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Forty Years of European Integration: Steps Forward and Some Missed Opportunities

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ARTICLE

FORTY YEARS OF EUROPEAN INTEGRATION: STEPS FORWARD AND SOME MISSED OPPORTUNITIES

*Giorgio Maganza**

*“[L]a réflexion constitutionnelle sur l’Europe
est une utopie en action Ceux que l’on
considère parfois comme des rêveurs ont été les
artisans de l’Union européenne.”¹*

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INTRODUCTION

When I started my professional life in the European institutional world, in 1975, Europe was slowly emerging from the economic difficulties and the political implications of the 1973 oil crisis, and the Institutions were not at their best. The Council had not voted for years, stuck as it was in the straitjacket of the so-called Luxemburg compromise, and would spend

* Director, Legal Service, Council of the European Union. The views expressed are the Author's alone and do not commit in any way either the Council or its Legal Service.

1. Jean-Paul Jacqué, *Introduction* to GEN. SECRETARIAT OF THE COUNCIL OF THE EUROPEAN UNION, EUROPE: DONNER CORPS À UNE IDÉE (2009).

months negotiating the slightest details in order to find the consensus which represented the only way to move on. The Commission was not as strong as it had been some years before, when Walter Hallstein was in the Chair, and hardly submitted proposals to a Council which would not vote on them anyway. The European Parliament did not have many powers, although it had just been granted some in the budgetary field, and was already struggling for more. Having at last joined the European Communities, the United Kingdom was already making things difficult for its partners on the ground that its contribution to the common budget was unfair, in spite of the largely positive outcome of the June 1975 referendum following the first renegotiation of that contribution by Harold Wilson. And the newly created European Council had met for the first time, in March 1975, in Dublin.

Almost forty years on, as I approach the end of my professional career, and while Europe is slowly emerging from five years of financial and sovereign debt crisis, one cannot really say that European Institutions are performing at their best, apart from the European Council that has now become the fully fledged institution to which everybody periodically turns, waiting for the real business to be done. The Council, squeezed between the European Parliament and the European Council, is at pains to find its own way. The European Parliament has now got a lot of powers, though it mainly uses them to try and get even more rather than to promote the European interest; and the Commission is as politically weak as it has never been before, not even in the early seventies when Franco Maria Malfatti stepped down from its Chair to run for Italian national elections. The United Kingdom, having been a member of the European Union for forty years, is considering whether it should leave it, while still quarrelling about its contribution to the budget.

Make no mistake, should you be tempted to conclude that actually things never change, as time goes by, in the European Union: nothing could be less true. Major steps forward were made, which radically changed the nature of European integration, although some good opportunities were also missed, which could have made European integration even stronger.

March 13th, 1979—three days before the death of Jean Monnet—is the birthdate of the European monetary system, an often underscored mechanism which, however, paved the way to economic and monetary union. Three months later, the first direct elections of the members of the Assembly were to take place and to give rise to high expectations as to how it would play its role.

1985 saw the relaunching of European integration, which had been suffering from the combined stalemates of the sixties' "empty chair" institutional crisis and the seventies' economic one. Jacques Delors pushed for the Single market completion programme; and the Single European Act made a breakthrough for the European project: the Commission started to make proposals again and the Council returned to vote.

1992 was a landmark moment for Europe. In the politically modified European landscape which followed the crush of the Berlin wall, the signing of the Maastricht Treaty gave birth to the European Union. Unfortunately the lessons of the difficulties encountered in the ratification process would not be learnt.

And, between the mid-1990s and the mid-2000s, Europe accomplished the two most important steps of its young history: the launching of a single currency and the doubling of its own size, as it welcomed "the other side of the Berlin wall". Unfortunately again, Europe missed an opportunity to adapt its architecture to an enlarged family club.

European integration is thus punctuated by accomplishments though it is also marked by missed opportunities. Looking back on almost forty years, they all show up, in a disorderly way; and it is only natural to try and take stock, in particular when contributing to the theme of this Spring Issue, "The EU in the Twenty-first Century," which reminds of the importance of learning the lessons from the past.

This does not claim to be an account of European integration's major events though, nor even an overview thereof. This Article only intends to offer an insider view of some of those steps forward and missed opportunities, in a few snapshots, or "keywords": their choice is not based on any alphabetical or chronological criterion, which also means that

this paper can be read in whatever order one wishes to.² And it goes without saying that it is exclusively made of the personal recollection and views of the author and could in no way commit the Institution which he had the pleasure and the honor to serve for so long.

I. MAASTRICHT

As of today, Maastricht remains the highest achievement of the European integration process.

