resources and efforts could find no place in discussions held during the war. We now accept them, we now proclaim them, — as you have heard us doing in the last few days, with so much eloquence — in this time of international tension, as elements in the organisation of our common defence. With all speed and more completely than in the past they will have to take shape and form in our economic relations.

These principles do not exclude, but on the contrary they demand, guarantees against mistakes or possible abuse; they require, when they come to operation, progress by stages and with all necessary precautions. Circumspection and prudence are necessary, but not to such an extent that they paralyse the reforms that we recognise as essential and deprive them of substance.

We shall have to convince those sceptics who have an eye only for the risks and who consider — and that is where they are wrong — that to do nothing is always the course that involves the least danger. We shall have to contend, further, with the defenders of political prerogatives. I have taken the opportunity, just now, and on many occasions, of indicating our desire to respect the functions and responsibilities of public authorities. It will be our constant task to distinguish and separate authorities of various kinds. Thus we are convinced that in the economic field the political authorities should exercise no more than a general supervision, and should not assume responsibility for practical decisions. The crux of the question is to establish a judicious balance between the already-existing authorities and the new Authority

to be set up. In our opinion it would be for the political authorities to define ultimate aims, to set up statutory organs, to determine their functions, to supervise the use made of any powers conferred, to act even in a preventive sense by giving indications or warnings to the competent Authority. On the other hand political organs are not competent to carry on the administration proper, to draw up production, investment, or equipment programmes, or to lay down the rules controlling prices. Their rôle will be that of a perpetually vigilant supervisor who is concerned to ensure, and to impose if necessary, the observance of a general policy of well-being, of full employment and social justice. To this end, and only to this end, should Governments be given the power to make appeal to the courts against decisions which would seriously compromise the general interest of their country. A Committee of Ministers would maintain permanent contact with the Authority so that at all times the needs of general policy are appreciated and taken into due consideration.

In order to safeguard the vital interests of firms and workers, the representatives of private interests will be recognised as possessing similar rights. Permanent advisory organs consisting of employees, employers and technicians, will help the Authority to draw up plans and to prepare and implement decisions. Furthermore, an independent international judicial body will give judgment in cases where proceedings are instituted for grave breaches of the regulations or of the principles set out in the Statute.

Finally, it is proposed to provide a supreme sanction applicable against the administration as a whole, and not merely in regard to a single decision. It will appertain to a Supra-national Political Assembly to pronounce this sanction, at the conclusion of a discussion which it will hold on the Annual Reports submitted by the Authority. That Assembly will have power to approve or reject this Report. In the latter case, if a sufficient majority withholds its approval from the Authority, that body will resign and will be entirely replaced.

This system of interlocking safeguards is capable of a number of variants, upon which the participating Governments and Parliaments will have to decide. During the Debate that is to be held on the principles and general structure of the proposed system, the Consultative Assembly will doubtless wish to give its opinion on the solutions which it considers desirable, in particular in regard to such points as the possibility of its associating itself in the same way with the implementation and operation of this first European Institution to be endowed with effective powers. The final form of the relations between the Consultative Assembly and the Authority cannot however be settled until the powers of the Authority have been defined and the essential provisions of the Treaty made known.

These are the facts that I am able to communicate to you in the present state of negotiations. Negotiations were only started on 20th June. A large amount of work of technical and legal nature still remains to be done; on many small points doubts may be felt as to which of several solutions should be followed. But agreement has been reached and maintained on all the essential points.

Moreover, complete latitude has been given to the experts so that they may be encouraged to investigate every possibility, to examine every eventuality, before the governments and parliaments are in their turn called upon to decide.

It is a pleasure for me to pay tribute to the remarkable spirit of co-operation — the genuine team spirit — displayed by the delegations associated with this work. The Authority and its Charter will thus become a common achievement.

What I have had the honour of setting before you is, in fact, the framework of this structure, whose characteristics will distinguish it from anything that has hitherto been accomplished.

The countries associated in these negotiations have indeed set their feet on a new road. They are convinced that, without indeed renouncing traditional formulas, the moment has come for us to attempt for the first time the experiment of a supra-national Authority which shall not be simply a combination or conciliation of national powers.

Your Assembly, I repeat, is itself, though not a wholly satisfactory creation, at least the herald of such a European Authority, with vast plans and possibilities, but still, for the time being, hazy in its outlines, bereft of effective means of action. The French proposal, for its part, is content with a much narrower field of action; on the other hand, the organisation which is contemplated will rest on solid foundations, and will be endowed with such a structure that we may at last have the hope of leaving the realms of the symbolic and entering those of reality.

Public opinion among our peoples has not misunderstood the import of this initiative; witness the stir which it aroused, from the very outset, in all countries, in all the political parties which are working for a peaceful reform of our institutions, in all social and economic circles. The interest that was thus awakened has persisted for three months, in spite of so many other matters of grave concern. This is not due to simple curiosity, nor to sympathy for a principle, but to a tenacious hope and will to succeed.

What we have thus observed confirms our conviction that we have given an answer to a common aspiration of the free peoples of Europe, to their desire for a closer association, not only for defence, but for the constructive tasks of peace. We are convinced that from this experimental boring will gush a stream of unexploited energy, whose existence we suspected, whose activity we hoped for, but which prejudice and routine had so far prevented us from tapping. We must succeed in spite of the apprehensions of some people, in spite of the dangers that one or other of us may incur. Such risks are unimportant, in contrast to the certainty on insuperable crises which would inevitably result from a passive maintenance of the status quo.

Our boldness has already been rewarded. The very fact of having put forward and undertaken the examination of this reform has secured for us one immediate result: the political atmosphere, so dark in other climes in this part of Europe, has been transformed; hope is being reborn, antagonisms which were paralysing our efforts and fostering misunderstanding have been dissipated, giving place to a sincere desire for mutual understanding and for confident co-operating together in a joint enterprise. Henceforth, between Germany and France the dangers of tension or even of bloody conflict are eliminated. A decisive step towards reconciliation and peace has been taken without anyone else having legitimate reason to take offence.

But there is more to it than that: more than the rationalisation of these two key industries, more than the clearing of the political atmosphere, more than making a considerable contribution to peace. We are not being unduly presumptuous, we think, when we say that the proposal which has been put forward and accepted, if realised in the form in which it was put forward and accepted, contains potentialities which cannot yet be fully measured, but which will rapidly lead us on towards the complete economic and political unification of Europe.

France claims no monopoly in this initiative; others will play a useful part in it and supplement it. The plan evolved and submitted by my colleague M. Stikker in the name of the Dutch Government, for the reform of the O.E.E.C., follows along the same path; we will give it our full support.

The French Government, for its part, is grateful to your Assembly for having been so good as to give careful consideration to this initiative of ours. I venture to hope that you will accord it your moral approbation, and even perhaps an effective support, which will be particularly valuable, as giving the sanction of your high authority to a decisive stage in the building up of Europe.

You will be joining thus in a concrete, constructive and lasting undertaking. You will be giving to our peoples plunged in anxiety, and whose alarm it is no wish of mine to see unjustifiably increased, the guarantee that there is here, side by side with our legitimate concern for security, a spirit of hope, and a will to live and work in peace and for peace.

### **Spaak wants to revive political union in Europe**

In order to release Europe from its current stalemate in the area of political unification, Paul-Henri Spaak, Belgian Minister for Foreign Affairs, has drafted a number of proposals to revive the European political agenda.

Mr Spaak's ideas may be summed up in four points:

- some form of political cooperation between the countries of the Common Market is needed. Such cooperation cannot be brought about by the existing institutions, because the Treaty of Rome does not address such matters;
- it might be appropriate to revive certain features of the Fouchet Plan on political union on which the Six might reach agreement;
- we should draw on our experience of the European Economic Community and create a political body for the Community, along the lines of the Common Market Executive Commission, comprising three eminent European figures, three 'Wise Men', appointed by the Six but acting completely independently of national governments. This body would be responsible for implementing the plan;
- the experimental stage would last three years. It would not compromise the future of Europe, but could provide the basis for a treaty if it were to prove successful.

The United Kingdom would be welcome to participate, but should such participation not be forthcoming, the six Member States should go ahead.

The Belgian Minister's proposals have met with a mixed reception: the response of the Dutch Socialists and the British Labour Party was negative, whilst the Italians expressed reservations; Maurice Schumann, Chairman of the Foreign Affairs Committee of the French National Assembly, welcomed the proposals, and the Germans, whose Government is considering the extent to which these proposals could be put into practice, showed interest.

**Treaty of Economic, Social and Cultural Collaboration and Collective Self-Defence signed at Brussels on March 17, 1948, as amended by the "Protocol Modifying and Completing the Brussels Treaty" Signed at Paris on October 23, 1954**

[The High Contracting Parties]

Resolved:

To reaffirm their faith in fundamental human rights, in the dignity and worth of the human person and in the other ideals proclaimed in the Charter of the United Nations;

To fortify and preserve the principles of democracy, personal freedom and political liberty, the constitutional traditions and the rule of law, which are their common heritage;

To strengthen, with these aims in view, the economic, social and cultural ties by which they are already united;

To co-operate loyally and to co-ordinate their efforts to create in Western Europe a firm basis for European economic recovery;

To afford assistance to each other, in accordance with the Charter of the United Nations, in maintaining international peace and security and in resisting any policy of aggression;

To promote the unity and to encourage the progressive integration of Europe;

To associate progressively in the pursuance of these aims other States inspired by the same ideals and animated by the like determination;

Desiring for these purposes to conclude a treaty of collaboration in economic, social and cultural matters and for collective self-defence;

Have agreed as follows:

#### Article I

Convinced of the close community of their interests and of the necessity of uniting in order to promote the economic recovery of Europe, the High Contracting Parties will so organise and co-ordinate their economic activities as to produce the best possible results, by the elimination of conflict in their economic policies, the co-ordination of production and the development of commercial exchanges.

The co-operation provided for in the preceding paragraph, which will be effected through the Council referred to in Article VIII, as well as through other bodies, shall not involve any duplication of, or prejudice to, the work of other economic organisations in which the High Contracting Parties are or may be represented, but shall on the contrary assist the work of those organisations.

#### Article II

The High Contracting Parties will make every effort in common, both by direct consultation and in specialised agencies, to promote the attainment of a higher standard of living by their peoples and to develop on corresponding lines the social and other related services of their countries.

