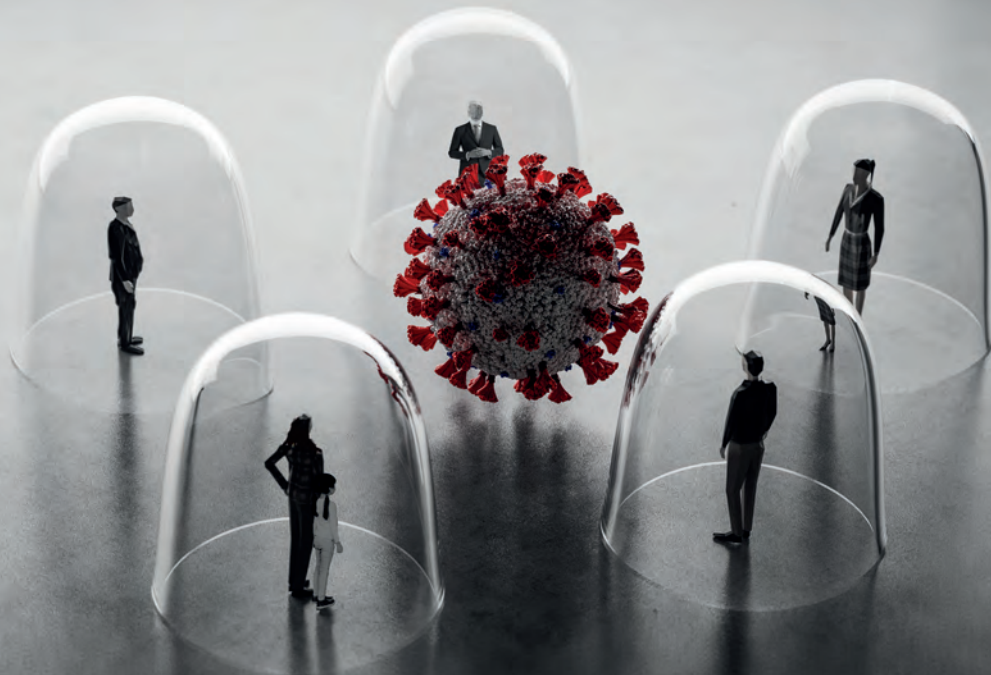


Anna Moskal · Aleksandra Sobarnia
Szymon Pazera · Zuzanna Kopania

THE EUROPEAN UNION IN LIGHT OF THE COVID-19 PANDEMIC —

A FAILURE OF EUROPEAN INTEGRATION OR
A CHANCE FOR CLOSER COOPERATION AMONG MEMBER STATES?



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Cracow 2021

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ALEKSANDRA SOBARNIA

I. The Historical Development of European Integration

1. Early Post-War Period

According to the Oxford Dictionary, “*integration*” is defined as *the act or process of combining two or more things so that they work together*.¹⁵ European integration is a broad and somewhat ambiguous notion alluding to the cooperation between European countries. In the academic and political discourses, this term is used in reference to the integration of the Member States of the European Union. Even though European integration has been also deepening on non-EU forums such as the Council of Europe, there are no doubts that it is the EU that constitutes the main core of European integration. In fact, the EU is frequently praised for building an unprecedented level of integration between states, unspotted between any other countries in the world. Even though it started as a purely economic project between six states, it quickly developed to an intense and far-reaching cooperation in multiple areas. This was achieved thanks to EU’s successful enlargement strategy, inclusive, balanced policies, as well as common values which include human dignity, freedom, equality, and democracy. Examining the initial motifs of the European cooperation and its complex history is necessary to fully understand the nature of European integration and to identify its main achievements and current challenges.

The origin of the concept of European continental unity dates back to medieval times;¹⁶ however, a real breakthrough in building cooperation between the European countries was reached in the middle of XX century. Indubitably, one of

¹⁵ “Integration,” Oxford Dictionary, at <<https://www.oxfordlearnersdictionaries.com/definition/academic/integration?q=integration>>, 20 June 2021.

¹⁶ J.D. Wright (ed.), *International Encyclopaedia of the Social & Behavioural Sciences*, 2nd ed., London 2015, pp. 570–576.

the most meaningful and thought-provoking events in XX century was the First World War, also known as the Great War. It demonstrated that an expectation that states will keep their political declarations of maintaining peace in compliance with a set of moral ethical values cannot be taken as granted. Constant fear of a new war, especially as devastating as the previous Great War, pushed European heads of state to take actions to prevent such a catastrophe in the future. This intention led to the idea of establishing an intergovernmental organisation which would solidify countries' solidarity and help maintain world peace.

The first world intergovernmental organisation which was created to prevent another global conflict like the Great War and promote international cooperation was the League of Nations (hereinafter: LN). It was founded on 10 January 1920 at the end of the Paris Peace Conference which inaugurated the international settlement after the First World War.¹⁷ The LN was headquartered in Geneva in Switzerland, and it was specifically established to prevent wars through collective security and disarmament and settling international disputes through negotiation and arbitration.¹⁸ Hence, the LN could be described as a forum for handling international disputes before states might want to decide to resolve them through military actions. However, the LN did not live up to these expectations and failed miserably in its primary purpose to prevent any potential war. The organisation suffered from severe internal conflicts which eventually led to its demise. Although the LN was created to represent all countries, some of them have never even joined the organization. Often, the exclusion of USSR and Germany from the decision making process was particularly noticeable and was frequently questioned.¹⁹ Moreover, the LN was mainly preoccupied with the European continent, and tended to dismiss conflicts on other continents. For instance, the LN did not effectively react to Japan's invasion of Chinese Manchuria in 1931. The lack of effective intervention from the LN showed that the organisation is too self-centred to prevent any future war.²⁰ In fact, the lack of any LN's interventions in several disputes, namely the Italian invasion of Abyssinia in October 1935, the Spanish Civil War (1936–1939), and the Second Sino-Japanese War (1937–1945), eventually led up to the Second World War.²¹

The Second World War began on 1 September 1939 and ended on 2 September 1945. The European countries had never before experienced such horrifying and distressful events that shook their entire existence.²² In the aftermath of six

¹⁷ R.B. Henig, *Makers of the Modern World. The Peace Conferences of 1919–1923 and Their Aftermath*, London 2010, pp. 20–34.

¹⁸ P. Clavin, *Securing the World Economy: The Reinvention of the League of Nations, 1920–1946*, Oxford 2013, pp. 12–16.

¹⁹ N. MacQueen, *The United Nations, Peace Operations and the Cold War*, 2nd ed., London 2012, p. 6.

²⁰ *Ibid.*, pp. 1–7.

²¹ *Ibid.*, pp. 6–7.

²² L. Kühnhardt, *European Union-The Second Founding: The Changing Rationale of European Integration*, Baden-Baden 2008, pp. 368–371.

years of the most tragic war experiences, European leaders were very determined to develop new forms of solidarity which this time would effectively prevent further bloodshed and introduce a new political order guaranteeing the security of nations and the safety of its citizens. This noble cause was particularly important in Europe divided into two parts: the closed, communistic East and united, democratic West.²³ Ironically, both world wars occurred to be a driving force of European integration. European countries have always been divided by their different cultures, languages and histories which made continental unity difficult to maintain for a longer time. To make it worse, national interests of European states were frequently conflicted and incoherent. It was not until the end of the Second World War and a looming threat of communism that they have finally achieved a reliable and clear resolution that they have to act in unity and with determination in order to maintain independence and peace.²⁴

The Cold War (which had a character of nuclear arms race, but also of political and economic transformations) between the United States of America (hereinafter: the USA) and the Union of Soviet Socialist Republics (hereinafter: the USSR, Soviet Union), created a bipolar division of the world.²⁵ The European continent was a main area for these two competing global actors to establish their worldwide dominance. The beginning of the Cold War in 1947 defined the history of European solidarity.²⁶ In the same year, the Truman Doctrine was introduced in the USA, providing for financial aid to all the countries that needed it. Henry Truman, the author of this doctrine and the President of the USA believed that the only way to *contain* communism from spreading was to help financially every country that required it.²⁷ It was also a clear answer to the growing influence of the Soviet Union in the world.²⁸ The US feared that European countries, devastated by war and struggling with economic crisis, were more prone to become victims of communism. Therefore, the USA transferred over 13 billion dollars in economic recovery programs to Western European countries as part of the Marshall Plan. It is worth highlighting that the fund was available to every European country, including the USSR, although neither the Soviet Union nor other communistic countries took advantage of it. In 1948, the Organisation for European Economic

²³ M. Greta, J. Kowalski, E. Tomczak-Woźniak, *Doktryny Zjednoczeniowe Ojców Europy drogą do pogłębionej integracji (smart specialisation). Wielkie nazwiska – wielkie marki. Watykan o zjednoczonej Europie*, Łódź 2016, p. 11, at <<http://hdl.handle.net/11652/1474>>, 20 June 2021.