The Treaty on European Union—better known as the Maastricht Treaty³—could hardly be expected to be what it actually became until the Spring of 1990. The fall of the Berlin wall, late in 1989, and its implications for Europe’s political environment had convinced the European leaders of the need to start a second project, besides the one—which had been under way for more than one year—on economic and monetary union. The objective was to strengthen the political links between the Twelve and put the ultimate seal on the European choice which a unified Germany was willing and ready to make. The decision was taken by the European Heads of State or Government at Strasbourg, in December 1989, and confirmed in Dublin in April and June 1990, to hold a separate intergovernmental conference, of a wider scope, in order to further develop the process of European integration and with a view to marking “*a new stage in the process of creating an ever closer union among the peoples of Europe.*”⁴

The Maastricht Treaty was thus the outcome of two, instead of one, intergovernmental conferences. Both opened in Rome on December 15, 1990. The first one, on economic and monetary union, had been prepared by several reports⁵ and had

2. Given the nature of this Article, which is based on the Author’s personal experience, footnoting shall be limited to basic references.

3. On the Maastricht Treaty, see YVES DOUTRIAUX, *LE TRAITÉ SUR L’UNION EUROPÉENNE* (1992); see also MAARTJE DE VISSER & ANNE PIETER VAN DER MEI, *THE TREATY ON EUROPEAN UNION 1993-2013: REFLECTIONS FROM MAASTRICHT* (2013).

4. Treaty on European Union (Maastricht text) art. A, 1992 O.J. C 191/1, at 4 [hereinafter Maastricht TEU].

5. COMMITTEE FOR THE STUDY OF ECONOMIC AND MONETARY UNION, *REPORT ON ECONOMIC AND MONETARY UNION IN THE EUROPEAN COMMUNITY* (1989) [hereinafter Delors Report]. The Delors Report was prepared by the Delors Committee, which had been mandated by the Hannover European Council in June 1988 to study and propose

its mandate approved by the Rome European Council in October 1990.⁶ The second one, which was labelled “political union,” had seen its mandate hastily drafted in a few weeks by the Foreign Ministers of the Twelve to be approved in Rome on the very eve of its opening; it was meant to cover a very broad range of issues, including new fields of competences, the efficiency (a key word for increasing the scope of qualified majority in the Council) and democratic legitimacy (a key word for increasing the powers of the European Parliament) of the institutional system, as well as opening the ground for a European common foreign and security policy.

The drafting of the Maastricht Treaty was the first tangible and successful attempt to make the objective of a European Union a reality. That objective, first set at the Paris Summit of 1972,⁷ then mentioned in the Tindemans report at the end of 1975,⁸ taken up in the Genscher-Colombo “draft European Act” of 1981⁹ and in the European Council Stuttgart Declaration of 1983,¹⁰ revived by the Spinelli Draft Treaty approved by the European Parliament in February 1984¹¹ and mentioned again in the preamble of the Single European Act two years later,¹² finally became concrete in the early hours of Wednesday,

concrete stages leading towards economic and monetary union. It was submitted to, and approved by the Madrid European Council in June 1989; and it was followed by the Report of the High Level group chaired by Elisabeth Guigou. In the meantime, the central bank governors had prepared the future statute of the European System of Central Banks and of the European Central Bank.

6. The mandate was approved by all the Member States, with the exception of the United Kingdom, which could not share the objective of a single currency.

7. *See* Declaration of the Heads of State and Government of the Member States of the Enlarged Community meeting for the first time on October 19 and 20 in Paris, E.C. BULL., no. 10, at 15 (1972).

8. Report by Mr. Leo Tindemans, Prime Minister of Belgium, to the European Council, on the European Union, E.C. BULL. Supp., no. 1 (1976).

9. Draft European Act, German- Italian Initiative submitted to the European Council of 26 and 27 November 1981, E.C. BULL., no. 11, at 87 (1981).

10. Solemn Declaration on European Union, E.C. BULL., no. 6, at 24 (1983).

11. Draft Treaty Establishing the European Union, 1984 O.J. C 77/33. On the Draft Treaty, see FRANCESCO CAPOTORTI ET AL., *LE TRAITÉ D’UNION EUROPÉENNE, A COMMENTARY* (1985).

12. Single European Act, done at Luxemborug on February 17 and at the Hague on February 28, 1986, 1987 O.J. L 169/1 [hereinafter SEA] (amending Treaty Establishing the European Economic Community, Mar. 25, 1957, 298 U.N.T.S. 11 [hereinafter EEC Treaty]). On the Single European Act, see JEAN DE RUYT, *L’ACTE UNIQUE EUROPÉEN* (1989).

December 11, 1991, when a deal was struck by the leaders of the Twelve in the seat of the Limburg “Provinciehuis.”

The “Greek Temple” architectural model was chosen, early in the course of negotiations, to take account of the need to have three sets of rules—three “pillars”—coexisting within one single Treaty, which was due to establish the European Union.¹³ Normally, this should have rallied the support of all those who had been pleading for a stronger European integration. That was however not the case: the “Greek Temple” model was—willingly or not—misunderstood as introducing inter-governmentalism in the future European Union; unfortunately, the Commission did not counter that trend. The “Greek Temple” model lived on to be one of the main features of the new Treaty.