The High Contracting Parties will consult with the object of achieving the earliest possible application of recommendations of immediate practical interest, relating to social matters, adopted with their approval in the specialised agencies.

They will endeavour to conclude as soon as possible conventions with each other in the sphere of social security.

#### Article III

The High Contracting Parties will make every effort in common to lead their peoples towards a better understanding of the principles which form the basis of their common civilisation and to promote cultural exchanges by conventions between themselves or by other means.

#### Article IV

In the execution of the Treaty, the High Contracting Parties and any Organs established by Them under the Treaty shall work in close co-operation with the North Atlantic Treaty Organisation.

Recognising the undesirability of duplicating the military staffs of NATO, the Council and its Agency will rely on the appropriate military authorities of NATO for information and advice on military matters.

#### Article V

If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power.

#### Article VI

All measures taken as a result of the preceding Article shall be immediately reported to the Security Council. They shall be terminated as soon as the Security Council has taken the measures necessary to maintain or restore international peace and security.

The present Treaty does not prejudice in any way the obligations of the High Contracting Parties under the provisions of the Charter of the United Nations. It shall not be interpreted as affecting in any way the authority and responsibility of the Security Council under the Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

#### Article VII

The High Contracting Parties declare, each so far as he is concerned, that none of the international engagements now in force between him and any other of the High Contracting Parties or any third State is in conflict with the provisions of the present Treaty.

None of the High Contracting Parties will conclude any alliance or participate in any coalition directed against any other of the High Contracting Parties.



## Article VIII

For the purposes of strengthening peace and security and of promoting unity and of encouraging the progressive integration of Europe and closer co-operation between Them and with other European organisations, the High Contracting Parties to the Brussels Treaty shall create a Council to consider matters concerning the execution of this Treaty and of its Protocols and their Annexes.

This Council shall be known as the “Council of Western European Union”; it shall be so organised as to be able to exercise its functions continuously; it shall set up such subsidiary bodies as may be considered necessary: in particular it shall establish immediately an Agency for the Control of Armaments whose functions are defined in Protocol No. IV.

At the request of any of the High Contracting Parties the Council shall be immediately convened in order to permit Them to consult with regard to any situation which may constitute a threat to peace, in whatever area this threat should arise, or a danger to economic stability.

The Council shall decide by unanimous vote questions for which no other voting procedure has been or may be agreed. In the cases provided for in Protocols II, III and IV it will follow the various voting procedures, unanimity, two-thirds majority, simple majority, laid down therein. It will decide by simple majority questions submitted to it by the Agency for the Control of Armaments.

## Article IX

The Council of Western European Union shall make an annual report on its activities and in particular concerning the control of armaments to an Assembly composed of representatives of the Brussels Treaty Powers to the Consultative Assembly of the Council of Europe.

## Article X

In pursuance of their determination to settle disputes only by peaceful means, the High Contracting Parties will apply to disputes between themselves the following provisions;

The High Contracting Parties will, while the present Treaty remains in force, settle all disputes falling within the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice, by referring them to the Court, subject only, in the case of each of them, to any reservation already made by that Party when accepting this clause for compulsory jurisdiction to the extent that that Party may maintain the reservation.

In addition, the High Contracting Parties will submit to conciliation all disputes outside the scope of Article 36, paragraph 2, of the Statute of the International Court of Justice.

In the case of a mixed dispute involving both questions for which conciliation is appropriate and other questions for which judicial settlement is appropriate, any Party to the dispute shall have the right to insist that the judicial settlement of the legal questions shall precede conciliation.

The preceding provisions of this Article in no way affect the application of relevant provisions or agreements prescribing some other method of pacific settlement.

#### Article XI

The High Contracting Parties may, by agreement, invite any other State to accede to the present Treaty on conditions to be agreed between Them and the State so invited.

Any State so invited may become a Party to the Treaty by depositing an instrument of accession with the Belgian Government.

The Belgian Government will inform each of the High Contracting Parties of the deposit of each instrument of accession.

#### Article XII

The present Treaty shall be ratified and the instruments of ratification shall be deposited as soon as possible with the Belgian Government.

It shall enter into force on the date of the deposit of the last instrument of ratification and shall thereafter remain in force for fifty years.

After the expiry of the period of fifty years, each of the High Contracting Parties shall have the right to cease to be a party thereto provided that he shall have previously given one year's notice of denunciation to the Belgian Government.

The Belgian Government shall inform the Governments of the other High Contracting Parties of the deposit of each instrument of ratification and of each notice of denunciation.

### **Statement by Georges Pompidou (The Hague, 1 December 1969)**

“When I suggested that the leaders of the Six should come together in The Hague — and I thank the Dutch Government for offering us their hospitality — it was because it seemed to me that the months ahead were particularly significant ones for the future of the Community.

We are reaching the end of the transition period. Customs duties are now a thing of the past between our countries. The single market in agriculture has been painstakingly developed. But there are many questions which we need to answer. For instance, are the price disturbances caused by parity changes jeopardizing the future of the common market in agriculture? Will the growing burden of farm surpluses force us to find a new production policy? Are the Six prepared to extend joint action to other fields? Do we or do we not intend to press ahead with the co-ordination of economic and monetary policies, technological co-operation, tax harmonization, and company law?

These are some of the questions we must answer in clear terms. And I do not forget the very important issue of the membership applications submitted by a number of countries, in particular Great Britain. Now is the time to raise this issue too and to discuss it without preconceived ideas but without giving anything away. Now is the time to decide amongst

ourselves on preconditions for the opening of negotiations, and on procedures for these. And on their objectives too. In other words, are we prepared to open the door to Great Britain and the other applicants if this means that the Community will be weakened and begin to crumble away? Or do we intend to forge ahead to build a stronger Community, making membership subject to firm undertakings with regard to what has been achieved and what still remains to be done?

As you can see, there are many reasons why we should get down to discussing the real issue and choose between allowing the Community to wither away and giving it a fresh lease of life. Public opinion in our six countries expects a great deal from this meeting. I hope we will not disappoint our peoples and for this reason I feel that we must explain ourselves clearly. This is what I now propose to do on behalf of France.

As I have just said, and as you all know, there are three problems facing us at the present time:

- First we have the problem of “completion”, in other words the changeover to the definitive period and the adoption of the definitive financial arrangements;
- Then there is the problem of “strengthening”, sometimes called “development”, which concerns the prospects for Community growth;
- And lastly, we have the problem of “enlargement”, in other words the applications for membership.

An examination of these three problems depends in fact on our answer to one question and this question is — are we determined to continue building the European Community? What would be the point of this Conference if we did not succeed in reaching agreement in our own minds and between ourselves and creating an atmosphere of mutual trust? Without this any action would be doomed to failure and the Community to slow, inexorable disintegration. This is why I am answering this question with a clear, distinct, and unequivocal “Yes”. France does want to maintain the Community and to develop it. I am convinced that it is on the basis of the Treaty of Rome and all that has been done over the past ten years to implement and expand it that Europe has a chance to unite and thus to recover at all levels — including the political — the means of its development and of its influence which will enable it to make its voice heard in all areas of world politics.

But if we decide to continue building the Community this means that what has been done must be jealously guarded and that completion — including the financial regulation which is a typical Community instrument — must become a definitive reality within a specified period of time.

It means that we must get to work without delay to develop and deepen Community action, our special aim being the convergence of our economic and monetary policies. If we are to do this we must set ourselves a precise and realistic list of objectives spaced out in time. I will have some suggestions to make about this.

Lastly, it means that the membership applications from Great Britain and the other three countries must be discussed in a positive spirit without losing sight of Community interests or the interests of existing members. It means that the negotiations must be prepared between the Six to agree on a joint Community position and that the negotiations themselves must be conducted on behalf of the Community and in a Community spirit.

It is on these points then that our discussions should turn. Because time is short we will produce results only if we put aside timidity and procrastination and get down to action right away. At a time when, as we all know, the superpowers — the Soviet Union, but also the United States — view European problems as they affect their own interests, and cannot but view them thus, we owe it to our peoples to revive their hopes of seeing Europe in control of its own destiny. It was because of this and with this idea in mind that I suggested calling this Conference, whose outcome will condition not only the Community's future but also the future policy of each of the nations assembled here, and certainly that of France."

### **Statement by Geoffrey Rippon (London, 16 December 1970)**

[...]

With your permission, Mr. Speaker, and with that of the House, I wish to make a statement about certain proposals which I have today tabled in Brussels regarding United Kingdom participation in the European Economic Community's financial arrangements in the event of our accession.

In brief, Her Majesty's Government have proposed that over the first five years of our membership of the Community our contribution to the Community budget should build up by equal annual steps to a basic key which should lie in the range of 13-15 per cent. of total contributions. Thereafter, for a further three years, the year-to-year changes in our share of contributions should be subject to limitations on the lines of the correctives the Six have provided for themselves up to 1978.

We have further proposed that there should be provision to review, if necessary, the operation of the financial arrangements in an enlarged Community.

The House will expect me to explain the significance of these proposals for the United Kingdom. I must first emphasise that any estimates inevitably depend on a large number of assumptions which have to be made about the ways in which the enlarged Community would develop in the years after we and the other applicant countries had joined. To take just two of the most important factors: it is really very difficult to judge what the size of the Community's budget will be at the end of this decade, and what share of the total will be devoted on the one hand to schemes of agricultural support, from which we, with our relatively small and highly efficient agriculture, cannot expect to be major beneficiaries, and on the other to regional and industrial development and other programmes.

It is because of these uncertainties that in the past the Six themselves have in practice reviewed their own arrangements whenever unforeseen developments have upset the balance which previous agreements were expected to produce. We have, therefore, proposed to the Six that a suitable review provision should be an essential part of any agreement.

Having made clear to the House the inevitable limitations of any estimates, I can give some indication of what we expect the proposals we have put to the Community might involve. If we assume that the Community budget in 1977 was to be 4,500 million dollars as we have suggested to the Community, then under the proposals we have now made, after making an estimate for receipts, our net contribution would build up gradually from about £30 million in

1973 to about £140 million to £180 million in 1977. If, however, the Community budget remained at its current level of about 3,000 million dollars, then our net contribution would reach about £60 million to £85 million in 1977, on the same estimated basis of receipt.