²⁴ D. Dinan, *Europe Recast: A History of European Union*, Boulder 2014, pp. 24–30.

²⁵ W.A. Pelz, *A People's History of Modern Europe*, London 2016, pp. 171–174.

²⁶ *Ibid.*, pp. 171–172.

²⁷ *Transcript of Truman Doctrine*, 1947, at <<https://www.ourdocuments.gov/doc.php?flash=false&doc=81&page=transcript>>, 20 June 2021.

²⁸ D. Reynolds, “Probing the Cold War Narrative since 1945: The Case of Western Europe,” in: K.H. Jarausch, C.F. Ostermann, A. Etges (eds.), *The Cold War Historiography, Memory, Representation*, Berlin 2017, pp. 67–71.

Cooperation (hereinafter: OEEC) was created in order to, among other things, control the allocation of funds under the Marshall Plan.²⁹

The future of the European unity was discussed during the Congress of Europe (also known as the Hague Congress) which was held in Hague from 7 to 11 May 1948. Almost 800 representatives from European countries were debating which course European solidarity should take – confederalism or federalism.³⁰ The Congress resulted in establishing the Council of Europe in 1949. It is a prominent international organisation which still exists today, and consists of 47 member states. The organisation aims to promote human rights, democracy and rule of law in Europe.³¹ In 1950, the Council of Europe drafted the European Convention for the Protection of Human Rights and Fundamental Freedoms (popularly known as the European Convention on Human Rights, ECHR). The convention entered into force on 3 September 1953. All member states of the Council of Europe are party to the Convention and all new members are expected to ratify it. The ECHR, which is one of the most significant international treaties regarding human rights protection, constitutes to be the foundation of the European unity.³²

2. The European Communities

Just like functionalists had envisioned, the European solidarity in the 1950s took a form of economic cooperation between the countries. Perhaps the most prominent figure in the history of the European integration was Robert Schuman, a brilliant French statesman and lawyer, who is commonly known as the “architect of the European integration project”.³³ He held a position of the French Prime Minister from 1947 to 1948, Foreign Minister from 1948 to 1952, and Minister of Justice from 1955 to 56.³⁴ He is best known for his famous plan for European supranational cooperation which he presented in the so-called the Schuman Declaration on 9 May 1950. However, it shall be noted that this idea was originally conceived by the French political and economic adviser Jean Monnet.³⁵ The Schuman Declaration gave a political impulse and prompted creation of the European Communities.

²⁹ L. Guzzetti, *A Brief History of European Union Research Policy*, Brussels 1995, pp. 1–2.

³⁰ Congress of Europe, *Political Resolution of the Hague Congress (7–10 May 1948)*, London–Paris 1948, pp. 5–7, at <https://www.cvce.eu/en/obj/political_resolution_of_the_hague_congress_7_10_may_1948-en-15869906-97dd-4c54-ad85-a19f2115728b.html>, 20 June 2021.

³¹ Council of Europe, *The Council of Europe and the European Union: different roles, shared values*, at <<https://www.coe.int/en/web/portal/european-union>>, 20 June 2021.

³² N. Bamforth, “European Union Law, the European Convention, and Human Rights,” in: *International Practice Section*, 2010, pp. 38–41, at <https://www.vsb.org/docs/valawyer magazine/vl0210_EU-law.pdf>, 20 June 2021.

³³ R. Domingo, “Robert Schuman: Architect of the European Union,” in: O. Descamps, R. Domingo (eds.), *Great Christian Jurists in French History*, Cambridge 2018, p. 15.

³⁴ *Ibid.*, pp. 6–8.

³⁵ K. de Souza Silva, “Pedagogy of Peace: The Contribution of Jean Monnet to the Construction of the European Union,” *Jean Monnet/Robert Schuman Paper Series*, vol. 9, no. 5 (2009), p. 3.

The first step of the European integrity was the establishment of the European Coal and Steel Community (hereinafter: ECSC), resulting from signing the Treaty of Paris by the “Inner Six”³⁶ Member States on 18 April 1951. The Treaty of Paris established a common market for coal and steel for the Inner Six not only to increase production, but also to enable France and West Germany to use them in military manufacturing. This prevented both countries from waging a war on one another. In order to understand this potential conflict, a brief look at the history of Ruhr Valley and the Saarland is necessary.

The Ruhr Valley and the Saarland are territories that were a principal cause for numerous conflicts between Germany and France over centuries. Both regions are extremely rich in coal and iron, and hence, were the main steel production centres in Europe. After the Second World War, both regions were either separated from Germany or put under international protection. Neither of them was fully independent. Both Germans and French believed that they had a primary claim to these territories. During the post-war economic crisis in both countries, these regions could be vital in boosting economy in the devastated states. Schuman and Monnet noticed this potential conflict in time and proposed placing French and West German production of coal and steel under a single authority that would later be opened to other European countries.³⁷ Establishing the ECSC helped to relax strained relation between France and West Germany and successfully discourage them from military manufacturing. Although originally it seemed unfavourable for West Germany, the signing of the Treaty of Paris subsequently led to reconciliation and forming an alliance between the two countries. On 22 January 1963, France and West Germany signed the Élysée Treaty which ended decades of enmities between them.³⁸

The Treaty of Paris was created in order to achieve and maintain perpetual peace amongst the European countries. The idea was that by sharing one goal, states were more eager to contribute than to wage war on each other.³⁹ There were four institutions that supervised the ECSC. The High Authority consisted of nine independent members,⁴⁰ the Common Assembly composed of representatives, chosen by their national parliament,⁴¹ the Special Council consisted of ministers

³⁶ The term “Inner Six” (or original six) refers to all founding members, namely France, West Germany, Italy, Belgium, Luxembourg, and the Netherlands.

³⁷ B. Maśter, *Teorie i koncepcje zjednoczeniowe Unii Europejskiej w założeniach programowych oraz w praktyce polskiej polityki integracyjnej*, Katowice 2014, pp. 88–93.

³⁸ Atlantic Council, *Text of the Élysée Treaty (Joint Declaration of Franco-German Friendship*, at <<https://www.atlanticcouncil.org/blogs/natosource/text-of-the-elysee-treaty-joint-declaration-of-francogerman-friendship/>>, 20 June 2021.

³⁹ *Treaty Establishing European Coal And Steel Community and Annexes I–I-II*, Paris, 18 April 1951, p. 3, at <<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:11951K:EN:PDF>>, 20 June 2021.

⁴⁰ *Ibid.*, Article 9, p. 15.

⁴¹ *Ibid.*, Article 21, p. 31.

(one for each Member State) selected by their national governments,⁴² and finally the Court of Justice composed of seven judges, chosen by their national governments.⁴³ These four institutions would eventually shape a plan for today's European Parliament, European Commission, Council of the European Union, and Court of Justice of the European Union. ECSC was the first successful attempt in European cooperation in post-war Europe, in the 20th century. The structure of the organisation became a blueprint for further European solidarity process.⁴⁴ The Treaty of Paris expired on 23 July 2002,⁴⁵ exactly fifty years after it first came into force.