The Maastricht Treaty is the result of a major effort of constitutional craftsmanship: it employs the classical method of a Treaty amending existing Treaties, while going at the same time beyond.¹⁴ Inevitably, its structure was bound to be complicated by the dimension of the project. The way in which the Maastricht Treaty is drafted was criticized in the aftermath of the signing and all throughout the process of ratification. Its supposed lack of clarity was actually among the main arguments of those who opposed the ratification (the same happened for the Nice¹⁵ and, to a lesser extent, the Amsterdam¹⁶ Treaties).

13. The three “pillars” would be held together by a “pediment,” composed by the principles and objectives, as well as the common institutional framework of the European Union, and by a “basement” which englobed the final provisions of the Treaty, namely a single set of procedures to revise the newly created TEU and the existing EC Treaties, and to accede thereto (that means that the Amsterdam Treaty, as well as the accession of new Member States, would henceforth follow a single, unified procedure).

14. The Treaty is made of seven Titles and nineteen Articles. Those articles contain thirty-four new Treaty articles plus 136 amendments to the existing Treaty provisions, some of those amendments aiming at introducing up to twenty-seven new Treaty articles. The result of the IGC also includes seventeen protocols and thirty-three declarations.

15. On the Nice Treaty, see DAVID GALLOWAY, *THE TREATY OF NICE AND BEYOND: REALITIES AND ILLUSIONS OF POWER IN THE EU* (2001).

16. On the Amsterdam Treaty, see Jean-Claude Piris & Giorgio Maganza, *The Amsterdam Treaty: Overview and Institutional Aspects*, 22 *FORDHAM INT’L L.J.* S32 (1998); see also Giorgio Maganza, *Réflexions sur le Traité d’Amsterdam—contexte Général et Quelques Aspects Particuliers*, 43 *ANNUAIRE FRANÇAIS DE DROIT INTERNATIONAL* 657, 657–70 (1997).

Twelve years later, the Constitutional Treaty, which was signed in Rome on October 29, 2004, and represented a fair answer to that criticism, by providing a clear and readable text, was criticized in the very same terms as the previous Treaties. It is worth reflecting thereupon (see *infra* Constitutions and Treaties).

In Maastricht, the European Union acquired, to different degrees, powers in practically all the domains in which States normally operate, from foreign policy to immigration, from culture to the currency, which can still be considered today as the main accomplishment of the Maastricht reform.

The Maastricht meeting, which lasted two days and two nights, closed with mixed feelings, as normally is the case when compromises have to be found. Somehow, one could sense the feeling from the comments of ministers walking out of the meeting room that more could have been achieved and that things remained to be done: Article N(2) of the Maastricht Treaty, which calls for a new IGC to be convened in 1996, reflects that sense of frustration. However, one had also distinctly perceived throughout the whole meeting—from its breakthrough to its moments of fatigue—the sense that a major step in the process of European integration was in the making, and that more would come.¹⁷ And indeed the Maastricht Treaty remains the unmatched achievement of European integration.

II. ECONOMIC AND MONETARY UNION

Although, as time has shown, it was born “unfinished,” economic and monetary union was—and no doubt remains—a success scored through the Maastricht Treaty and a major step forward in the process of European integration. Contrary to the political union “patchwork,” which encompassed several different issues and had lost its name by the time that Treaty was signed, economic and monetary union was the outcome of a very long and winding process, launched twenty years before that signing.

The realization of a single market—where goods, persons, services and capitals can move freely—does not go, in the long

17. See Maastricht TEU, *supra* note 4, pmb., 1992 O.J. C 191/1, at 2. (“In view of further steps to be taken in order to advance European integration.”).

run, without the idea of a single currency. Still, the monetary union was not among the original Treaties' objectives, probably because Bretton Woods ruled, at that time, the international monetary system. The 1969 Hague Summit, which was about to open a new stage for European integration, mentioned the objective of economic and monetary union for the first time. And, when the dollar stopped, two years later, to be convertible in gold, sealing the end of the Bretton Woods system, European leaders started to think in concrete terms of monetary union.

It is interesting to note that one of the first attempts in this respect, the 1970 Werner Report,¹⁸ already contained suggestions for building such a union in three stages, by 1980, remodeling the distribution of powers between Member States and European institutions. Following the brief experience of the monetary "snake" in the early seventies—which consisted of a concerted floating of European currencies to the dollar—the debate was taken up by two former Finance ministers, Valéry Giscard d'Estaing and Helmut Schmidt, who happened to be chosen in 1974 as French President and German Chancellor respectively, as well as by the newly appointed British President of the Commission, Roy Jenkins. The latter unexpectedly focused a Jean Monnet lecture at the Florence European University Institute, in October 1977, on monetary union and on the advantages of creating a new international currency,¹⁹ while the former jointly promoted, at the end of 1978, the creation of the European Monetary System ("EMS").²⁰

Conceived to bring monetary stability to Europe, the EMS proved to be an efficient tool, living through a difficult period of monetary fluctuations; it actually built the bridge to the Maastricht economic and monetary union reform. The EMS was

18. The Werner Report was named after the Luxembourg Prime Minister Pierre Werner, who headed the High Level Experts' group mandated by the Council after the Hague Summit to examine the options for a staged realization of economic and monetary union.