We have also to take account of the fact that in the short term, membership of the Community will have certain other adverse effects on our balance of trade as a result of the increased cost of food imports and the loss of some of the trade preferences we enjoy in other markets. For this reason, it is important that we should move up gradually towards our ultimate contribution.

Neither this Government nor our predecessors have ever attempted to disguise the fact that membership of the Community will involve a substantial net contribution to the Community budget and, at least in the early stages, other balance of payments costs. But again, like our predecessors, we believe that account must also be taken of the prospect of dynamic economic advantages of membership which would be substantial. As to these, one has to make a judgment about the likely response of British industry to the opportunities and challenges that would be presented by our entry into the Community. The Government's judgment-and it is shared by the overwhelming majority of our leading industrialists-is that the response would be vigorous and determined and that we could expect to achieve a significantly higher economic growth rate if we joined the Community than if we remained outside.

The Government also consider that membership of an enlarged Community will provide considerable opportunities for British farmers. Without underestimating the problems that have to be faced in the early years of our membership, therefore, we hold firmly to the view that our entry into the Community on reasonable terms would be in the long-term economic interests of this country.

We are also convinced that enlargement of the Community would be in the interests, political perhaps even more than economic, of the whole of Western Europe. It is with these considerations in mind that the Government have formulated the proposals which I have tabled in Brussels today.

## **Report on European Union (29 December 1975)**

### I. A common vision of Europe

#### A. Europe today

Why has the European concept lost a lot of its force and initial impetus? I believe that over the years the European public has lost a guiding light, namely the political consensus between our countries on our reasons for undertaking this joint task and the characteristics with which we wish to endow it. We must first of all restore this common vision if we wish to have European Union.

In 1975 the European citizen does not view the reasons for the construction of Europe in exactly the same way as in 1950. The European idea is partly a victim of its own successes: the reconciliation between formerly hostile countries, the economic prosperity due to the

enlarged market, the détente which has taken the place of the cold war, thanks particularly to our cohesion, all this seems to have been achieved and consequently not to require any more effort. Europe today is part of the general run of things; it seems to have lost its air of adventure.

Our peoples are concerned with new problems and values scarcely mentioned by the Treaties. They realize that political union does not automatically follow from economic integration; too many fruitless discussions cast doubt on the credibility and topicality of our joint endeavour: to this extent the European idea is also a victim of its failures.

In this state of mind we plunged into a crisis and are experiencing rates of inflation and unemployment the likes of which have never been seen by the present generation. It is therefore hardly surprising if the Community is crumbling beneath the resurgence, which is felt everywhere, of purely national preoccupations. Especially as the Community, in its present state, is unbalanced: in some fields it has been given far-reaching powers, in others nothing, or practically nothing, has been done, very often because our States were too weak to undertake anything new: the fragile nature of Europe in some ways also reflects the powerlessness of our States.

An unfinished structure does not weather well: it must be completed, otherwise it collapses. Today Community attainments are being challenged.

Basically, however, Europeans are still in favour of closer links between our peoples as laid down in the Treaties of Paris and Rome, first between the Six, later between the Nine. They even take this rapprochement as a matter of course and regret not having more evidence of it in their daily lives. A return to selfish national attitudes, to national barriers, and to the antagonisms which they have frequently engendered would be seen as a historic defeat, the collapse of the efforts of a whole generation of Europeans.

If this extensive will for rapprochement is to take on a political dimension vital to ensure that action is taken, Europe must find its place again among the major concerns of public opinion thus ensuring that it will be the focal point of the political discussions of tomorrow. We must listen to our people. What do the Europeans want? What do they expect from a united Europe?

#### 1. A voice in the world

During my visits I was struck by the widespread feeling that we are vulnerable and powerless. This is a new experience for our peoples in recent history. Inequality in the distribution of wealth threatens the stability of the world economic system; exhaustion of resources weighs heavily on the future of industrial society; the internationalization of economic life makes our system of production ever more dependent. Our States seem very weak to face these challenges alone. What weight do isolated voices have unless they are those of the super powers?

And yet the will to make an active contribution is still very strong as we can see from the 100 000 young Europeans who are working in cooperation programmes throughout the world. Our peoples are conscious that they embody certain values which have had an inestimable influence on the development of civilization. Why should we cease to spread our ideas abroad when we have always done so? Which of us has not been surprised to see the extent to which

the European identity is an accepted fact by so many of the foreigners to whom we speak? It is not only from within that there is a call to the countries of Europe to unite.

Our peoples expect the European Union to be, where and when appropriate, the voice of Europe. Our joint action must be the means of effectively defending our legitimate interests, it must provide the basis for real security in a fairer world, and enable us to take part in this dialogue between groups which clearly characterizes international life. How can we reconcile these requirements in today's world if we do not unite?

Europe must guard against isolation, against turning inwards on itself which would reduce it to a footnote in history, and also against the subjection and narrow dependence which would prevent it from making its voice heard. It must recover some control over its destiny. It must build a type of society which is ours alone and which reflects the values which are the heritage and the common creation of our peoples.

## 2. A new society

We all feel that our society is in the state of anxious expectancy and conflict which is the forerunner of major changes. New and sometimes contradictory scales of values are making their appearance in all fields of social life. The task of the present generation is to seek a transition to a post-industrial society which respects the basic values of our civilization and reconciles the rights of the individual with those of the community. If we fail our democracies will be at risk and our children will inherit a decadent society.

Despite the sometimes radical divergences in the solutions advocated there does exist a minimum consensus of opinion between the democratic forces in Europe on the nature of the changes required. A new type of economic growth displaying more respect for the quality of life and the physical and human environment and better able to reconcile economic and social objectives. Growth which is oriented towards highly specialized activities and makes full use of the skills available in Europe, management and organizational capacities in the most advanced and complex fields of human activity; this is our one specific advantage in the international economy: Europe's 'grey gold'. Finally, the development of individual personal responsibility in the social and economic sphere by associating workers with the decision making, the management or profits of undertakings, by greater freedom in the organization of work, by more openness, decentralization and consultation in public administration.

Our peoples wish European Union to embody and promote the development of our society corresponding to their expectations, to provide a new authority to compensate for the reduced power of national structures and to introduce reforms and controls which often cannot be implemented at State level, to give an organic form to the existing solidarity of our economies, our finances and our social life. Europe can and must identify itself with the concerted and better controlled pursuit of the common good with economic resources being reoriented towards the collective interest, a reduction in regional and social inequalities, decentralization and participation in decision making. We will then have created a new type of society, a more democratic Europe with a greater sense of solidarity and humanity.

## 3. A positive solidarity

No-one wants to see a technocratic Europe. European Union must be experienced by the citizen in his daily life. It must make itself felt in education and culture, news and

communications, it must be manifest in the youth of our countries, and in leisure time activities. It must protect the rights of the individual and strengthen democracy through a set of institutions which have legitimacy conferred upon them by the will of our peoples. The image of Europe must be in line with its motivations and opportunities, it must demonstrate to those within and without the solidarity of our peoples and the values of our society. I am convinced that this Europe, a progressive Europe, will lack neither power nor impetus.

## B. European Union

The basic choice made by the Founding Fathers of Europe and embodied in the Treaties of Rome and Paris was to bring about an ever closer union between our peoples. This option is still ours. In the face of the internal and external challenges of our society, felt by the whole of Europe, six countries initially and then nine decided to fight back by joining forces.

The 1972 and 1974 Paris Conferences decided that European Union was the best means of doing this at the present stage of the construction of Europe.

As the aims and nature of European Union are not today clearly understood the first task of our governments is to decide within the European Council what precisely are the scope and consequences of these choices. It is now up to the European Council to decide in which general perspective the joint endeavour will be pursued during the Union phase. The time to enshrine in a legal text all the changes which have been gradually made to the European structure will be when the process of building the Union has acquired its own momentum.

As a result of my consultations in all our countries, I propose that the European Council should define the different components of European Union as follows:

(1) European Union implies that we present a united front to the outside world. We must tend to act in common in all the main fields of our external relations whether in foreign policy, security, economic relations or development aid. Our action is aimed at defending our interests but also at using our collective strength in support of law and justice in world discussions.

(2) European Union recognizes the interdependence of the economic prosperity of our States and accepts the consequences of this: a common economic and monetary policy to manage this prosperity, common policies in the industrial and agricultural sectors and on energy and research to safeguard the future.

(3) European Union requires the solidarity of our peoples to be effective and adequate. Regional policy will correct inequalities in development and counteract the centralizing effects of industrial societies. Social action will mitigate inequalities of income and encourage society to organize itself in a fairer and more humane fashion.

(4) European Union makes itself felt in people's daily lives. It helps to protect their rights and to improve their life style.

(5) In order to achieve these tasks European Union is given institutions with the necessary powers to determine a common, coherent and all-inclusive political view, the efficiency needed for action, the legitimacy needed for democratic control. The principle of the equality



of all our States continues to be respected within the Union by each State's right to participate in political decision making.

(6) Like the Community whose objectives it pursues and whose attainments it protects European Union will be built gradually. So as to restart the construction of Europe straight away and increase its credibility its initial basis is the political commitment of the States to carry out in different fields specific actions selected according to their importance and the chances of success.

The different facets of European Union described above are closely connected. The development of the Union's external relations cannot occur without a parallel development of common policies internally. Neither can be achieved without consolidating the authority and effectiveness of common institutions. In this vast scheme everything goes together and it is the sum of the progress achieved in parallel which constitutes the qualitative change which is European Union. The rest of this report will examine in each of the fields referred to the aim and the first positive actions which need to be and can be taken.

The general framework which I propose should be adopted by the European Council must serve as guidelines for our efforts to build Europe. The will of our States, expressed in this way, is based on the deep-seated motivations of public opinion and can convey to it the guiding light of our common action.

The political consequences of these choices must be carefully assessed. They cannot occur without a transfer of competences to common institutions. They cannot occur without a transfer of resources from prosperous to less prosperous regions. They cannot occur without constraints, freely accepted certainly, but then enforced unreservedly. This is the price of Union. But what price would we pay for inaction? The crumbling away of the Community, voices isolated and often going unheard on the world stage, less and less control over our destiny, an unconvincing Europe without a future.

## II. Europe in the world

Our States' reasons for presenting a united front in world discussions are convincing from an objective point of view: they stem from power relationships and the size of the problems. From a subjective point of view they are felt very strongly by our peoples: our vulnerability and our relative impotence are in the thoughts of everyone. The convergence of these two factors means that external relations are one of the main reasons for building Europe, and make it essential for the European Union to have an external policy.