The process of further European integration received a fresh impetus on the Conference of ECSC in Messina in 1955. During the Conference, the foreign affairs ministers of the original six Member States agreed to extend European integration to economy as a whole by encouraging free trade between the Member States through the removal of tariffs and quotas. The next key date in the history of European integration was the signing of the two Treaties of Rome on 25 March 1957. The first one, the Treaty establishing the European Economic Community (hereinafter: EEC), meant to further solidify economic cooperation between the Six. The other one, the Treaty establishing the European Atomic Energy Community (hereinafter: EAEC), aimed to focus solely on general development in the scope of energy, new technologies etc.⁴⁶

The EEC was structured differently than ECSC, with the newly established the European Commission, which held power similar to the one of the High Authority of ECSC. This time, however, the European Commission held a legislative power, whereas the Council of EEC played an executive role.⁴⁷ Both the Council and the European Commission were competing for power. To balance tense relations between them, another organ was created – the European Parliamentary Assembly.⁴⁸ It consisted of 142 delegates from all Member States.⁴⁹ They played a supportive and controlling role in overseeing the decision-making process.⁵⁰

To this day, EAEC has enjoyed a full independence from the EU, in spite of being institutionally connected with it.⁵¹ The organisation had a strict timeframe

⁴² Ibid., Article 27, p. 38.

⁴³ Ibid., Article 32, p. 45.

⁴⁴ Ibid., pp. 19–20.

⁴⁵ B. Rittberger, I. Glockner, *The European Coal and Steel Community (ECSC) and European Defence Community (EDC) Treaties*, Mannheim 2012, p. 19.

⁴⁶ L. Guzzetti, *A Brief History...*, Brussels 1995, pp. 6–7.

⁴⁷ T. Sieniow, "Geneza i rozwój procesów integracyjnych w Europie po II wojnie światowej," in: E. Krzysztofik et al., *Prawo instytucjonalne Unii Europejskiej w zarysie*, Lublin 2012, pp. 31–32.

⁴⁸ E. Stein, "The European Parliamentary Assembly: Techniques of Emerging 'Political Control'," *International Organization*, vol. 13, no. 2 (1959), p. 233, at <www.jstor.org/stable/2704391>, 20 June 2021.

⁴⁹ L. Kühnhardt, *European Union...*, p. 129.

⁵⁰ Ibid., pp. 127–130.

⁵¹ T. Sieniow, "Geneza i rozwój...", p. 32.

of 12 to 15 years to establish a full customs union.⁵² The idea was to bring about a complete economic cooperation between the Member States.⁵³ In reality, it took few more decades.⁵⁴ This task was primarily achieved by the first President of the European Commission, Walter Hallstein. His first years in office were devoted to establishing a Common Agricultural Policy, which caused heated discussions between the Member States. The matter of controversies revolved around national supremacy and the common good.⁵⁵ After heated disputes, the Common Agricultural Policy was finally implemented in 1962. It constituted the first common European policy.

France fell into an economic crisis in 1958 and needed a strong leader. This person was Charles de Gaulle, who became President of France in 1958 and replaced the previous pro-European President René Coty. This change of leaders led to a disruption in the European solidarity process, because de Gaulle strongly opposed any supranational influence over his country.⁵⁶ When in 1961 Great Britain decided to join the EEC, it was met with a strong French disapproval. In the following year, the US President J.F. Kennedy began strengthening relations between his country and the European Community. At the same time, Kennedy offered Polaris missiles to the UK, who accepted them. France already had a strained relationship with the USA due to de Gaulle's belief that the US, among other things, is trying to take control over the European continent. The US also offered the missiles to the French, but they declined in fear that the Americans wanted to control them. It is also important to note that France at the time pursued its own nuclear project, which the US did not approve of. As a result of the British decision to accept the American offer, the French concluded that they no longer shared a common foreign policy.⁵⁷ Consequently, in 1963, de Gaulle officially vetoed Great Britain's admission to the EEC.

Growing animosities between France and the European Community led to the "empty chair" crisis in 1965. The dispute started with Hallstein's proposal of a new way of financing the CAP, which would involve the Member States' "greater participation of own resources (France was the main beneficiary), granting broader budgetary competence to the European Parliament, including the possibility to introduce majority votes during sessions of the Council of Ministers".⁵⁸ In effect, France refused to take its seat in the Council of Ministers which enabled any further work in the EEC. In January 1966, through so-called Luxembourg

⁵² L. Kühnhardt, *European Union...*, p. 130.

⁵³ T. Sieniow, "Geneza i rozwój...", p. 31.

⁵⁴ Ibid., pp. 34–35.

⁵⁵ L. Kühnhardt, *European Union...*, pp. 130–31.

⁵⁶ M. Greta, J. Kowalski, E. Tomczak-Woźniak, *Doktryny Zjednoczeniowe...*, pp. 34–35.

⁵⁷ F.M. Bindi, I. Angelescu, *The Foreign Policy of the European Union – Assessing Europe's Role in the World*, 2nd ed., Washington 2012, pp. 17–18.

⁵⁸ E. Lesiewicz, "The Crisis and its Effect on Disparities in the European Union," *Annales Universitas Maria Curie-Skłodowska*, vol. 22, no. 1 (2015), pp. 93–95, at <<https://core.ac.uk/download/pdf/235268897.pdf>>, 20 June 2021.

compromise, the conflict was resolved by a special resolution that allowed “a right of veto to any Member State that sees its vital interests at stake”.⁵⁹ Until 15 June 1969, when a new President of France was elected, de Gaulle maintained a steady course of removing France from a further participation in the European Communities.⁶⁰

On 8 April 1965, the Member States signed the Treaty of Brussels, also known as the Merger Treaty. In order to save money, all executive organs of the ECSC, EEC and EAEC were merged. The Commission of the European Communities replaced the High Authority of the ECSC, the Commission of the EEC and EAEC. The Council of the European Communities replaced the Special Council of Ministers of the ECSC, the Council of the EEC and EAEC. The Merger Treaty came into force in 1967, and since that date the term European Community (EC) was used.⁶¹ Just one year later, the customs duties on industrial goods were abolished, and the Common External Tariff was introduced.

Another turning point in the process of European integration took place at the Hague Summit on 1 and 2 December 1969. After de Gaulle resigned from his position of the President of France, his successor Georges Pompidou decided to take another step in European cooperation.⁶² It is also worth mentioning that Pompidou “summarized the objectives of the conference in the so-called triptych: completion, deepening and enlargement of the integration process”.⁶³ The main subject discussed during the Hague Summit was the European Monetary Union (hereinafter: EMU). Pompidou, along with German Chancellor Willy Brandt, saw the implementation of the EMU as a vital step in further development of the Common Market.⁶⁴ Since not every Member State was eager to implement EMU right away, the Inner Six came to a compromise known as the Werner Report.⁶⁵ In his famous report, the Prime Minister of Luxembourg Pierre Werner proposed three stages that would lead to the establishment of a monetary union in the span of the following decade.⁶⁶ With the outbreak of the international financial crisis in early 1971, the European Communities had to change their course. In 1972, the European Exchange Rate Mechanism (hereinafter: ERM) began to operate. Although it allowed only marginal movement of exchange rates between individual

⁵⁹ W. Lehmann, C. Salm, *Walter Hallstein: First President of the Commission and visionary of European integration*, Luxembourg 2019, pp. 6–8.

⁶⁰ F.M. Bindi, I. Angelescu, *The Foreign Policy...*, pp. 18–20.

⁶¹ *Ibid.*, p. 39.

⁶² D. Preda (ed.), *The History of the European Monetary Union Comparing Strategies amidst Prospects for Integration and National Resistance*, Brussels 2016, p. 77.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, pp. 77–78.