19. ROY JENKINS, *A LIFE AT THE CENTRE* 432 (1991).

20. Presidency Conclusion, European Council, (Dec. 1978) and the European Council Resolution attached thereto. As from 1999 European Council conclusions are available on the website of the European Council, at <http://register.consilium.europa.eu> and, for older texts, at <http://www.european-council.europa.eu/council-meetings/conclusions/archives-2002-1993>, and at <http://www.european-council.europa.eu/council-meetings/conclusions/archives-1992-1975>.

based upon a unit of account (the European Currency Unit or “ECU”), which was the denomination for the weighted average of European currencies linked and floating together within a narrow band; the ECU was a success in the financial markets as among private operators; in a few years’ time, it had ranked with the US dollar and the yen on top of the currencies used by international markets. The European Stability Mechanism (“ESM”) also included an intervention mechanism and credit facility schemes. It would enter into force in March 1979 and the United Kingdom would remain out of it.

Ten years later, the Delors Committee was mandated by the European Council to propose concrete stages to bring Europe to a single currency. In the meantime, there had been the relaunching of European integration through the completion of the Single Market and the signing of the Single European Act,²¹ which contained a chapter devoted to economic and monetary union and referred to the need to build on the ESM and ECU experience, as well as to possible Treaty amendments in that domain.²² Like the Werner Report, the report which Jacques Delors submitted to the Madrid European Council in June 1989 was also based on the three stage approach and allowed the European leaders to open the way to an intergovernmental conference, which would meet after the beginning of the first stage, the completion of free movement of capitals, on July 1, 1990.²³

The road to economic and monetary union thus reached its turning point at Maastricht, when ideas floated two decades earlier and developed through Plans and Reports, then through concrete mechanisms, landed in the elaborated form of draft Treaty articles on an IGC signing table in the evening of February 7, 1992. In the meantime though, hard negotiations had been going on.

21. It is not by chance that 1985, the year of the relaunching of European integration, opened with the arrival of Jacques Delors in the Commission Chair: he would prove to be by far the most effective, most pro-European, and politically strongest Chair during the period covered by this contribution, and probably of all time.

22. Single European Act, 1987 O.J. L 169/1, p.mbl., art. 20.

23. Delors Report, *supra* note 5.

As a result, the Treaty provisions on economic and monetary union look of a diversified nature. On one side, there is a chapter on Monetary policy, the technically accomplished product of the long journey initiated at The Hague Summit of 1969: it actually transferred monetary sovereignty to the European Institutions, notably the European Central Bank to be created at the beginning of the third stage within a European system of Central Banks. On the other side, the Economic policy chapter contains less ambitious provisions, resting on the coordination of Member States' economic policies through peer review procedures, which only allow the Union to recommend—but not to enforce—changes. In spite of this somehow uneven construction, which was bound to oblige economic and monetary union to walk with a solid leg and a far weaker one, the union lived through the skepticism of the early years, probably also thanks to a favorable economic environment. More importantly, it lived through the introduction of the euro, overcoming the critics erupted in some Member States, where politicians who had not been able to control prices during the switch over period tried to blame inflation on the single currency. Earlier on, there had been the negotiation and first application of the Stability and Growth Pact, an attempt to pump some muscles in the “economic leg.” However, fifteen years after the beginning of the final stage of the economic and monetary union, the financial crisis would end up laying bare the inconsistencies of living with a fully fledged monetary union among States which remain sovereign in their economic policy choices. The advantage of having a real monetary *and* economic union—an opportunity that some had seen slipping away in 1991, as others did not intend to seize it—appeared in full size when the Union Institutions found themselves largely underequipped to face a situation which would have required larger powers than those conferred upon them by the Maastricht signatories. The financial crisis left in particular the euro area members in need to find adequate solutions within the Treaty boundaries and with the means available therein: sometimes they stretched those means to their limits, sometimes they resorted to other ones (see *infra* Euro and Two Speed).

III. ENLARGEMENT

Enlargement was the first big step forward that Europe took in the new century, and a major achievement altogether. It allowed ten new countries from Central and Eastern Europe, plus Cyprus and Malta, to join the Union. After a long negotiating process, those countries saw recognized their being—as François Mitterrand had forcefully put it ten years before—“not less European than us.” Enlargement was, however, also a tremendous opportunity that Europe missed when, at the same time, it failed to reshape and make a new start on firmer constitutional bases, as the exceptional circumstances of that anticipated event would have prompted it to do.