### A. A single decision-making centre

The examination of our possibilities for action in the world should be based on one obvious fact: the increasing intermeshing of different sectors of international activity.

In the framework described in the preceding chapter the European Union should not only be concerned with foreign policy in the traditional sense, including security aspects, nor solely with tariff and trade policies which are already common policies by virtue of the Treaty of Rome, but also with all external economic relations. The traditional distinctions maintained by diplomatic chancelleries in this field make increasingly less sense in the modern world. Recent developments of international life show that economic, industrial, financial and

commercial questions will all in the future be the subject of negotiations, the significance of which will be highly political. If the European Union did not have the means to cover all aspects of our external relations it would not be equal to its task. The Union must have a comprehensive and coherent outlook, and act accordingly. I propose that the European Council should now decide:

(a) to put an end to the distinction which still exists today between ministerial meetings which deal with political cooperation and those which deal with the subjects covered by the Treaties: in order to decide on a policy the Ministers must be able to consider all aspects of the problems within the Council.

(b) that the institutions of the Union can discuss all problems if they are relevant to European interests and consequently come within the ambit of the Union.

The existence of a single decision-making centre does not mean that there will be confusion between those activities which today are the responsibility of the Community and those which lie in the field of political cooperation. The nature of the problems is not such that they must all be dealt with in the same way. But coherence of activity, which is essential, does require that the different aspects of the often complex problems which the European Union will have to examine be dealt with together, at least at ministerial level, by the same people and in the same place.

With this in mind I propose changing the political commitment of the Member States which is the basis of political cooperation into a legal obligation. A very short protocol taking up paragraph 11 of the Copenhagen Report ought to give competence to the Council and thus clarify the legal framework in which it is to operate.

The development of new policies on the basis of the Treaties does not cause any particular problem: the provisions binding us are clear and there are numerous precedents. The same thing does not apply in fields not covered by the Treaties. The way in which future developments are to take place must be specified here.

## B. Towards a common foreign policy

In those fields of foreign relations not covered by the Treaties the Nine nowadays coordinate their policies, and in recent years this arrangement has been extended and has met with considerable success. Such an arrangement would not, however, be adequate within the framework of the European Union. It explicitly incorporates within its structure the possibility of failure: the pursuit of different policies whenever coordination has not been achieved. The European identity will not be accepted by the outside world so long as the European States appear sometimes united, sometimes disunited.

European Union obviously implies that, within the fields covered by the Union, the European States should always present a united front, otherwise the term would be meaningless. The coordination of policies, which is important during a transitional period, must therefore gradually make way for common policies, which means that within the framework of the European Union, our States must be able together to draw up a policy and to enact it.

Chapter V of this report gives details on the respective roles of the European institutions in the formulation and implementation of a common foreign policy. Here suffice it to say that

the European Council has a vital role to play in stating general policy guidelines based on a global political analysis, without which there can be no common policy. The political decision, which is the application of agreed general policy guidelines to the realities of everyday life, is the responsibility of the Council.

The main difference between the coordination of policies, as practiced at present, and a common external policy, which distinguishes the Union, does not arise from the kind of procedure adopted or the nature of the relevant institution. It lies in the obligation to reach a common point of view. The States will undertake to define the broad guidelines for their policy within the European Council. On this basis, the Council then has the obligation to reach a common decision on specific questions. This obviously means that the minority must rally to the views of the majority at the conclusion of a debate.

In order to provide the necessary impetus to the dynamic process of European Union, our States must now undertake the political commitment to pursue a common foreign policy within a given number of specific fields, selected in relation to their importance and the prospects of practical results. During the gradual evolution of the Union this political commitment will have to be extended to all essential aspects of our external relations.

### C. Immediate positive action

When defining its foreign relations, the European Union must approach both the major world problems and the problems arising in its own regional area. Owing to their basic importance, four problems must be of foremost concern to us:

- a new world economic order;
- relations between Europe and the United States;
- security;
- the crises occurring within Europe's immediate geographical surroundings.

When dealing with such complex problems it is unavoidable that certain decisions should be subject to provisions of the Treaties while others are not. In these cases of joint responsibility, common policies will have to apply concurrently to both the procedures of the Treaties and on the procedure arising from Member States' political commitment mentioned above.

#### 1. A new world economic order

Our external relations with countries of the Third World are, and will continue to be, dominated by the problem of sharing the world's economic resources and, to a lesser extent, by the after-effects of the colonial era. These questions affect our economic relations, our supplies, our development cooperation effort and, finally, the solidarity of mankind and world stability. This is therefore one of those complex situations in which the voice of Europe must make itself heard.

Furthermore, there is every indication that this is a field in which the Nine can and must formulate a common external policy without delay since:

— the main negotiations have not yet really begun;

— they will take place between groups of countries, and, in such circumstances, bilateral diplomatic relations, however close they may be, solve nothing, whereas the EEC has acquired valuable experience through the Yaoundé and Lomé Agreements;

— the divergences of opinions and interests among the Nine, which are unavoidable when dealing with so vast a subject, are not insuperable, as has been shown recently by the common stand adopted at the seventh special session of the UN General Assembly, and in the preparations for the Conference on International Economic Cooperation;

— even without a new political commitment, the respect for Community authority, the requirements of political action and the defence of our common interests, call for a very high degree of cooperation and common action on our part.

The Nine are already making serious efforts to present a united front at major negotiations ahead, and the European Council meeting held in Rome in December 1975 has, in this respect, produced some encouraging results. Our countries have taken the initiative on joint negotiations in the Lomé Agreement, the Euro-Arab dialogue and in Mediterranean policies.

I propose, first, that we should decide:

— that come what may we present a united front at multilateral negotiations relating to a new world economic order, at the various gatherings where these take place, and in the implementation of their conclusions. This means that we shall, in every case, place the primary interest of joint action above our divergent opinions and interests:

— that we shall designate, as the need arises, the delegates responsible for pursuing such policies on our collective behalf.

I propose that decisions should then be taken:

— to strengthen the instrument of our common action by gradually transferring to the Community a substantial part of national appropriations intended for development cooperation (major development projects, food aid, financial aid), and in coordinating the remainder of our activities in this field.

— to complement this approach by adopting a common stand on general political problems which could arise in our relations with the Third World.

If these decisions are taken, we shall de facto be pursuing a common external policy in the essential elements of our relations with the Third World.

## 2. Relations between Europe and the United States

Relations with the United States, who are at one and the same time our allies, our partners and occasionally our competitors, raise problems of vast proportions for the European Union. They are of prime importance in the political field, in defence, in economic affairs, not only on account of the interdependence of United States and European economies, but also because

of the joint responsibility of these two industrial centres for the world economy, a responsibility which the Rambouillet meeting of November 1975 has once again underlined.

The need for Europe to speak with one voice in its relations with the United States is one of the main underlying reasons for the construction of Europe. A constructive dialogue between the European Union, conscious of its identity, and the leading Western political, economic and military power, is necessary without delay. Its usefulness has been recognized by the document on the European Identity adopted at the Conference of Heads of Government at Copenhagen in December 1973. Only in this manner, and in accordance with the development of the Union, shall we be able to establish relations with the United States based on the principle of equality, free of any sense of dependence, which reflects at the same time both what is common in our basic values, interests and responsibilities, and the differences in the destinies of our two regions.

It is doubtful whether the European States can have a strictly identical appreciation of relations between the United States and Europe so long as their respective analyses of the problems of defence are noticeably divergent. This question must however be examined frankly and thoroughly with the object of laying down certain principles and rules determining the content of and procedures for cooperation between Europe and the United States.

In this context I propose that the European Council should take the initiative to delegate one of its members to hold talks with the United States in view of initiating a common reflection of the character and scope of relations between that major power and the European Union.

### 3. Security

By virtue of the Atlantic Alliance we in Europe enjoy a measure of security and stability which has enabled us to undertake the construction of Europe. Since our States recognize the existence of a common destiny, the security of one member necessarily affects the security of others. No foreign policy can disregard threats, whether actual or potential, and the ability to meet them. Security cannot therefore be left outside the scope of the European Union.

On the other hand, the Conference on Security and Cooperation in Europe has shown, if that was necessary, that in matters of security, political, military, economic factors and those affecting human relations, closely overlap.

During the gradual development of the European Union, the Member States will therefore have to solve the problems of maintaining their external security. European Union will not be complete until it has drawn up a common defence policy.

Meanwhile, I note that our States are not really at present in a position to determine the general policy guidelines without which no common defence policy is possible, and are unlikely to be able to do so in the near future. But this does not mean that nothing should be done, and I therefore propose that we should decide:

— regularly to hold exchanges of views on our specific problems in defence matters and on European aspects of multilateral negotiations on security. Exchanges of views of this kind will one day enable Member States to reach a common analysis of defence problems and, meanwhile, to take account of their respective positions in any action they take;

— to cooperate in the manufacture of armaments with a view to reducing defence costs, and increasing European independence and the competitiveness of its industry. The efforts undertaken at present to provide the European countries of the Alliance with an organization for the standardization of armaments, on the basis of joint programmes, will have important consequences for industrial production. This strengthens the need to initiate a common industrial policy on the manufacture of armaments within the framework of the European Union. Setting up a European armaments agency for that purpose must be given consideration.

On the question of détente the Nine have already succeeded, through political cooperation, in outlining joint positions that have enabled them, during the Conference on Security and Cooperation in Europe, to defend identical points of view. This practice must obviously be pursued and generalized. It will also have to include that element of obligation which distinguishes a common policy from mere coordination. It will have to be extended, during the gradual development of the Union, to all the problems which play an important role in the general field of détente, including agreements on economic cooperation and the increase of human contacts.

The development of a détente policy in Europe presupposes that all those with whom we negotiate recognize the European Union as an entity. Our resolve to act together in the field of external relations is a reality in Europe today; it will be even more so in the future and all States, including those which today still hesitate to do so, will then have to recognize that fact.

#### 4. Crises in the European region

The political problems which arise within our immediate geographical surroundings, that is to say in Europe and in the Mediterranean area, have a particular significance for the European Union. The credibility of our undertaking requires that in this field, where our interests are greatest, we should from now on be united, that is to say, that we should accept the constraints imposed by a common policy.