⁶⁶ Council and Commission of the European Communities, *Report to the Council and the Commission on the realisation by stages of Economic and Monetary Union in the Community (Werner Report) (definitive text)*, Luxembourg 1970, at <Aei.pitt.edu/1002/1/monetary_werner_final.pdf>, 20 June 2021.

currencies of the Member States, the first step in the unification of currencies was taken. Soon after, on 1 January 1973, the European Community underwent its first enlargement when the United Kingdom, Ireland and Denmark officially became new Member States.⁶⁷ With subsequent enlargements in 1981 (Greece) and in 1986 (Spain and Portugal), the common economic sectors in the European Community grew and developed. This caused a critical need for an internal reform that would improve the EC functioning. In February 1986, the Single European Act (hereinafter: SEA) was introduced. It came into effect in the following year. The SEA specified foreign and economic policies as well as the role of European Council, the European Commission and the Parliament. It also foresaw the abolition of internal border controls by 1995, the unification of asylum and visa policies, and the establishment of the Schengen Information System (SIS).

The Maastricht Treaty, also known as Treaty on European Union, was signed by the 12 Member States on 7 February 1992. The Treaty consisted of three pillars, the European Community, the Common Foreign and Security Policy overseen by the Council of Ministers of Foreign Affairs.⁶⁸ Justice and Home Affairs constituted the last pillar, which was of a strictly intergovernmental nature.⁶⁹ However, the Treaty did not create any new institutions. Instead, it regulated the work of the ones already existing.⁷⁰ With Maastricht Treaty, the project of EMU re-emerged, and was to be implemented by 1 January 1999.⁷¹ One of the most important provisions of the Treaty of Maastricht was the introduction of the EU citizenship. Not only did it allow citizens of the Member States to freely travel and become residents anywhere in the EU, but it also helped integrate EU's citizens.⁷² After the Treaty of Maastricht, there were no doubts that the EU aspired to becoming a strong political union.⁷³

3. Eurozone

The idea of establishing a European Monetary Union was brought up several times since the mid-18th century. The Latin Monetary Union of 1865 is the first best-known monetary union in Europe, considered "Europe's first broad common currency arrangement."⁷⁴ It was originally adopted by France, Belgium, Italy and Switzerland, soon joined by other countries. The Union's main goal was to

⁶⁷ F.M. Bindi, I. Angelescu, *The Foreign Policy...*, pp. 19–21.

⁶⁸ L. Guzzetti, *A Brief History...*, p. 150.

⁶⁹ Ibid.

⁷⁰ T. Sieniow, "Geneza i rozwój...", p. 49.

⁷¹ L. Guzzetti, *A Brief History...*, p. 150.

⁷² T. Sieniow, "Geneza i rozwój...", p. 48.

⁷³ F. M. Bindi, I. Angelescu, *The Foreign Policy...*, pp. 187–190.

⁷⁴ K. Bae, W. Bailey, *The Latin Monetary Union: Some Evidence on Europe's Failed Common Currency*, Seoul–Ithaca, NY 2003, p. 7, at <<https://courses.cit.cornell.edu/wbb1/papers/Bae%20Bailey%20LMU-2003.0707.pdf>>, 20 June 2021.

introduce one standard for gold and silver coins, unifying them into a single currency for all member states.⁷⁵ However, the Union turn out to be a failure and was disbanded in 1927. The main reason for its failure was the outbreak of the Great War.⁷⁶ However, the idea of a monetary union remained, and was brought up again after the creation of the European Communities.

The 1960s can be described as the period of rapid economic development of the EC. In December 1969, during a European summit in Hague, the Member States decided to create a monetary union. This idea was proposed by Prime Minister of Luxembourg Pierre Werner. However, this ambitious plan was slowed down by the outbreak of the financial crisis in 1971.⁷⁷ In order to maintain a properly functioning monetary system, the “snake in the tunnel” system was introduced during the Paris summit in 1972. It was an attempt to limit fluctuations between different European currencies by pegging all Member States’ currencies together. However, when the Bretton Woods system collapsed in 1973, the new system failed to survive.⁷⁸ The Bretton Woods system was an international monetary system created in 1944. It linked the dollar to gold at a fixed price and established a gold-dollar standard system, based on fixed exchange rates.⁷⁹ The “snake in the tunnel” proved unreliable and unsustainable in 1973 when the US dollar floated without limitations. A few more years passed before the Member States returned to the idea of a monetary union. On 5 December 1978 in Brussels, the European Monetary System (hereinafter: EMS) was created based on France and West Germany’s initiative. In the following year, the EMS was implemented by eight Member States including the countries of Benelux, Ireland, France, West Germany, Denmark, and Italy. The EMS was hoped to bring a desperately needed stabilisation in the European Community. The European Currency Unit and the Exchange Rate Mechanism are the most important elements of the EMS. The former has never been an actual currency unit, but rather a financial legal system that facilitated exchanges in international trade.⁸⁰ The latter was a mechanism of a mutual stabilisation of all currencies used in the Member States.

On 14 June 1985, the Schengen Agreement was signed, initially only by five European countries, namely France, Germany, Belgium, Luxembourg, and the Netherlands. It provided for a gradual abolishment of the internal borders between countries and an extended control of the external borders. Almost a decade had passed before the idea started to be implemented.⁸¹ In 1989, the then-President of the European Commission, Jacques Delors, introduced a program that would

⁷⁵ Ibid., pp. 4–7.

⁷⁶ Ibid., p. 7.

⁷⁷ T. Sieniow, “Geneza i rozwój...,” p. 35.

⁷⁸ J. Monar et al., *Butterworths Expert Guide to the European Union*, London 1996, pp. 149–150.

⁷⁹ D. Preda (ed.), *The History...*, pp. 75, 166–168.

⁸⁰ Ibid., pp. 93–99.

⁸¹ L. Kühnhardt, *European Union...*, p. 159.

further develop economic cooperation between the Member States. It involved a specific strategy for a monetary union, which involved adoption of a single currency, the completion of the Single Market and Exchange Rate Mechanism.⁸² His strategy was approved by the states. As a consequence, an initiative to create one European Currency Unit and the European Central Bank was added to the Treaty of Maastricht.⁸³ The EMS fell into a crisis in 1992, as a result of the end of the Cold War and the reunification of Germany. Failure to foresee long-term effects of changes in exchange rates not only slowed down the process of further development of the monetary union, but almost completely halted it.

The next stage of the development of the monetary union began on 1 January 1994 when the European Monetary Institute was created. On 17 January 1997, the European Council adopted the Stability and Growth Pact in order to stabilize the level of national fiscal discipline. In December 1995, the new name of the EU currency was introduced – euro (EUR). On 3 May 1998, the Council of Europe selected twelve countries that fulfilled criteria enabling them to adopt euro to do so.⁸⁴ On 1 July 1998, the European Central Bank (hereinafter: ECB) and the European System of Central Banks (hereinafter: ESCB) replaced the European Monetary Institute. The European Central Bank is a supra-national institution with its own legal personality.⁸⁵ The main task of the Bank is to maintain an overall financial stability in the EU, by supervising banks all over the Member States, issuing euro banknotes, managing inflation and networking system of payments.⁸⁶ The ESCB is an authority associating the European Central Bank and all national banks from all EU Member States.⁸⁷ It was created to “carry out the monetary policy adopted by the Governing Council of the ECB, conduct foreign exchange operations, hold and manage the official reserves of the euro area countries and promote the smooth operation of payment systems”.⁸⁸ On 1 January 1999, the euro began to be implemented in the selected states. However, three years of transitional period were implemented to ease the process.⁸⁹ In 1999, a new currency was firstly introduced in a non-physical form, including a virtual one. It was not until January 2002 when coins and banknotes of Euro were implemented in the Eurozone states.

⁸² Committee for the Study of Economic and Monetary Union, Jacques Delors (Chairman), *Report on economic and Monetary Union in the European Community*, Madrid 1989, pp. 6–7, at <https://aei.pitt.edu/1007/1/monetary_delors.pdf>, 20 June 2021.

⁸³ T. Sieniow, “Geneza i rozwój...,” pp. 34–35.

⁸⁴ J. Trichet, *The European Central Bank, the Eurosystem, the System of Central Banks*, Frankfurt am Main 2008, p. 6.

⁸⁵ *Ibid.*, p. 12.

⁸⁶ European Central Bank, *About the Organisation*, at <<https://www.ecb.europa.eu/ecb/html/index.en.html>>, 20 June 2021.