Up to a certain point in the late years of the twentieth century, Europe used to prepare before enlarging to new members. It stopped doing so at the turn of the twenty first century; and the biggest enlargement ever happened without the European Union having even strengthened its institutional setting.²⁴

That enlargement was not properly prepared. Time did not lack though. Enlarging to the Central and Eastern European countries had been a political must for Europe ever since the Berlin Wall crumbled down in 1989. Hungary and Poland had requested to access the Union as early as April 1994; Slovakia and the three Baltic States, as well as Bulgaria, had done the same in 1995. The Accession Treaty of ten new Member States only entered into force on May 1, 2004, the one concerning Bulgaria and Romania on January 1, 2007. Twenty years had been available to consider how to prepare better the most important political event in the Union’s history after the introduction of the single currency; and almost ten years to define the technical arrangements which were to precede and accompany that event. The debate had been opened in 1992, when the then President of the European Commission, Jacques Delors, started warning, in the aftermath of the Maastricht

24. See Giorgio Maganza, *Can The Enlarged European Union Continue To Be That United?*, 34 *FORDHAM INT’L L.J.* 1269, 1271 (2011).

signing, about the need to strengthen the Union as a condition for its enlargement.²⁵

In the summer of 1997, his successor, Jacques Santer, had come before a full European Parliament Strasbourg session, accompanied by almost all the members of the Commission, to present the "Agenda 2000," a communication suggesting that the Enlargement could still take place without affecting the Union, provided that the latter previously took the necessary adaptation measures, in terms of internal political reforms, institutional and budgetary settings.²⁶

In the meantime, one smaller enlargement to Austria, Finland, and Sweden, as well as not less than three Treaty revision negotiations had taken place. A lot of time indeed. Still, when the Union membership finally doubled in size, the institutional system was almost the same as the one originally conceived by the founding Treaties for a club of Six, and hardly readjusted ever since.

While Denmark, Ireland, and the United Kingdom were only allowed to join the European Communities after the Six agreed on "relaunching" the European project at the Hague Summit of December 1969; while Portugal and Spain would only join the Ten after the Single European Act; and while the Maastricht Treaty could still be regarded as providing in turn a basis for the newly established European Union to welcome Austria, Finland and Sweden, the subsequent and long-advocated strengthening of the Union with the prospect of adding Central and Eastern European countries, plus Cyprus and Malta, actually never happened. No concrete action was taken to make sure that the Union could continue, with a far larger number of members, to function on as solid a basis and as effectively as it did in the aftermath of Maastricht. In spite of the best efforts, neither the Amsterdam nor the Nice Treaties succeeded in reducing the number of members of the Commission, in order to revive its independence and supranational nature, or in making the Council more efficient through a simpler decision-making and fewer vetoes. The

25. Commission Report on Europe and the Challenge of Enlargement, E.C. BULL., Supp., no. 3 (1992).

26. Agenda 2000: For a Stronger and Wider Union, EU. BULL., Supp., no. 5 (1997).

Lisbon Treaty²⁷ had managed at least to fix the size of the Commission to two-thirds of the Union's membership, but that hardly negotiated achievement had to be quickly renounced to appease the concerns of the Irish, who had voted against the ratification of the Treaty in the June 2008 referendum. And no particular effort was made to give the European political project a firmer rooting in the more heterogeneous public opinions of the Member States (see *infra* Citizens).

Thus, a good opportunity was missed to streamline the work of the institutions and make them more efficient in a larger Europe, in particular to have an efficient Commission, independent from the Member States. And a great chance was let go, at a turning point for the integration process, to have the Union properly geared to continue working at the same pace as before. The risk was indeed—and still is—to see the prospect for European integration being diluted to the point of losing its essential features.

With the accession of Croatia, on July 1, 2013, the Member States of the European Union have grown to twenty-eight. Negotiations with Turkey—the first country which formally asked in 1963 to accede to the then Community of Six—were officially launched in 2005 and stalled shortly thereafter. Other Balkan countries are presently negotiating their accession to the Union, while some wonder what are the geographical limits to European integration.

As for those who keep pushing for a further enlargement of the European Union, they should rather pause and consider, at a time when the Union's popularity is at the lowest and public opinion sensitivity across Member States has grown more diversified, whether the price might not be the “disintegration” of the European project. It is no mystery that for some the prospect of diluting the original supranational project into something closer to a wide common market or to a classical international organization would be less than a concern. That is

27. Consolidated Version of the Treaty on the Functioning of the European Union, 2012 O.J. C 326/47 [hereinafter TFEU]. On the Lisbon Treaty, see generally, JEAN-CLAUDE PIRIS, *THE LISBON TREATY: A LEGAL AND POLITICAL ANALYSIS* (2010); see also Giorgio Maganza, *The Lisbon Treaty: A Brief Outline*, 31 *FORDHAM INT'L L.J.* 1603 (2007); Jean-Paul Jacqu , *Les Apparences et la R alit : Retour sur Plusieurs Ann es de N gociation*, 4 *REVUE TRIMESTRIELLE DE DROIT EUROP EN* 639, 639–42 (2009).

why François Mitterrand and Jacques Delors had respectively envisaged, as from the fall of the Berlin wall, a European architecture based on a confederation of States (within which would be placed a more integrated, federal entity) and the idea of a “concentric circles Europe” (made of a federal heart, an Economic Area and looser agreements on the edges). And that is why a smaller group of Member States than the full membership of the Union might one day decide to make a new start and bring integration forward, without letting the enlarged Union—to which they would still continue to belong—be an obstacle to their further integration.