In the last two years, political cooperation has enabled the Nine to adopt common positions on questions such as the crises in the Middle East, Cyprus and Portugal and their political action has often been expressed through the Community. In effect, our States tend to prefer common action. Indeed, the increasing political weight of the Nine, when they are united, and their common interests in lessening potential sources of conflict in their immediate surroundings, tend to induce our countries to act together, and will do so increasingly.

I therefore propose that we decide to make what has been the constant practice in recent years into a general rule, that is to say, to lay down a common policy and to act together within this framework, with the constraints that this entails, wherever important political problems or crises arise in Europe or in the Mediterranean area.

In the strictly political field of external relations the European Union must, independently of the specific situations mentioned above, carry on the kind of cooperation begun in 1970 until the natural evolution of their undertaking leads Member States to accept the more compelling formula of a common policy.

We must assert the European Identity in all international political discussions, as the Nine have been doing with increasing success at the United Nations. We must define our relations with countries belonging to other continents some of which, such as China, Canada and Japan show increasing sympathy for the task of European unification.

In Europe, we must pay particular attention to those European countries which have a democratic system similar to ours. We should establish relations with them which make it possible to take account of their interests and their points of view when formulating the Union's political decisions, and also to obtain their understanding and their support for our actions. The habit of such informal cooperation will, in due course, facilitate the accession of those States wishing to join.

We should give greater joint consideration than in the past to those problems of our external relations which bear upon the European Union in the medium term. I propose that the Ministers for Foreign Affairs should submit suggestions to the European Council on how joint consideration of such problems can be undertaken.

### Conclusion

Our common action with regard to the outside world cannot, obviously, be considered in isolation. In some fields the practical opportunities for progress will depend on parallel progress being made in building the Union's internal structure: as in the case, for example, of monetary and financial questions. The implementation of common policies in our external relations presupposes increased efficiency in the institutional system. These questions are examined elsewhere in this report, and it is the progress of the whole which will enable Union to be achieved.

Subject to that reservation, the proposals set out in this chapter constitute a qualitative change in the nature and intensity of our relations, which is what the Union seeks to achieve.

In order to ensure such a common front and such common action in relation to the outside world, our States will gradually wish to submit the greater part of their external relations problems to a common policy, and they will accept the constraints imposed in consequence. In order to give the necessary new impulse to the dynamic process of Union, they should now take, in a number of selected sectors, certain binding political commitments. During the gradual development of the European Union, these will have to be enshrined in legal obligations which will confirm the qualitative changes which the Union seeks to achieve. In the very important field of our external relations the European Union will then have become a living reality.

### III. European economic and social policies

Since 1969, the Conferences of Heads of Government have affirmed the will to consolidate the Community by establishing an Economic and Monetary Union. It was an important political choice, made by the highest authorities of our States.

However, in recent years the Community has not progressed in this important field, and unless it does so European Union will be meaningless. The adverse international economic and financial circumstances are not the only cause: these could equally well have induced a burst of activity.

As pointed out in the report of the working group chaired by Mr Marjolin, the failure is also the result of two other causes: a failure of political will, and inadequate understanding both of what an Economic and Monetary Union is meant to be and of the conditions necessary for the creation and operation of such a Union.

In the first chapter of this report I emphasized the need to re-establish first of all a political consensus on the scope and consequences of our commitments. With regard to economic and social questions, this consensus relates to:

- a common economic and monetary policy;
- sectoral policies;
- a social policy and a regional policy.

#### A. Economic and monetary policy

##### 1. The present situation

In the course of my consultations in the various countries of the Community, those with whom I spoke everywhere recognized the need for European economic and monetary policy. Everyone agrees that this question is the crux of the internal development of the Union, and that isolated initiatives which may be taken in related fields, such as regional or industrial policy, will be meaningful only if a solution to the central issue is found. On the other hand, up to now no-one has claimed to have found a solution which could be accepted by all our States.

I am not in a position to produce a ready-made solution to problems which have long been studied and discussed, and which must eventually be settled by the European institutions, the more so since these will have more authority to take decisions and further action.

It seems to me that the situation is as follows:

(1) Our States confirmed in 1974 their resolve to attain the objectives they had set themselves at the Paris Conference in 1972, which include a common economic and monetary policy.

(2) Today, however, there is no genuine political consensus to establish this common economic and monetary policy, doubtless because of the absence of adequate mutual confidence to permit the transfer to common institutions of the powers which it is essential to grant them.

(3) There is also no genuine technical consensus on the manner in which a common economic and monetary policy should be achieved. After years of discussions no solution has emerged from the experts' debates.

(4) Added to this indecision there are the known objective economic and financial difficulties both at Community and world level.

(5) The progress which it is possible and necessary to make, on the basis of a new approach to the problem, which I will mention later, falls short of what is required to make, in this field, that qualitative change which distinguishes European Union.



In fact, there is no agreement on how to achieve a common economic and monetary policy, nor is there even any sustained discussion of the subject. And yet this is a basic requirement for achieving a European Union.

In the present state of affairs, no real progress can be expected. This situation cannot persist without causing the credibility of our governments to be questioned when they assert their support for a European Union.

I therefore propose that the European Council should now:

(a) revive discussions within the institutions on the manner in which a common economic and monetary policy can be achieved and its role in the European Union. During this policy discussion no proposals should be set aside a priori.

(b) without waiting for the results of these discussions, instigate positive progress along the road selected in 1969.

In order to revive the discussions and give some indication of how positive progress can be made, I will now examine:

- a new approach to the problems;
- its practical application by the development of the “Snake”;
- the road to follow to make further progress.

## 2. A new approach

It is impossible at the present time to submit a credible programme of action if it is deemed absolutely necessary that in every case all stages should be reached by all the States at the same time. The divergence of their economic and financial situations is such that, were we to insist on this progress would be impossible and Europe would continue to crumble away. It must be possible to allow that:

— within the Community framework of an overall concept of European Union as defined in this report and accepted by the Nine,

— and on the basis of an action programme drawn up in a field decided upon by the common institutions, whose principles are accepted by all,

(1) those States which are able to progress have a duty to forge ahead,

(2) those States which have reasons for not progressing which the Council, on a proposal from the Commission, acknowledges as valid do not do so,

— but will at the same time receive from the other States any aid and assistance that can be given them to enable them to catch the others up.

— and will take part, within the joint institutions, in assessing the results obtained in the field in question.

This does not mean Europe à la carte: each country will be bound by the agreement of all as to the final objective to be achieved in common; it is only the timescales for achievement which vary.

This system which accepts that there should temporarily be a greater degree of integration between certain members is not without analogy in the Community: Article 233 of the Treaty of Rome specifically provides for it in the case of the Benelux countries and the Belgium-Luxembourg Economic Union. The system could, as matters turn out, be of great assistance in enabling the process of development of the Union to regain its momentum, albeit imperfectly.

I therefore propose that the European Council should adopt the following guidelines:

- bearing in mind the objective difficulties of certain States, progress as regards economic and monetary policy may be sought initially between certain States in accordance with the Community practices and the limitations mentioned above:
- the “Community Snake”, nucleus of monetary stability, should be the starting point for this action. The Snake must be consolidated and then be modified in order to extend its action to fields which it does not cover today.

## **6. EUROPEANISATION. THE IMPACT OF EUROPE. WHAT YOU SEE IS WHAT YOU DO NOT GET**

**Thomas Traguth, Bernd Hüttemann**

### **6.1. Europeanisation: The Impact of Europe**

There are many uses of “Europeanisation” in the academic literature. The term is, thus, in much need of theoretical and conceptual definition and refinement before it can be employed more meaningfully in empirical studies. Indeed, it has been argued that “[b]ecause Europeanisation has no single precise or stable meaning, [...] the term is so unwieldy that it is futile to use it as an organising concept.” (Kassim et al., 2000:238, cf. also Olsen, 2002).

Hence, it is useful to develop Europeanisation as a concept establishing a causal relationship between developments of policy or even institutional change occurring at EU level and that within the Member States of the European Union. This will serve to explore, explain and evaluate the change of domestic institutions of governance and politics as a consequence of changes, or more generally, impacts resulting from EU level legal and institutional provisions, specific policies and emerging identities.

#### **6.1.1. What can be Europeanised**

In their seminal contribution on Europeanisation, Börzel and Risse have suggested a three-fold division and level of analysis for the effects of Europeanisation in the Member States: polity, policy and politics (cf. Börzel and Risse, 2003):

The polity encompasses all political, judicial and economic institutions, public administrations as well as intergovernmental and state-society relations, including rather more sociological and constructivist aspects of state traditions and collective identities.

By policy, Börzel and Risse refer to standard instruments of and approaches to problem-solving, as well as discourses, interpretations and narratives framing the policy making process.

The final aspect of politics concerns processes of interest formation, aggregation and representation as derived from existing public discourses.

In a similar vein, Radaelli distinguishes between domestic, cognitive and normative structures as well as the Europeanisation of public policy (cf. Radaelli, 2003).

Domestic structures are subdivided into political structures which include executive, legislative and legal institutions and structures, public administration as well as intergovernmental relations. On the side of representation and cleavages, these domestic structures encompass political parties, pressure groups, and societal cleavages.

By cognitive and normative structures, Radaelli understands interpretations of problems, interests & preferences in negotiations as the objects of Europeanisation pressures. These include discourse, norms & values, political legitimacy, identities, state traditions of governance and policy paradigms, frames and narratives.

In a final point, he argues that public policy generally experiences a stronger influence from Europeanisation, in terms of a discernible effect on actors, policy problems, style – whether it be conflictual, corporatist, pluralist or regulative – as well as on instruments and resources (cf. Radaelli, 2003:37).

Generally, Europeanisation stipulates that relevant domestic arrangements will come under pressure to be rendered compatible or brought into line with specific provisions, conditions and criteria determined at European level. Such adaptational pressure, which can also be understood as governance by hierarchy, “positive” integration or even a form of “coercion“, is expected to hold particularly true for the imposition or prescription of an EU model or template where there is no or only limited domestic flexibility or discretion (cf. Risse et al., 2001).

The idea of adaptational pressure, hence, results from a perceived or real discrepancy between European and national policies, processes and institutions and is a measure of compatibility, or as it has been labeled, “goodness of fit”. Risse et al. observe that wherever such compatibility is low, the resulting adaptational pressure will be high. Conversely, when goodness of fit is high, no change is required and adaptational pressure will be low. In the former case, cases of pronounced national resistance can be observed and thus explained, whereas the latter case may often go unnoticed. Indeed, it is in cases of moderate goodness of fit that the discernible impact through the implementation of EU templates on the national level is potentially the greatest (cf. Risse et al., 2001).