⁸⁷ J. Trichet, *The European Central Bank...*, p. 12.

⁸⁸ *Ibid.*, p. 13.

⁸⁹ T. Sieniow, “Geneza i rozwój...,” p. 35.

It is important to note that joining the Eurozone is obligatory under the Maastricht Treaty⁹⁰ and all of Monetary European System the EU accession treaties concluded after 1992.⁹¹ However, the treaties leave states a certain amount of flexibility. The timeframe for joining the Eurozone is not stated, so it is entirely up to a country to choose it in accordance with its needs and abilities. It is obligatory to fulfil convergence criteria before joining the Eurozone.⁹² These five main criteria were designed to ensure that every new Eurozone member has a strong economy which will not be affected negatively by adopting euro as a new currency.⁹³ Failure to fulfil these criteria might lead to serious financial problems. In fact, it was the reason why Greece's accession to Eurozone was considered as highly controversial.⁹⁴ Greece had a budget deficit which proved to be fatal during the financial crisis of 2007–2010. The level of the deficit is one of the convergence criteria, and during the crisis Greece (along with other countries like Spain) lowered its deficit in order to stimulate its economic growth.⁹⁵ However, this did not improve the financial situation. Moreover, these states fell into even deeper crisis.

Before 2007, the Eurozone worked quite effectively, and seemed to be a success. Unfortunately, some states such as Greece and Spain misused systems designed to keep their economies intact during the currency transition period. The financial crisis of 2007–2010 happened in the first years of the Eurozone's existence. The beginning of the European debt crisis is dated back to late 2009 and it was marked by Greece's unexpected revelation that the country lied about its government deficit.⁹⁶ Even though Greeks were not solely responsible for this crisis, their statement proved to be a point of no return. Millions of Europeans saw them as a symbol of the crisis and blamed them for it. The inability of the countries affected by the financial crisis of 2007–2010 to pay back their debts led not only to worsening their international relations, but it also shook the entire existence of the Eurozone. Some Member States even debated whether or not to leave it or expel other countries which were, in their opinion, responsible for the crisis.

At the beginning of 2010, the EU took decisive steps to aid Member States in a time of economic crisis in form of a financial bailout. Three organisations that

⁹⁰ Treaty of Maastricht, art. 133.

⁹¹ T. Sieniow, "Geneza i rozwój...", p. 35.

⁹² Ibid.

⁹³ A. Lipińska, *The Maastricht Convergence Criteria and Optimal Monetary Policy for the EMU Accession Countries – exercise for Poland*, Frankfurt am Main 2008, p. 3, at <https://www.nbp.pl/badania/seminaria_bise/LipinskaO.pdf>, 20 June 2021.

⁹⁴ M. Dabrowski, *The Economic and Monetary Union: Its Past, Present and Future*, Policy Department for Economic, Scientific and Quality of Life Policies (ed.), Luxembourg 2019, pp. 12–13, at <https://www.europarl.europa.eu/cmsdata/159703/CASE_final%20publication.pdf>, 20 June 2021.

⁹⁵ T. Sieniow, "Geneza i rozwój...", p. 35.

⁹⁶ J. Frieden, S. Walter, "Understanding the Political Economy of the Eurozone Crisis," *The Annual Review of Political Science*, vol. 20, no. 1 (2017), pp. 5–7, at <https://dash.harvard.edu/bitstream/handle/1/33459439/friedenwalter_arps2017_forthcoming.pdf?sequence=1&isAllowed=y>, 20 June 2021.

coordinated this process were called the Troika and consisted of the European Commission, the European Central Bank and the International Monetary Fund. In late 2010, the European Financial Stability Facility, a temporary mechanism which was set to help affected countries financially, was replaced by the long-term European Stability Mechanism (ESM). Although it was launched later than originally planned – in 2013,⁹⁷ it turned out to be a huge success and Greece started to slowly getting out of debt. Generally, the southern European countries were the most affected by the crisis. The northern states maintained steady economy growth, and lent money to the southern countries. When the latter ones were unable to pay, their relations became tensed and estranged.⁹⁸ Their conflict became so grave that there were talks of removing indebted countries out of the Eurozone. Yet again the European cooperation was endangered.

France and Germany, which had particularly strong and stabilised economies, determined the outcome of the zone's future. Starting in 2010, these two countries proposed a series of measures to resolve the financial crisis, with the main view to transform the Eurozone into a fiscal union.⁹⁹ In 2012, the German Chancellor Angela Merkel presented a plan for rebuilding Eurozone's economy that involved austerity measures. It opted for a policy of reducing the budget deficit through a sharp cut in state's spending.¹⁰⁰ In contrast, the President of France François Hollande had a different plan based on Eurobonds. It was a medium or long-term bearer debt security in which the issuer undertakes to perform a specific performance.¹⁰¹ On 2 March 2012, all the Member States (with the exemption of the United Kingdom and the Czech Republic) signed the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union, which is popularly known as the Fiscal Treaty.¹⁰²

Eurozone was subjected to a severe financial crisis in its first decade. Unfortunately, it cannot be stated that the European response has always been adequate. Most of the time the Member States argued and blamed one another, instead of working together on a successful plan. A clear division was noticeable between the debtor countries and the creditor ones. Greece, being one of the most affected

⁹⁷ T. Südhölter, *The Franco-German Relationship – the Engine of European Integration*, Münster 2014, p. 39, at <<https://essay.utwente.nl/65206/1/Master-Thesis-12%20PDF-Version.pdf>>, 20 June 2021.

⁹⁸ B. De Souza Guilherme, C. Ghymers, S. Griffith-Jones, A. Ribeiro Hoffmann (eds.), *Financial Crisis Management and Democracy Lessons from Europe and Latin America*, Cham 2021, pp. 111–113, at <<https://link.springer.com/book/10.1007%2F978-3-030-54895-7>>, 20 June 2021.

⁹⁹ A. Majocchi, D. Preda (eds.), “Fiscal Discipline and Growth within EMU,” in: *The History of the European Monetary Union Comparing Strategies Amidst Prospects for Integration and National Resistance*, Brussels 2016, pp. 206–207.

¹⁰⁰ J. Frieden, S. Walter, “Understanding the Political Economy”..., pp. 5–7.

¹⁰¹ D. Preda (ed.), *The History*..., pp. 214–215.

¹⁰² European Council, *The draft of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union*, Brussels 2012, at <<https://archive.org/details/321471-draft-eu-fiscal-treaty/page/n9/mode/2up>>, 20 June 2021.

countries, was struggling economically until 2018. Feeling ostracised from the European community, Greece debated whether or not to leave the Eurozone (especially with a growing popularity of the “Grexit” slogan¹⁰³). The Eurozone debt crisis and the actions taken to address it changed the shape of European cooperation. It is undeniable that the crisis, along with the response of the EU and its Member States led to the rise in Euroscepticism.¹⁰⁴

4. Project of the European Constitutional Treaty

Since the end of the 1980s, the European Union has been continuously working towards becoming more of a political entity.¹⁰⁵ The process was long and turbulent, mostly due to several crises hindering further development of the EU. Furthermore, not all Member States were supportive of the idea of intensifying cooperation. The best examples are the United Kingdom and Ireland. The UK has always had peculiar relations with the EU. British people shared one main concern regarding the European Communities, which was their own sovereignty. Ireland, on the other hand, worried immensely that the EU would negatively impact their traditional values. As a religious nation, Irish people were particularly concerned about their laws on abortion and euthanasia.¹⁰⁶ Since the Treaty of Maastricht came into force, it has been a very lively topic whether extending the EU’s authority poses a risk to Member States’ sovereignty.

The Treaty of Nice, which was signed by the European leaders on 26 February 2001, started a new round of the debate on tightening European integration. The Treaty was quite controversial, and was described by many as a flawed compromise.¹⁰⁷ Most Member States were unwilling to compromise on the proposed reforms. The Treaty of Nice was not ground-breaking, but simply a minimum standard, needed for next enlargements of the EU.¹⁰⁸ In December 2001, the President of France Jacques Chirac and the Chancellor of Germany Gerhard Schröder released a joint statement on creating the constitution of the EU. During a summit in Leaken, the European Council and the representatives of Member States declared to create a project of the European convention. This declaration

¹⁰³ G. Mallard, *Gift Exchange. The Transnational History of a Political Idea*, Cambridge 2019, pp. 214–218.