IV. *CONSTITUTIONS AND TREATIES*

The European integration process was launched, and then developed over six decades, on the basis of international Treaties. The Constitutional Treaty, which aborted in 2005, did not mean to—and could not possibly—be a Constitution, though a majority of French and Dutch citizens were let to believe that it did or that it was.

The European Union, as the European Communities before it, is founded upon a Treaty, concluded among sovereign States. The Treaties establishing the European Communities were signed and ratified by the (then six) Contracting Parties and they only entered into force as a result of that ratification.²⁸ The same went for all the other Treaties which amended those Treaties, including the Single European Act of February 17 and 28, 1986, and the Treaty on European Union of February 7, 1992, as well as for all the Accession Treaties. The Paris Treaty of May 27, 1952, establishing the European Defence Community was rejected by the French Assemblée Nationale on August 30, 1954, and therefore never entered into force.

Over the years, the European Treaties were referred to, including by the European Court of Justice, as the European

28. The Paris Treaty of April 18, 1951, which established the European Coal and Steel Community, entered into force on January 1, 1953; and the Rome Treaties of March 25, 1957, which established respectively the European Economic Community and the European Community for Atomic Energy, entered into force on January 1, 1958.

basic constitutional texts,²⁹ without anybody having anything to object. European leaders themselves, when they met in December 2001 at the Laeken European Council, also referred to a reorganization of the European Treaties which could possibly lead to a constitutional text.³⁰ And a “Constitutional Treaty” indeed was delivered by the Convention, which had been mandated at Laeken to address fundamental questions on the Future of Europe and compact all the Treaty materials into a single document.³¹

The Convention “model” had already been used to draft the Charter of Fundamental Rights of the European Union of December 7, 2000, and it represented a considerable innovation in Treaty-making. For the rest, the Treaty establishing a Constitution for Europe (“Constitutional Treaty”) signed in Rome on October 29, 2004 by all the (then twenty-five) Member States of the European Union was the product of a classical Treaty-revision process, like all the preceding European Treaties, since it had been approved by the representatives of the governments of all Member States in an IGC the proceedings of which closed in June 2004. The Treaty establishing a Constitution for Europe however contained the word “Constitution” in its title and a few symbols of statehood in the opening provisions (the anthem, the flag, the motto, the celebration of the Europe Day), which could not—and were not meant to—make the European Union a State, but certainly irritated the eurosceptic camp, and probably ended up contributing to the negative attitude of the majority of voters in the French and Dutch national referenda.³²

The fact that the European Communities, albeit born and developed through Treaties, were more than classical

29. The Court called the Treaty “the basic constitutional charter” in 1986. *Parti écologiste “Les Verts” v. European Parliament*, Case 294/83, [1986] E.C.R. I-1365, 23.

30. Presidency Conclusions, Laeken European Council (Dec. 14–15, 2001) [hereinafter *Laeken European Council*], available at http://ec.europa.eu/smart-regulation/impact/background/docs/laeken_concl_en.pdf.

31. See PETER NORMAN, *THE ACCIDENTAL CONSTITUTION: THE STORY OF THE EUROPEAN CONVENTION* (2003) (on the Convention proceedings).

32. On May 29, 2005, about fifty-five percent of the French voters pronounced against the ratification of the Constitutional Treaty; three days later, the Dutch voters against the Treaty were almost sixty-two percent.

international organizations has been largely accepted since their inception.³³ The steps forward resulting from the Single European Act in the eighties and, more importantly, the Maastricht Treaty in the early nineties could only strengthen this conclusion. However, a political and legal analysis of the European Union's configuration and the context in which the Constitutional Treaty was drafted and agreed, between 2002 and 2004, could hardly leave any doubt as to the fact that the Union did not look like a State, was not in the process of becoming one, and, in particular, would not become one as a result of the approval of the Constitutional Treaty.³⁴ It was of course legitimate to see an ambiguity in the way the Constitutional Treaty was conceived and drafted. That was warranted, in the first place, by its title, which merges two defining concepts from international law and Constitutional law respectively, and, secondly, by the idea of the Laeken summit to go "towards a Constitution for European citizens" and to convene a Convention on the Future of Europe, "composed of the main parties involved in the debate on the future of the Union" (thus representing not only Member States' governments, but also National Parliaments and the European Parliament) with the task to consider the key issues arising for the Union's future development and to identify the various possible responses.³⁵ That certainly represented a breakthrough from the familiar Treaty-revision procedures; one should not forget however that the Laeken Declaration itself had clearly specified that the final decision would remain for an ICG to take. It is certain that the actual conduct of the Convention proceedings, between 2002 and 2003—not to mention some declarations by its President, Valéry Giscard D'Estaing, drawing parallels with US constitutional history—could only highlight the "constitutional" nature of the work which the members of the Convention would undertake and which indeed delivered a "Treaty establishing a Constitution for Europe," where the word "draft" even happened to be omitted.