The “goodness of fit“ model does, however, have a number of limitations, particularly in those cases where EU templates do not (vertically) prescribe or foresee any particular institutional model. It is also difficult to identify, where domestic institutions are fragile. In some cases, the very course of European integration has altered beliefs and expectations, a cognitive logic, among domestic actors, thus changing the indicators of change themselves. Conditions of uncertainty, or “bounded rationality“, may render the exact measurement of the potential EU impacts of the EU impossible to establish. This is also true where Europeanisation pressures alter domestic opportunity structures or lead to vast redistribution of power or resources within given domestic structures.

There are softer mechanisms, so-called “soft law”, which may also lead to the change of domestic structures even in the absence of clear provisions. Regulatory competition, for example, such as the concept of negative integration or competitive selection between different regulations may lead to modifications as a result of new pressures within the Single market. Consequently, rather than “top-down” regulation, the Lisbon European Council 2000 understands the process of European integration as a process of „mutual learning“ (European Council, 2000) and encourages change and even convergence through such a softer process of coordination. The Open Method of Coordination (OMC) introduced by the Lisbon European Council reflects this new approach, when it is defined as a means of spreading best practice and achieving convergence towards the EU’s goals through “soft law“, such as timetables, action plans, benchmarking, qualitative and quantitative indicators, monitoring , evaluation , naming and shaming etc...

### **6.1.2. Member State Influences and Conditioning**

The first part predominantly looked at Europeanisation as a top-down process. There is, however, an equally important element of bottom-up influence, i.e. Member State influence on the formation and formulation of EU policy. Member States, in fact, may be able to “condition” EU pressures at the policy development stage in order to soften potential subsequent consequences. The ability to “project” (Bulmer and Burch, 2001) or effectively “upload” (Börzel, 2002; Börzel, 2003) domestic preferences is the key to such conditioning. Such “strategic adaptation” may be realised through coalition-building among different Member States or proactive lobbying and direct contact with the relevant directorates general (cf. Hanf and Soetendorp, 1998). In such a fashion, Member States may be able to reshape initiated legislation in order to modify and influence its subsequent impacts. This reciprocity of influence between both national and European levels establishes “...the causality of Europeanisation and domestic structures [to] run in both directions...” (Risse et al., 2001)

In a further step, the distinctions of such a dual top-down and bottom-up approach are understood to serve a mostly analytical function. At the subsequent stage of implementation, there may also be scope to further “fine-tune” EU requirements so as to better suit Member States’ particular preferences, thus “domesticating” (Wallace, 1999) or “recontextualizing” (Andersen, 2004) these pressures. Drawing on the work of Czarniawska and Sevón (1996), a “translation perspective” has been suggested which starts from the assumption of Member States protecting their strategic interests by interpreting, editing or even translating Europeanisation pressures accordingly (cf. Jacobsson et al., 2003:119–25).

### **6.1.3. Capturing Europeanisation**

It, thus, emerges that Europeanisation should be considered as an inherently political process involving continual interaction and negotiation between the various actors involved. As Wallace notes, “the European policy process has been peculiarly dependent on negotiation as a predominant mode of reaching agreements on policy and of implementing policies once agreed” (Wallace, 1996:32). Following this logic, Europeanisation can be defined in terms of a model of change which captures the circular relationship between the EU and the Member States and, thus understood as continual interaction in an inherently political process which is reciprocal rather than linear and involves ongoing processes of negotiation, arguing and

persuasion, between all actors involved. It also encompasses the subsequent interpretation and implementation of policies.

Radaelli refers to Europeanisation as the processes of construction, diffusion and institutionalisation of formal and informal rules, procedures, policy paradigms, styles and “ways of doing things” shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies (cf. Radaelli, 2003). In his seminal paper, Olsen distinguishes between five different uses of the concept, namely changes in external boundaries, developing institutions at European level, central penetration of national systems of governance, exporting forms of political organization, or simply a political unification project (cf. Olsen, 2002).

#### **6.1.4. How to measure Europeanisation?**

Following from the above layout of Europeanisation dynamics, the degree of adaptational pressure, top-down, is dependent on the extent to which Member State preferences were already accommodated within the EU’s policies, through bottom-up conditioning. However, when attempting to establish or measure results of Europeanisation, it has to be borne in mind that some developments, prominently privatisation of former state monopolies, e.g. telecommunications have been brought about by independently motivated reformulation of domestic policy and may not be a direct and exclusive consequence of Europeanisation impacts — entirely, or at all. Indeed, not all findings of Europeanisation studies may solely be attributed to such EU-induced policy changes.

In those cases that can be, however, the literature usually distinguishes between four different ways of reacting to such pressures (cf. particularly Radaelli, 2003:37).

The first is “retrenchment” in which domestic actors oppose reform and where national policy is becoming somewhat less in line with European templates than was previously the case. This is to say that national policy can change in response to EU level either towards more harmonization or even increased differentiation (cf. Montpetit, 2000).

A second reaction is labeled inertia and describes a lack of change where national and European policy are too dissimilar, or where there exists a great misfit. This is usually followed by a lag, delay, or resistance to change. Consequently, the status quo may prevail until it may become impossible to uphold it, as socio-political and economic costs increase. The result may either be an acute crisis, and subsequently, abrupt change.

As a third option there is absorption, understood as change through adaptation in which resilience meets a degree of flexibility which allows for experiential learning. The result is usually a non-fundamental change in which a “core” of national policy or tradition remains. Absorption is, thus, a form of accommodation of policy requirements without a real and substantial modification in the structural logic.

The final option is one of complete transformation, also labeled paradigmatic change, in which new opportunity structures are created which lead to new rule application and the creation of formal mechanisms and deeper systemic changes. Transformation suggests a real

change of the underlying logics of political processes and behavior as a consequence of Europeanisation pressures.

### **6.1.5. Europeanisation of institutions and administrations**

The effect of the EU on domestic institutions is far-reaching & complex and there are substantial variations in impact across the EU. Empirical observations of Europeanisation, hence, move within a grid of possible outcomes, which is highly influenced by a number of different variables. The attempt at further refining the concept of Europeanisation will thus continue to be inspired by turning to empirical studies studying the impact of EU level developments on domestic governance behaviour as a dependent variable. Studies show differentiated responses and patterns of adaptation through independent variables which explain such changes in domestic behavior. For one, European policy making and also institution-building and are not symmetrically developed across the many policy areas and overlapping institutional spheres. Secondly, domestic structures may be centralized, decentralized or federal and there may be a coalition government or a majoritarian system. Furthermore, governments vary in their approach to reach a position at an early stage in the policy making process comprehensively and in almost all policy areas, or only in selected, sensitive or strategic fields. Not least, the present West-European political order is characterised by long-standing, deeply entrenched and varied institutional histories.

As empirical evidence on the study of national institutions and administrations has shown, “the actual ability of the European level to penetrate national institutions is not perfect, universal or constant. Adaption reflects variations in European pressure as well as domestic motivations and abilities to adapt.” (Olsen, 2002:936).

Hence, there are few general effects that can be observed in the sense that Europeanisation creates a general incentive for MS to make necessary institutional adaptations so as to effectively represent national interest at EU level. It is clear that the growth of EU level institutional capacities and competences requires careful organisation, strategic action, tactical thinking and effective coordination for successful participation in EU institutions and the policy-making process in different settings, such as the Council, in Intergovernmental Conferences, the Council Presidency etc. This is more pronounced also because sectoralisation in the EU is much greater and very different from most national arenas. At the same time, other approaches stress the multitude of private actors from civil society to challenge domestic policies by using the political opportunity structure created in Brussels. That this is not to be reduced in a linear, one-way process is due to the EU’s character as “fluid, ambiguous and hybrid“ (Olsen, 1997:165) which is constantly evolving. In short, the EU is procedurally fragmented, institutionally dense and organisationally complex, with an all but clear separation or division of power, vertically or horizontally.

As a consequence of Europeanisation on the domestic level, we may now expect either convergence, or continuing divergence. The former can be the result of optimisation attempts which copy successful models from other member states through learning and best practice. More simply, certain features of others can simply be copied in a process of mimicry. More forcefully, coercion may require implementing the obligations and pressures emanating from EU rules, top-down. At the same time, there may also be increased effects of socialisation in which shared norms are established and perpetuated through frequent contacts and interaction in a common arena.

However, also divergence has been suggested as a consequence of different institutions interpreting external pressures according to their own “logic of appropriateness“ (March and Olsen, 1984). This point takes preferences as endogenous, determined through sociological factors such as collective learning and processes of socialization, which may perpetuate differences and, thus, continuing divergence. Especially social constructivist approaches in international relations theories (Checkel, 1998; Ruggie, 1998) highlight the role of interaction and deliberation in a process of reshaping and redefining actors’ interests and preferences. It is an example of genuinely norm-oriented behaviour.

More specifically, national executives, for example, face pressures to represent national interest and cogent positions in the policy-making process. Again, the requirements of a complex institutional and procedural setting with many veto players (Tsebelis, 2002) and actors in a growing number of policy fields pose sometimes contradictory demands. All national executives will have to play their role in decision-making, shaping political goals in the legislative process and systemic structures or longer term goals, particularly through Treaty reform. In that, they face constraints imposed by the executive powers of the Commission, but also the co-legislator, European Parliament, in an increasing number of cases, as well as through judicial review by the European Court of Justice.

There are a few similarities between national executives that can be observed and which can be attributed to Europeanisation. All executives, for example have installed additional specialist expertise through permanent representations and for heads of governments through committees, or secretariats coupled with special mechanisms for interdepartmental coordination. It is noticeable that, on the whole, foreign affairs ministries have been losing influence in EU affairs to other national ministries or the Prime Minister, while ministries for European affairs — where they exist at all — are usually not key players. In fact, there are significant differences in the status and responsibilities of EU ministries. In general, personnel policies and choices have experienced a bias towards languages, skills and training relevant for the EU policy arena.

Also national parliaments show some similarities, most notably the phenomenon of “deparliamentarisation“, which is understood as the decline of traditional legislative powers held by national parliaments to the EU legislative bodies. Under the currently valid Treaty of Nice, it is true that national Parliaments are playing only an indirect role in the EU’s policy process.