¹⁰⁴ F. Serricchio, M. Tsakatika, L. Quagliap, “Euroscepticism and the Global Financial Crisis,” *Journal of Common Market Studies*, vol. 51, no. 1 (2013), pp. 51–62, at <<https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1468-5965.2012.02299.x>>, 20 June 2021.

¹⁰⁵ G. Tsebelis, “The European Convention and the Rome and Brussels IGCs: a Veto Players Analysis,” in: T. König, S. Hug (eds.), *Policy-Making Processes and the European Constitution. A Comparative Study of Member States and Accession Countries*, London–New York 2006, pp. 9–10.

¹⁰⁶ W. Loth, *Building Europe. A History of European Unification*, Berlin–Boston 2015, p. 412.

¹⁰⁷ E. Best, “The Treaty of Nice: Not Beautiful but It’ll Do,” *Eipascopes*, no. 1 (2001), p. 7, at <<https://core.ac.uk/download/pdf/5074343.pdf>>, 20 June 2021.

¹⁰⁸ J. Barcz, *Od lizbońskiej do postlizbońskiej Unii Europejskiej. Główne kierunki reformy ustrojowej procesu integracji europejskiej*, Warszawa 2020, p. 46.

demonstrated a huge progress of European integration over the last fifty years.¹⁰⁹ Eventually, the Convention on the Future of the European Union,¹¹⁰ which is also known as the European Convention, was established by the European Council in December 2001 as a result of the Laeken Declaration.¹¹¹ Its main goals were to determine the EU's future and to produce a draft constitution for the EU.¹¹² The former President of France Valéry Giscard d'Estaing was selected as a Chairman of the European Convention. The European Convention designed a website where information on progress of the work on a constitutional project were regularly published.¹¹³ This solution was quite innovative at that time, given that Internet was still in its early stage. The fact that all European citizens could follow the news and to some point participate in the process, contributed to building a public support for this project. The work on the European Convention was extremely difficult, as it required multiple compromises and consensuses to agree on a single draft of a constitutional treaty. This was particularly challenging because the whole process was closely scrutinized by the Member States' governments which frequently hold different views and had conflicting goals.¹¹⁴

During a summit held in Brussels on 18 June 2004, a consensus was finally reached and the Treaty establishing the Constitution of Europe was signed by 25 Member States.¹¹⁵ The Treaty was ratified by 18 Member States, including Spain and Luxembourg who conducted referendum on this issue. The main controversy of the project was the use of the word "constitution." The Treaty was thought to replace the existing EU treaties and strengthen a legal role of the Charter of Fundamental Rights of the European Union.¹¹⁶ However, the treaty was rejected in referendums in France and the Netherlands in May and June 2005, respectively. Beside these two countries, the United Kingdom decided not to hold a referendum on this subject, because the government assumed that the British people would vote "no".¹¹⁷ This lack of support was especially surprising considering that

¹⁰⁹ *Laeken Declaration on the Future of the European Union*, Luxembourg 2001, at <https://www.cvce.eu/content/publication/2002/9/26/a76801d5-4bf0-4483-9000-e6df94b07a55/publishable_en.pdf>, 20 June 2021.

¹¹⁰ *Laeken Declaration and the Convention on the Future of Europe*, Laeken 2002, at <<https://commonslibrary.parliament.uk/research-briefings/rp02-14/>>, 20 June 2021.

¹¹¹ E.E. Toops, "Why is There No EU Constitution? An Analysis of Institutional Constitution-Making in the European Union," *CUREJ: College Undergraduate Research Electronic Journal*, 05 April 2010, pp. 8–9, at <<https://repository.upenn.edu/cgi/viewcontent.cgi?article=1145&context=curej>>, 20 June 2021.

¹¹² The European Convention, *Report from the Presidency of the Convention to the President of the European Council*, 18 July 2003, Brussels, at <european-convention.europa.eu/docs/Treaty/cv00851.en03.pdf>, 20 June 2021.

¹¹³ The European Convention, *Organisation*, at <<http://european-convention.europa.eu/EN/organisation/organisation2352.html?lang=EN>>, 20 June 2021.

¹¹⁴ W. Loth, *Building Europe...*, pp. 386–389.

¹¹⁵ T. König, A. Warntjen, S. Burkhardt (eds.), "The European Convention: Consensus without Unity?" in: T. König, S. Hug (eds.), *Policy-Making Processes...*, pp. 24–25.

¹¹⁶ *Ibid.*, p. 52.

¹¹⁷ W. Loth, *Building Europe...*, p. 411.

it was demonstrated by the voters from France and Netherlands, which were, after all, among the original six founding members. To explain this phenomenon, a closer look on these referendums is needed.

France was the first country to reject the Treaty, after the unfavourable results of the French national referendum on the Treaty. On 29 May 2005, 55% of French voters responded “no,” with a turnout of 69%.¹¹⁸ There are several reasons of such an outcome of the referendum. Firstly, French voters were concerned about the potential accession of Turkey to the EU, and a possible Islamization of Europe.¹¹⁹ Secondly, there were serious concerns about France’s sovereignty. Since the French Revolution of 1789, the French have had a strong and uncompromised bond with their national sovereignty. The Constitution of France is its country’s embodiment and it holds a special place in the hearts of the French people. Thus, the idea of creating a “Constitution of Europe” was more than they could bear.¹²⁰ Even though France is a founding member of the EU, it has always had a turbulent relationship with the organisation. Throughout the years of the European Community’s history, France has always worked towards getting as much influence in the organisation as possible. During Charles de Gaulle’s term of office as the President of France, France was strongly against federalisation of the European Community. At that time, they would rather leave the European Community than risk their sovereignty. Although, generally, the French radical nationalistic perspective changed over the decades, some French citizens still shared that view. Undeniably, the role of France in forming the EU was crucial, but their participation in the European solidarity process was always limited to a certain extent.¹²¹ However, the outcome of the French referendum should not be taken as an argument for France being completely against the idea of strengthening the European cooperation. It is simply a validation of an already known fact that the French people would not risk their sovereignty for further integration.

In the Netherlands, the referendum came just three days after the French referendum. On 1 June 2005, the Dutch votes rejected the Treaty by a margin of 61% to 39%, on a turnout of 63.3%.¹²² It is remarkable that it was the first national referendum for over two hundred years in that country.¹²³ Although it was not legally

¹¹⁸ E.E. Toops, *Why is there...*, pp. 8–14.

¹¹⁹ M. Müftüler Baç, “Turkey’s Accession to the European Union: Institutional and Security Challenges,” *Perceptions*, vol. 9, no. 3 (2004), pp. 36–38, at <https://www.researchgate.net/publication/265024625_Turkey's_Accession_to_the_European_Union_Institutional_and_Security_Challenges>, 20 June 2021.

¹²⁰ A. Albi, S. Bardutzky (eds.), *National Constitutions in European and Global Governance: Democracy, Rights, the Rule of Law – National Reports*, Hague 2019, pp. 1187–1189.

¹²¹ T. Schulz, T. König, S. Hug (eds.), “France: The President Takes All,” in: *Policy-Making Processes...*, pp. 93–94.

¹²² L.F.M. Besselink, “Report on the Netherlands. Double Dutch: the Referendum on the European Constitution (2006),” *European Public Law*, vol. 12, no. 3 (2006), p. 345.