33. See, e.g., *Flaminio Costa v. Enel*, Case 6/64, [1964] E.C.R. I-1141; see also *Opinion 1/91*, [1991] E.C.R. I-6079.

34. See JEAN-CLAUDE PIRIS, *THE CONSTITUTION FOR EUROPE: A LEGAL ANALYSIS* (2006).

35. Laeken European Council, *supra* note 30, at 23–24..

Deliberate or not, that ambiguity did not serve the purpose of the Constitutional Treaty, neither at the stage of the ICG, which met in 2003 and 2004, nor during the process of ratification, which opened in 2004 and was closed, in practice, by the French³⁶ and Dutch negative referenda, once that more than half the number of the signatories to that Treaty had already ratified it. In the end, the genuine attempt to picture the European Union as what it was—that is to say, more than a classical international organization, though not a State (nor a federal State)—played against the Constitutional Treaty, whose opponents kept warning against the first word, while ignoring the second one, and were unfortunately, once again, left almost unchallenged to do so.

Thus, regrettably, the Treaty was not judged on its merits. And yet, it was a true attempt to provide an enlarged European Union with a simplified structure and simpler and more efficient procedures, concentrating in a readable single document of 448 articles the whole of the existing Treaties, which would have accordingly been repealed. It should make people reflect though that the Constitutional Treaty was criticized in the very same terms as, twelve years earlier, the Maastricht Treaty, which confirms the relative value of giving public opinions the final say on European Treaties.³⁷

The tension between the constitutional and international components of the European Union foundations went away in 2005, when the Constitutional Treaty was rejected. The word “constitution” will probably not be inserted in a basic European text for many years to come. That does not change the fact that the basic European Treaties remain, as the Court of Justice would already name them several years ago, the European “Constitution.”

36. The negative referendum of May 29, 2005, represented the third time that France, a founding member of the European Communities, stopped the European integration process, after the failed ratification of the European Defence Community and the long “empty chair” crisis.

37. Even if one assumes that a “constitutional” Treaty needed, as such, to be put to referendum, it is easy to note that more than two thirds of the present Member States’ constitutions have not been adopted through a referendum.

V. *EURO AND TWO SPEED*

The idea that, in an enlarged European Union, every Member State should not be bound to align on the smallest common denominator has been debated for two decades now.³⁸

As a first result of that debate, the Treaties of Amsterdam (1997) and Nice (2000) set out and developed the “enhanced cooperation” mechanism, meant to allow a group of Member States to carry out, among themselves and using the European Institutions, actions which the whole membership was not willing to pursue, provided that the good functioning of the internal market is not harmed.³⁹ Experience showed however that the mechanism—even in the more user friendly Nice version, which remained unchanged under the Lisbon Treaty—was of no easy access or use. Apart from the concept of enhanced cooperation, which was retained in the Treaty, other variants of the same idea had been put forward, such as “flexibility,” one of the first denominations used in the negotiations for the Amsterdam Treaty; “à la carte,” which rather suggested the idea of a pick-and-choose approach; the “noyau dur” (core group) to indicate the option that some Member States could move forward at a faster pace without obliging those who could (or would) not do the same; as well as the “centre of gravity” advocated by the former German Minister of Foreign Affairs Joschka Fischer in 2000, calling for a group of States to open the way to full political integration. Sometimes, Two Speed was wrongly associated to Two Tier Europe, which implies a permanent difference between two groups of States. After all, one could say that the Union has been working for some time now in a Multi-Speed way.⁴⁰

For quite a long time, in any case, the European single currency had not been associated with any Two Speed approach, notwithstanding the fact that it had somehow and from the beginning embodied that idea. True, the last stage of monetary union was regularly quoted by academics as an example of

38. See, e.g., Maganza, *supra* note 24, at 1269.

39. See Consolidated Version of the Treaty on European Union art. 20, 2012 O.J. C 326/13, at 27–28 [hereinafter TEU post-Lisbon]; TFEU, *supra* note 27, arts. 326–34, 2012 O.J. C 326, at 189–92.

40. See JEAN-CLAUDE PIRIS, *THE FUTURE OF EUROPE: TOWARDS A TWO-SPEED EU?* (2012).

Treaty “in built” enhanced cooperation; however, that was more a theoretical representation than the reference to an actual reality.

The financial crisis has made Two Speed a reality. As from the moment when the necessity appeared to provide financial assistance to certain members of the euro area, the sheer dimension of the financial needs involved made crystal clear that the means available within the European Treaties and the European budget would never be sufficient to cope with the gravity of the situation. A first mechanism was thus created outside the Treaties, in 2010, by the euro area Member States, the European Financial Stability Facility (“EFSF”), in order to provide financial support to its members. When a second, more robust mechanism, the ESM, was envisaged the same year, it was felt however that a Treaty change was necessary for the sake of acknowledging the possibility that euro area Member States may conclude among themselves an agreement with the aim of preserving the stability of the single currency which they created. A third paragraph was thus added to Article 136 TFEU reading “*The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality.*”⁴¹ It was the first time that a provision of such a purely declaratory nature was entered in a European Treaty.