As for national courts, a number of general similarities can be pointed out. They increasingly act as an apex of the European Court of Justice by making sure that national legal systems are rendered compatible with EU law — particularly through preliminary rulings — and that all actions are in conformity with EU law. The most profound effect on national legal systems has probably been the role of lower national courts which have been strengthened vis-à-vis higher national courts in a general process of extending the sphere of legal influence through EU competences in a growing number of issues, a phenomenon attributed to a strategic behavior of “judicial activism” (cf. Stone-Sweet, 2000). According to the argumentation of such a transformation thesis, the ECJ has over time carved out community law as an autonomous legal system.



### 6.1.6. Europeanisation of Public Policy

A peculiar feature of the EU policy process is its unusual openness in terms of its policy fields, rules of conduct and alliances with varying procedures and changing constellations of actors in almost every policy area. In terms of policy change, we can distinguish between an understanding of Europeanisation as a process of institutionalization, where the emergence of new rules of the game will structure the policy processes at the European level and the domestic level. Alternatively, we can understand it in ideational terms, where “collective understandings and intersubjective meaning structures strongly influence the way actors define their goals and what they perceive as rational action.” (Börzel and Risse, 2003:70). As opposed to the norm-driven behavior of “appropriateness” above, this line of reasoning can be coined in the concept of consequentialism, whereby actors act in a calculating, strategic fashion, following a rational choice perspective as utility maximizing agents, with exogenous preferences and strategies. It is a form of instrumental behavior in which self-interested goals are pursued.

Depending on the assumption one holds, the focus will lie on different channels on all aspects within the policy process: actors, policy instruments and style (e.g. pluralist, corporatist, conflictual, regulative etc.), interpretation, translation and editing of policies as well as the allocation of resources. There are a number of ways in which such policy change can occur, namely through “positive integration” in the shape of market correcting rules (e.g. environmental policies, social policy, EMU, CAP) by downloading EU templates, following rule application in a hierarchy of norms (vertical top-down). Alternatively, through negotiation EU policy is formed by uploading national preferences in processes of conditioning (vertical bottom-up). Also, in a horizontal mechanism, negative integration provides but a foundation of market making rules and ensures a removal of barriers (e.g. common market in goods and services, utilities, corporate governance) and thus encourages regulatory competition and competitive selection in the absence of overriding EU templates. Equally, coordination, or the Open Method of Coordination (e.g. employment, pensions, enterprise policy, CFSP, etc.) together with their instruments of “experiential learning” and „best practice“, or simply market choices of good governance fall into this category of horizontal Europeanisation. As opposed to top-down pressures to conform in a system of hierarchical regulation and adaptational pressures, these horizontal mechanisms are sometimes described as metabolizing policy, rather than defining it, and take place through discourse within which cognitive and normative framing leads to a subsequent impact on policy choices.

The effects of Europeanisation pressures on domestic policies are thus differentiated, in that they tend to be fragmented, where there is no, shared or coordinating competence at the EU level, and where processes are those of learning and use of the open method of coordination. Health care policy or employment serve as good examples.

Regulatory competition through negative integration as described above through the negotiation of minimum standards tend to show slightly stronger effects and are usually found in areas of the Single Market in need of a degree of harmonization.

The strongest impact of Europeanisation on policy, thus, remain in those areas of exclusive competence, where positive integration and hierarchical norms can sometimes lead to quasi coercive impacts from EU level policy templates. The “goodness of fit” model is then one, which can grasp and attempt to explain possible outcomes according to the criteria set out above.

In short, given these considerations, Europeanisation is best explored in a number of concrete examples and case studies and in order to describe the complicated term Europeanisation (Jones, 2007:68) it might be useful to scrutinise some practical examples.

## **6.2. Europeanisation or What-you-See-Is-What-You-Do-Not-Get**

European integration implies a high level of complexity in which apparently an invisible “‘Europeanised’ life world” (Brand and Niemann, 2005) affects the citizens. Europeanisation is not always recognisable. Indeed, the lack of a visible European public space might be a reason for the opaque nature of the EU’s decision making process. One assumption can be that the existing national public debates are not able to counter balance the deficit in the EU’s transparency.

Three examples shall be analyzed: the regulation “nutrition and health claims made on foods”, the “anti tobacco advertising” directive, and the opening of member states armies for women. A special focus will be given to the role of interest groups in this process.

### **6.2.1. Nutrition and health claims made on foods**

On 16 July 2003, the European Commission published a proposal for a regulation for nutrition and health claims made on food in advertising.<sup>25</sup> One background of this proposal was an international guideline, which specified that food cannot be described or presented in a misleading manner and that corresponding advertising should justify the claim made. Nutrition claims (e.g. “low in fat”) and health claims (e.g. “good for your body”) should be prohibited. The Commission stated: “The existing EU rules on labelling and nutrition labelling, which do not define conditions for the use of nutrition claims and do not allow health claims to be made, are often not properly enforced.”<sup>26</sup> Its main argument was the effective functioning of the internal market, which also gave the legal justification for the proposal. The new regulation was planned to be enforced by 2005. The Commission used its strongest legal instrument: regulations. They are based on article 249 of the Treaty establishing the European Community (TEC) and become immediately enforceable as law in all member states simultaneously. The Commission’s monopoly power of legislative initiative still leaves Council and European Parliament with the main legislative power. On 21 April 2005, the European Parliament Committee on Environment, Public Health and Food Safety delivered its opinion mainly underlining the need to delete regulation Article 4 (restrictions on the use of nutrition and health claims). On 25 May 2005, the plenary voted in favour of this report. On 2-3 June 2005, the Council in its 2663<sup>rd</sup> meeting (formation Employment, Social Policy, Health and Consumer Affairs) reached a common position on the issue and rejected Parliament’s Article 4 amendments – consequently backing the Commission’s initial proposal. On 16 May 2006, the European Parliament in its second reading voted to back the Commission’s compromise proposal. Finally on 12 Oct 2006, the Council adopted the regulation. The regulation was published in the Official Journal of the EU on 18 Jan 2007, the new rules entered into force on 1 July 2007, so only one year later than the Commission had

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<sup>25</sup> Proposal: COM(2003) 424 final [http://europa.eu/eur-lex/en/com/pdf/2003/com2003\\_0424en01.pdf](http://europa.eu/eur-lex/en/com/pdf/2003/com2003_0424en01.pdf).

<sup>26</sup> IP/03/1022 <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/03/1022&format=PDF&aged=1&language=EN&guiLanguage=en>

planned, the revised regulation became enforceable.<sup>27</sup> From that day, producers launching new products had to get approval by the European Food Safety Authority (EFSA).

In this “health case”, national governments internally involved different ministries. Most of these member states’ representatives were coordinated by the respective EU coordinators in their ministries, carefully prepared by the relevant departments. However, the decision-making process (co-decision with the European Parliament) and the involvement of differently organised ministries make it extremely difficult for the public to follow national positions.

The driving forces behind the health claims had been associations organised mainly in BEUC, the European Consumer’s association. BEUC organised itself already in the 1960ies and set-up a strong cross-border lobbying network. It supported from the beginning the Europeanisation of health care and European provisions on Health with direct effect on Union citizens. BEUC’s lobbying and reports from the World Health Organization<sup>28</sup> comfort DG SANCO of the European Commission to draft a first proposal for regulation. Already in January 2003 the Commission sent a letter to the main stakeholders. 90 answers showed a great interest in the issue.<sup>29</sup> The following lobbying was extremely extensive, especially due to the powerful role of European Parliament. Members of Parliament were not only pressured by colleagues and interest groups but also by national governments, via national party connections.<sup>30</sup>

However, the overall Europeanisation of political actors took mainly place in the Brussels environment. National interest groups and national governments mainly used existing supra-national structures of the EU. Discussions on a national level remained fragmented and only sporadically linked to the European process.

### **6.2.2. Banning tobacco advertising**

Already since 1998 there exists directive (98/43/EC) relating to the advertising and sponsorship of tobacco products. However, the Court of Justice, on 5 October 2000, annulled this directive ruling that some of its requirements were not in line with the Treaties as the legal basis for its adoption. As a reason, the Court underlined the responsibility of the Member States in this issue. Nevertheless, the Commission continued its argumentation that Member States’ laws, regulations and administrative provisions on advertising and sponsorship of tobacco products cause increasing barriers to the free movement of the products or services. The Commission’s main argument was to eliminate the risks of distorting competition in the internal market. But the health argument remained: “Tobacco is responsible for more than 500 000 deaths in the European Community every year.”<sup>31</sup> In general terms, the advertising of tobacco products was to be prohibited in the print media (newspapers and other publications),

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<sup>27</sup> Procedure file of the European Parliament: <http://www.europarl.europa.eu/oeil/file.jsp?id=235102>

<sup>28</sup> E.g. WHO 2004.

<sup>29</sup> [http://ec.europa.eu/food/food/labellingnutrition/claims/index\\_en.htm](http://ec.europa.eu/food/food/labellingnutrition/claims/index_en.htm)

<sup>30</sup> Cf. mainly Die Zeit, Dossier - Duell in Brüssel, 27/2005.

<sup>31</sup> <http://europa.eu/scadplus/leg/en/cha/c11571.htm>

information society services and radio broadcasting. In 2003, European Parliament and the Council decided on directive 2003/33/EC.<sup>32</sup>

In September 2003, Germany sought to annul Articles 3 and 4 of directive 2003/33/EC.<sup>33</sup> It was not clear at the time that the new directive did not follow the obligations imposed by the Court's decision of 2000. Luxembourg gave clear guidance, which Council and European Parliament respected. The main driving force behind Germany's decision to take court action was the interest group "Verband der Cigarettenindustrie" (VdC). The association intensively lobbied the German government. However, from the beginning there was well-founded speculation that the Court of Justice would not stop the directive a second time. Therefore, the aim was not to prevent the law but to gain time. Allies of the VdC were mainly the packaging industry and the German print media publishers. One third of the income of German print media had its source in tobacco advertisement. At the Court, the Council — together with European Parliament — defended its majority decision against Germany with explicit support by the Member States Spain, Finland and France. The main actor in the German government was the Federal Ministry of Finance, which took over the coordination of issues related to the common market from the ministry of economics. It remained a matter of interest why the German government appeared to have followed the advice of the cigarette industry. Strangely, the German social democrat/green government coalition copied the argumentation of the previous Christian-democratic/liberal government, which had started the process in 2000<sup>34</sup>. Why did the Health Ministry not accomplish its anti-tobacco policy? The health care politicians speculated that it was just a matter of time before they would reach their aims. At the same time, the opposing side did not stop lobbying while the government went to Court. Especially print media opened headlines against the "dictatorship of EU-bureaucrats"<sup>35</sup>. Although the directive was backed by the majority of governments and European Parliament, the Commission was the main target to be attacked. The assumed overregulation by bureaucrats became the main argument in a battlefield dominated by print media. The consequence was that the directive took effect only July 2005. In total, the tobacco and media industry won 5 years. It remains that health care lobbyists won in the end. Tobacco advertising is now banned. But the health care policy itself was hardly discussed in a national context. What overshadowed the discussion was the impression how badly EU bureaucracy appeared to affect (not only German) citizens.