¹²³ Netherlands Scientific Council for Government Policy, *Rediscovering Europe in the Netherlands*, Amsterdam 2007, pp. 105–106.

binding, the government decided to follow the citizens' will. There were several reasons which made a majority of Dutch citizens to vote against approval of the treaty. One of the most important being the replacing of their national currency with the euro.¹²⁴ The Dutch also feared that the EU introduced its reforms too quickly and this might be unfavourable to smaller countries, such as the Netherlands. This decision was also related to the general dissatisfaction with the EU's reforms.¹²⁵

As a consequence of the above-described referendums and following growing concerns in other Member States, a date of the Treaty's entry into force was postponed to 2007. This was rather an unwise decision because it made the public even more suspicious of the Treaty. Consequently, some countries, such as Poland and the Czech Republic, put off their referendums with a hope that their citizens would change their minds. Tensions grew particularly noticeably in those Member States which did not wholeheartedly accepted all the reforms introduced in the Treaty. Eventually, the constitutional project turned out to be a misplaced idea at that time. It is worth noting that if this idea was not presented in a time of recession and growing popularity of Euroscepticism movements, the outcome might have been different.

5. The Lisbon Treaty

After the failure of the constitutional project, the European Union was in disarray. With ten new Member States which joined the organisation in 2004, the EU desperately needed institutional reforms to ensure its proper working. Many countries struggled with a rise of unemployment, which was one of many severe consequence of the financial crisis. A solution for these tensions had to be created, but with a growing number of members, reaching a consensus was an extremely difficult and lengthy process at that time. Every country had its own vision, expectations and interests. To make it worse, they were frequently incoherent and conflicting.

During this challenging time for the EU, one country in particular led the way for the organisation. Germany with its charismatic Chancellor Angela Merkel took an active role in creating a substitution for the Treaty establishing the European Constitution. On 17 January 2007, Merkel made a formal announcement in which she called for reforming the organisation. On 26 January, during a special meeting held in Madrid, the "Friends of the Constitutional Treaty," as they dubbed themselves, proclaimed their resolve to adhere to the substance of the Treaty, thereby putting the opponents of the Treaty on the defensive.¹²⁶ These two events divided Member States into two camps, those that were in favour of

¹²⁴ Ibid., pp. 60–61.

¹²⁵ L.F.M. Besselink, *Report on the Netherlands...*, pp. 347–348.

¹²⁶ W. Loth, *Building Europe...*, pp. 407–408.

the Constitutional Treaty and those opposing it. The supporting group included mostly western countries, such as Germany, France and Luxembourg, whereas the latter group consisted of the Czech Republic, Ireland and Poland.¹²⁷ On 27 March 2007, Merkel announced the “Berlin Declaration”¹²⁸ which encouraged Member States to further deepen the cooperation between them and reminded them of their shared history and common goals. Rather unsurprisingly, it also led to heated discussions across Europe. Specifically, the lack of any mention of Christianity in the Declaration received huge backlash from the Christian community. Poland was, and as a matter of fact still is, strongly embodied with its religion and visibly demonstrated its dissatisfaction.¹²⁹ Beside Poland, the Czech Republic also loudly disregarded the Declaration due to political reason.

Due to the severe criticism, Merkel clearly needed a support of at least one other strong Member State, and her best chance was with France. A chance for reenacting the Franco-German alliance emerged in the person of Nicholas Sarkozy who at the time was a candidate for a president in the upcoming election. However, he was willing to back up Merkel’s plan when he became the President of France on 16 May 2007. Sarkozy saw the project as a way of making a name for himself, as a saviour of the EU. He visited many Member States in person to ensure that the Merkel’s plan had a necessary support.¹³⁰ In order to convince other Member States and the public opinion, the constitutional character of this proposal was minimalized. However, two countries remained particularly challenging to convince, namely the United Kingdom and Poland. The UK demanded, along with other things, that proposed changes in using veto during voting would not be harsh. Poland turned out to be the hardest to convince and just like the UK was opposed to some proposed reforms. Primarily, Poland’s issues referred to internal struggles in the government, between two political parties, Law and Justice (*Prawo i Sprawiedliwość*) and Civic Platform (*Platforma Obywatelska*).¹³¹ Due to the pressure of these two states, an additional Protocol (No. 30) on the application of the Charter of Fundamental Rights of the European Union was added.¹³²

On 4 June 2007, the so called Amato Group¹³³ proposed establishing a new Inter-Governmental Conference in order to write a new treaty which would rewrite

¹²⁷ Ibid.

¹²⁸ European Commission, *Declaration on the Occasion of the 50th Anniversary of the Signature of the Treaties of Rome*, Berlin 2007, at <https://europa.eu/50/docs/berlin_declaration_en.pdf>, 20 June 2021.

¹²⁹ W. Loth, *Building Europe...*, pp. 408–409.

¹³⁰ Ibid., p. 409.

¹³¹ K. Jasik, “Poland and the ratification of the Treaty of Lisbon,” *BRJ* 2/2009, p. 163, at <http://www.bonner-rechtsjournal.de/fileadmin/pdf/Artikel/2009_02/BRJ_160_2009_Jasik.pdf>, 20 June 2021.

¹³² Protocol (No 30) on the application of the Charter of Fundamental Rights of the European Union to Poland and to the United Kingdom, OJ C 115, 09.05.2008.

¹³³ The Amato Group is a popular term used for the Action Committee for European Democracy (ACED) which was a group of European leaders who were working on rewriting the Treaty

the Maastricht Treaty, amend the Treaty of Rome and give the Charter of Fundamental Rights of the European Union a legally binding status. During a meeting held in Brussels on 21 and 22 June 2007, a compromise was reached by all the Member States with the exception of Poland. Only after Merkel's announcement "that the mandate for the government conference could then be decided without Poland," Polish government conceded.¹³⁴ Even after this small victory, the whole process of convincing other Member States took another few months. Finally, on 13 December 2008, the Treaty of Lisbon was signed by all Member States.¹³⁵ It was largely based on the Treaty establishing a Constitution for Europe, whose parts were included, either entirely in their original form or just slightly changed. The main difference is that the Constitutional Treaty would have replaced all existing treaties of the EU, whereas the Lisbon Treaty reverted to the classical method of treaty reform, amending the existing treaties.¹³⁶ Specifically, the Treaty on European Union and the Treaty Establishing the European Community were amended, and the latter was renamed the Treaty on the Functioning of the European Union. Besides, all constitutional symbols, including flag, anthem and motto, were removed from the Lisbon Treaty. In summary, by removing the constitutional character, the Lisbon Treaty managed to embody most of the reforms agreed upon in the Constitutional Treaty.¹³⁷

The signing of the Lisbon Treaty was indubitably a huge victory for those Member States that wanted to strengthen European cooperation. The wide and far-reaching reforms introduced by the Lisbon Treaty were crucial for the EU's future. The institutional innovations included, in particular, a new permanent presidency of the European Council, the new High Representative of the Union for Foreign Affairs and Security Policy, as well as the establishment of the European External Action Service (hereinafter: EEAS). The EEAS was meant to fill the gap regarding relations between the EU and Member States that was left wide open after many enlargements. It had an enormous role in strengthening the cooperation, and proved to be a success in its first years of functioning. Not only did it help to improve relations between the EU and the Member States, but it also made a strong connection with other organisations such as the United Nations.¹³⁸ This

establishing a Constitution for Europe into a new treaty after the unfavorable results of the French and Dutch referendums. It consisted of 16 members from 14 Member States and was led by Giuliano Amato, a former Prime Minister of Italy who also played a role of the Vice-President of the original European Convention.

¹³⁴ W. Loth, *Building Europe...*, p. 409.

¹³⁵ *Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community*, Official Journal of the European Union, Lisbon 2007, at <<https://eur-lex.europa.eu/legal-content/PL/ALL/?uri=celex:12007L/TXT>>, 20 June 2021.

¹³⁶ F. Laursen, "The Lisbon Treaty: A First Assessment," *L'Europe en Formation*, vol. 362, no. 4 (2011), p. 6, at <<https://www.cairn.info/revue-l-europe-en-formation-2011-4-page-45.htm>>, 20 June 2021.

¹³⁷ J. Barcz, *Od lizbońskiej...*, p. 73.

¹³⁸ *Ibid.*, pp. 64–65.

change was introduced to increase efficiency in decision-making. Furthermore, the Lisbon Treaty fundamentally changed EU legislation by introducing a new hierarchy of acts, new types of acts and new decision-making procedures.¹³⁹ For instance, the Lisbon Treaty also changed the voting system in the EU¹⁴⁰ by introducing qualified majority voting in the Council as a general rule.¹⁴¹ Additionally, the Charter of Fundamental Rights of the European Union gained the same legal value as the European Union treaties, which made the Charter legally binding.¹⁴² Moreover, for the first time in the EU's history, its Member States were given the explicit legal right to withdraw from the EU.¹⁴³

The process of ratification of the Treaty of Lisbon took two years. It was particularly difficult in Ireland, Poland, Germany and the Czech Republic.

Ireland was the only member state to hold a referendum on the Treaty. According to the Ireland's Supreme Court, it was required by the Irish Constitution. The Irish referendum was held on 9 June 2008, 53.4 % Irish citizens voted against the ratification, with a turnout of 53%.¹⁴⁴ The European Council held a special meeting for Ireland in the middle of June 2009 in order to go through every controversial part of the Treaty, and guaranteed that Ireland's laws and their sovereignty would not be affected by the ratification.¹⁴⁵ On 2 October 2009, a second Irish referendum was held, and this time a majority of citizens (67,1%) voted in favour of the ratification with a turnout of 59%.¹⁴⁶ Interestingly, Poland waited with their own ratification of the Treaty for the outcome of the second Irish referendum. On 10 October 2009, Poland ratified the Treaty of Lisbon. Germany struggled with issues concerning the ratification procedure in terms of national statutory laws. As a result, they were amended on 25 September 2009, and subsequently the Treaty of Lisbon was ratified in Germany. The Czech Republic struggled with some procedural issues, too. Specifically, with those concerning the implementing in the Czech Republic of the EU Charter of Fundamental Rights, which might have enabled submitting claims of the Sudeten Germans against the Czech Republic.¹⁴⁷ To make things even more difficult, the President of the Czech Republic at that time, Václav Klaus, was openly Eurosceptic. After months of

¹³⁹ J. Blom-Hansen, "Studying Power and Influence in the European Union: Exploiting the Complexity of Post Lisbon Legislation With EUR-Lex," *European Union Politics*, vol. 20, no. 4 (2019), p. 692, at <<https://journals.sagepub.com/doi/10.1177/1465116519851181>>, 20 June 2021.

¹⁴⁰ T. Sieniow, "Geneza i rozwój...", p. 57.

¹⁴¹ Article 16 (3) TEU: "The Council shall act by a qualified majority except where the Treaties provide otherwise."

¹⁴² Article 6(1) TEU: "The Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union of 7 December 2000, as adapted at Strasbourg, on 12 December 2007, which shall have the same legal value as the Treaties."

¹⁴³ See Article 50 TEU.

¹⁴⁴ W. Loth, *Building Europe...*, p. 412.

¹⁴⁵ J. Barcz, *Od lizbońskiej...*, pp. 70–72.

¹⁴⁶ W. Loth, *Building Europe...*, p. 413.

¹⁴⁷ J. Barcz, *Od lizbońskiej...*, p. 72.

Czech internal struggles, the Treaty was finally ratified on 13 November 2009.¹⁴⁸ The above-mentioned problems and delays of the ratification of the Treaty meant that the Lisbon Treaty would come into life later than it was originally planned. Eventually, the Lisbon Treaty entered into force on 1 December 2009.

The process of working on the Treaty, and then ratifying it, demonstrated a wide range of approaches of the Member States, from fully cooperative to openly Eurosceptic. Germany and France were the driving force behind enabling this project to enter into force. In contrast, Poland, the Czech Republic and the UK had a rather destabilizing role. The UK's approach was a sign the country would not hold a prominent role in the EU for much longer, but would rather remain on the sidelines.¹⁴⁹ This could be interpreted as a foreshadow of the UK's decision to leave the EU. Anyway, beside all the struggles and challenges, the Lisbon Treaty managed to introduce most of the reforms that the Treaty establishing a Constitution for Europe failed to. Hence, the Lisbon Treaty could be considered as the Constitutional Treaty's successor. However, after years of compromises and struggles to bring this project to life, the Lisbon Treaty became something more than just a mere replacement of the Constitutional Treaty. It became the most important document of the EU, one that completely revolutionised the organisation internally. It provided strong foundations for future reforms and for "building post-Lisbon European Union".¹⁵⁰

6. Summary

The historical development of the European integration is a highly interesting subject of an academic research. What started as purely economic collaboration evolved into political cooperation in various areas, including environment, taxes, agriculture, fisheries, consumer protection and many more. Although initially the European Communities focused on their common economy, after the Treaty of Maastricht they developed into the European Union based on strong and resistant alliance which survived numerous severe crises.¹⁵¹

EEC and EAEC, which constituted the European Communities, played a major role in the early European integration history. Not only did they started a real economic cooperation between several European countries but also prevented a highly possible war between France and West Germany.¹⁵² The unification of these three memorable organisation brought into the world the European Union and built solid foundations for today's EU.

¹⁴⁸ Ibid., pp. 72–73.

¹⁴⁹ W. Loth, *Building Europe...*, p. 411.

¹⁵⁰ J. Barcz, *Od lizbońskiej...*, p. 74.

¹⁵¹ L. Kühnhardt, *European Union...*, p. 187.

¹⁵² B. Master, *Teorie i koncepcje...*, pp. 91–96.

One of the most important aspects of the economic cooperation is Eurozone,¹⁵³ which managed to survive the financial crisis of 2007–2010. This crisis encouraged further reforms in the EU, including establishing the banking union.¹⁵⁴ With seven (eight if counting the original signatories) enlargements,¹⁵⁵ the EU created a truly integrated and coordinated constitutional project.¹⁵⁶ Numerous treaties, including, especially, the Treaty of Maastricht, the Treaty of Amsterdam, and the Treaty of Nice, enabled the organisation to work more effectively. Although the Treaty establishing a Constitution for Europe was not ratified, its most vital elements were included in the Treaty of Lisbon. In fact, the Lisbon Treaty is the most significant treaty signed by the Member States in the last two decades of the EU's history.¹⁵⁷ Not only did it reform numerous EU's institutions and bodies, but also enabled future enlargements and fundamentally changed EU legislation. Most importantly, it established the EU's legal personality which is fully recognisable under public international law.

The EU survived and thrived for the last seventy years, not only thanks to strengthening the integration of its Member States, but also by protecting them from any military harm. During the seven decades of its existence, the EU went through various peaks and valleys. Thanks to its adaptability, the EU continued to develop despite multiple severe crises and political challenges. The historical development of European integration demonstrates that it is a step-by-step progress which requires a lot of effort and compromise from the Member States. European integration within the EU can be viewed as an on-going and irreversible process.

¹⁵³ M. Dabrowski, *The Economic and Monetary Union...*, p. 12.

¹⁵⁴ *Ibid.*, pp. 14–15.

¹⁵⁵ European Parliament, *The Enlargement of the EU*, at <<https://www.europarl.europa.eu/factsheets/en/sheet/167/the-enlargement-of-the-union>>, 20 June 2021.

¹⁵⁶ T. Sieniow, "Geneza i rozwój...", pp. 54–55.

¹⁵⁷ W. Loth, *Building Europe...*, pp. 408–409.

This publication makes a notable contribution to the highly discussed and lively topic of European integration. It includes a brief description of the origins of the European Union, the evolution of the organisation over the last several decades, the changing visions of the future of Europe, the crises that the Member States faced in the past, and finally, the impact of the COVID-19 pandemic on the current and future level of European integration. This publication provides the reader with novel and very detailed data on the performance of the EU and its Member States during the unprecedented global pandemic. It is a must-read for those who search for the most recent information on the shape and level of European integration, the cooperation of the Member States during the COVID-19 pandemic, as well as on the level of trust given to the EU by its citizens. Additionally, this book sheds light on the Eurosceptic disinformation and fake news which have arisen in the past few years and which will continue to constitute a very controversial topic for the next few years.



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