Not the very content of Europeanisation was the focus, but Europeanisation as such. This effect was intended by the Federal Government, including "collateral damage" on the European integration process.

But the long lasting Europe-wide discussion of the "Tobacco Advertisement Directive" had another effect. More or less all national governments in Europe have introduced bills to ban smoking in restaurants and even pubs. A European public space forced national governments to Europeanise their proper national or even regional competence.

### **6.2.3. Access by women to military posts**

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<sup>32</sup> Cf. [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l\\_152/l\\_15220030620en00160019.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2003/l_152/l_15220030620en00160019.pdf)

<sup>33</sup> Case C-380/03; Further readings: Riegner 2007.

<sup>34</sup> Case C-376/98

<sup>35</sup> Eg. Der Spiegel. Die Diktatur der Bürokraten, 23/2005.

Already in 1957, according to article 141 of the TEC, the principle of equality between men and women was enshrined in the European Communities. Since 1975, a series of directives has broadened the principle to cover access to employment, training and promotion, the aim being to eliminate all forms of discrimination at work, and later in social security, statutory schemes and occupational schemes. Council directive 79/7/EEC of 19 December 1978 for example, dealt with the “progressive implementation of the principle of equal treatment for men and women in matters of social security”<sup>36</sup> Gender policy was especially developed by extensive case law by the European Court of Justice. Since the Treaty of Amsterdam, article 2 TEC provides that promotion of equality between men and women is a task of the European Community. Article 141 shall give “equal opportunities and equal treatment of men and women in matters of employment and occupation.”

In 1999, Mrs Tanja Kreil, a German electrician, aimed to achieve a position in the maintenance (weapon electronics) branch of the German army (Bundeswehr) but was rejected. The Federal Republic of Germany did not provide the service of female soldiers in its army – referring to art. 12a of its Basic law: “(1) Men who have attained the age of eighteen years may be required to serve in the Armed Forces [...]” Tanja Kreil went to the Administrative Court of Hanover, Lower Saxony/Germany which referred a point of law to the European Court of Justice for a preliminary ruling under the former Art. 177 TEC.<sup>37</sup> Basically the Hanover court asked for the interpretation of Council Directive 76/207/EEC of 9 February 1976. On 11 January 2000, the European Court of Justice decided the case Tanja Kreil versus Bundesrepublik Deutschland and essentially forced Germany to open the gates of its army for female professional soldiers.<sup>38</sup>

Consequently Germany was asked to modify her constitution accordingly. In March 2000, a panel of experts at the Committee on Family Affairs, Senior Citizens, Women and Youth still did not see a need for this change.<sup>39</sup> But in November 2000, the Committee on Legal Affairs agreed to pass the draft law to the plenary stating the voluntary army service for women.<sup>40</sup> 512 Members of Parliament voted in favour, only 5 voted against, with 26 abstentions. From 22 December 2000 onwards, the Constitution allowed German women to be part of the professional army service.<sup>41</sup> 244 of the first 1,900 women who signed up following the law change were admitted on the first day of the new rules, the majority of them joining the army and air force.<sup>42</sup> The German army expects the percentage of all female personnel to rise to about 15 percent in the middle-term future.<sup>43</sup>

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<sup>36</sup> Cf. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31979L0007:EN:HTML>

<sup>37</sup> Now Art. 234 TEC

<sup>38</sup> Case C-285/98 - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:61998J0285:EN:HTML>

<sup>39</sup> Deutscher Bundestag - Blickpunkt 02/2000: Grundgesetz muss für Waffendienst von Frauen nicht geändert werden <http://www.bundestag.de/bp/2000/bp0002/0002048.html>

<sup>40</sup> <http://dip.bundestag.de/btd/14/043/1404380.pdf> - Gesetz zur Änderung des Grundgesetzes (Art.12a GG) vom 19. Dezember 2000 (BGBl. I S. 1755): <http://217.160.60.235/BGBl/bgb11f/b100056f.pdf>

<sup>41</sup> Raap, Christian: Änderungen im Wehrrecht in: Neue Zeitschrift für Verwaltungsrecht (NVwZ) 2002, S. 959ff.

<sup>42</sup> <http://news.bbc.co.uk/2/hi/europe/1097492.stm>

<sup>43</sup> [http://www.bundeswehr.de/portal/a/bwde/streitkraefte/grundlagen/frauen\\_in\\_der\\_bw](http://www.bundeswehr.de/portal/a/bwde/streitkraefte/grundlagen/frauen_in_der_bw)

While it may appear simple and easy — a court decision forces the legislator to change the law — a closer look at the driving forces reveals the real character of the case. Already since the 80ies the German soldiers' trade union *Deutscher BundeswehrVerband* had lobbied for the right of women to enter the army — without success. The hurdle to change the constitution was simply too high. Only the Liberals were allies with just under a tenth of MPs in German parliament. The soldiers' association decided to limit its classical national lobbying and tried to find claimants in order to initiate a test case in a court of law. After many other unsuccessful proceedings the *BundeswehrVerband* found a way of cooperating with Tanja Kreil, with her lawyer financed by the association. The main obstacles for the lobbyist were the regional administrative courts. In the end, only the court in Hanover opened the way to Luxembourg.

The German national public hardly followed and discussed the political process. Although the *BundeswehrVerband* explained at length its strategy to the national public in a press conference after the change of constitution only the ECJ ruling remained in the collective memory of citizens and even MPs - not the active use of European law by a national interest group.

#### **6.2.4. WYSIWY-dn-G or some conclusions**

“What-you-see-is-what-you-get” or “WYSIWYG” is denoting “the representation of text on-screen in a form exactly corresponding to its appearance on a printout”<sup>44</sup>. Europeanisation is not working by the same logic. Why is the outcome not easily to be connected to the “making of” European politics?

National governments create the strongest legislative body in the Council of the European Union. Throughout the comitology system with its working-groups, member states become more than just the “Masters of the Treaties”. However, national actors are not a monolithic block. Their interests are not the only parameters in the process. Due to the system of Council configurations on policy fields and corresponding diverse responsibilities for ministries within national administrations, ministries act mainly according to their own portfolios and motivations. Especially in the (pre-)legislative process, an overview on different national actors is hardly possible. Coordination of national EU politics is, therefore, a key task of national governments. But this is covering particular policy processes.

The understanding of the institutional actors in the three cases might be complex, but it is following the legal mechanisms of the European Union.

One player is easily neglected when it comes to understanding the Europeanisation processes: interest groups. They started their European activities with “diplomatic lobbying”, as the European Economic Community was mainly constituted by the High Authority/Commission and the Council. The real meaning of lobbying “at the Parliament” began with rise of power of the European Parliament, for the first time directly elected 1979.<sup>45</sup>

The Single European Act 1986 introduced not only more legislative power to the European Communities; it enlarged also the co-decision making with qualified majority voting in the

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<sup>44</sup> Compact Oxford English Dictionary: WYSIWYG. Oxford University Press

<sup>45</sup> “Lobbying” as a term was first mentioned in the framework of the House of Commons in the Kingdom of Great Britain in the 18<sup>th</sup> Century.

Council and the involvement of European Parliament. Especially the introduction of Common Market legislation gave more space and need for lobbying, the different waves of enlargement included more possible lobbyists from the new member states but also in the new member states. Today, interest groups are largely acting in Brussels. In over 2600 offices, over 15.000 lobbyists are acting as trade unions, commercial consultants, companies, NGOs and national business labour associations, regional representations and international organisations and think tanks.<sup>46</sup> “However, the Council of Ministers and its administrative machinery, the Committee of Permanent Representatives and the Council Working Groups, are rarely lobbied in Brussels.” (Eising, 2005:8)

With the Brussels “scene” in focus (Kaiser, 2008:293), one can easily underestimate lobbying towards EU actors on the national level (Quittkat, 2004:14). Also the Transparency Initiative of the European Commission simply concentrates on lobbying in Brussels, although 27 national governments are easily influenced by national lobbyists — without transparency.

It is often claimed that a common European public space does not exist, which makes it “difficult for civil society to influence European policy making by discourses” (Smismans, 2006:213). Although the “Health case” shows the effectiveness of Brussels lobbying, a real public space is indeed not yet in sight. On the other hand, the “tobacco case” shows that limited legislative acts in the European space can cause a Europe-wide public debate which forces national governments to change and adapt national laws as a consequence. Still, a “hidden Europeanisation” by social movements is not yet sufficiently researched (Neidhard, 2006:35).

The “tobacco” and the “military case” show how much national groups can use European institutions for their own interest. While in the first case, the German angst of a “regulation frenzy” by Brussels bureaucrats gave national lobbyist time for maintaining their own business; in the military case, they used the opportunities presented by Europeanisation as a promising path to implementing change in an otherwise trapped situation.

Europeanisation is often taking place without or outside a national public space — and the European public space exists without national consideration. However, European integration is taking place. What-you-see-is-not-always-what-you-get.

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<sup>46</sup> European Parliament, Directorate-General for Research Working paper: Lobbying in the European Union: current rules and practices AFCE 104 EN Brussels [http://ec.europa.eu/civil\\_society/interest\\_groups/docs/workingdocparl.pdf](http://ec.europa.eu/civil_society/interest_groups/docs/workingdocparl.pdf); see also Transparency Initiative: [http://ec.europa.eu/commission\\_barroso/kallas/transparency\\_en.htm#4](http://ec.europa.eu/commission_barroso/kallas/transparency_en.htm#4)

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