Less than a year later, another intergovernmental agreement, the Treaty on Stability, Coordination and Governance, better known as the Fiscal Compact, was swiftly negotiated and signed among twenty-five Member States, once no common agreement could be found for a Treaty revision which would only concern the euro area, at the European Council of December 9, 2011.⁴² Thus, the opposition to a “constitutional” decision that a few Member States consider to be essential could not preclude those Member States from

41. European Council Decision No. 2011/199/EU, 2011 O.J. L 91/1. The decision was adopted under the simplified Treaty revision procedure. TEU post-Lisbon, *supra* note 39, art. 48(6), 2012 O.J. C 326, at 42.

42. Statement by the Euro Area Heads of State or Government (Dec. 9, 2011), available at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/126658.pdf.

taking that decision among themselves and outside the Treaty framework.⁴³

The EFSF (2010), the ESM (2012), and the Fiscal Compact (2012) were followed by the negotiation of an Agreement on the transfer of nationally collected funds to a European Resolution Fund to be set up in the framework of the Single Banking Resolution Mechanism Regulation, both under way at the time of writing. Responses to the financial crisis were also attempted through European legislation, notably to try to promote more coordinated and stricter budgetary policies in the Member States. However, the so-called Economic Governance legislation⁴⁴ had to take account of the limited Treaty capacities and could not get to the core of national budgetary prerogatives: under the present economic and monetary union Treaty provisions, Member States remain sovereign regarding their economic policy choices, while they lost their monetary sovereignty several years ago.

In the meantime, calls for a limited Treaty change, notably by Angela Merkel, to allow the euro area Member States to cope more efficiently with the consequences of the crisis were left unanswered.⁴⁵ The fact is that several Member States, as well as the European Parliament and the Commission, are afraid, although not necessarily for the same reasons, of opening a new Treaty revision process, even for the purpose of limited, targeted amendments. Most Member States are concerned about the current political context, including their public opinions, and worried about opening a Pandora's box whereby the Treaty revision process would trigger claims for other changes that could stand in the way of an agreement. The Parliament and Commission may also see a risk that the so called Community method would be watered down in the process. It looks therefore unlikely that a Treaty revision aimed at strengthening

43. The Fiscal Compact stemmed from the impossibility to agree on a limited Treaty revision, which would only concern the euro area, because of the opposition of the United Kingdom that asked for other unrelated Treaty changes in return.

44. The "Six Pack" acts are published in the O.J. L 306 of November 23, 2011; while the "Two Pack" acts are published in the O.J. L 140 of May 27, 2013.

45. See Derek Scally, *Europe Needs a 'Quantum Leap' in Economic Integration, Warns Merkel*, *IRISH TIMES*, Jan. 30, 2014, at 1.

the euro area be envisaged by the Union full membership in the short term.

The alternative option would then be for the euro area Member States to conclude among themselves a new agreement to deepen their integration and give at last a solid and consistent basis to the economic “leg” of the economic and monetary union. Such an agreement would be formally outside the Treaties—as it would not result from a Treaty revision process and would not be among all the Member States—but would in reality place itself and its Contracting Parties at the very core of the European Union—the euro area—(re)creating a sort of “noyau dur,” which could be called the “Euro Union,”⁴⁶ within a larger Union. Thus, it should not be opposed to the existing European Treaties as less “European” for the mere circumstance of not being negotiated and concluded according to Article 48 TEU. It could actually result to be more European insofar as it would strive to deepen the original European integration project. That project is not frozen within the boundaries of the existing Treaties. If it happened that, in a larger Union, it cannot be further developed by common accord, as a result of the growing oppositions to change, it could still be legitimately brought forward on the initiative of a smaller number of Member States.

The Euro Union members should of course continue to comply with their obligations as members of the European Union. As admitted by the Court of Justice, they could share the European Union institutions for some tasks, provided that such tasks be in line with those conferred on the Institutions by the Treaties.⁴⁷ As far as the Commission is concerned, that would normally require that its size be reduced so that it recovers some credibility or, alternatively, that it meets in a reduced composition (only the members who are nationals of the participating Member States) when deliberating on Euro issues.

46. See a suggestion in this respect by the Glienicke Group, *Towards a Euro Union*, GLIENICKER GROUP (Oct. 18, 2013), <http://www.glienickergruppe.eu/english.html>.

47. On the conditions under which some Member States may conclude among themselves international agreements to pursue Union’s objectives, see Alberto de Gregorio Merino, *Institutional Aspects of Variable Geometry: Special Consideration of the Intergovernmental Method*, 66 *STUDIA DIPLOMATICA* 101 (2013).

On the other hand, it seems difficult to conceive that the European Parliament be conferred powers in this area: as transfers of budgetary sovereignty would necessarily take place, a true democratic legitimacy would be better guaranteed by establishing appropriate links with national parliaments, who are the key players in this field.

The Euro Union approach, naturally stemming from the Single currency, could be extended to other common grounds, such as tax harmonization, and should remain open to like-minded Member States genuinely wishing to join. Its natural place would be at the core of a larger European structure, which it would fit into.

Whether such an approach can find a concrete realization in a more or less near future, whether it can be regarded as representing a new “Union method,” the euro area dramatic events of these years will anyway have shown that, should a group of Member States be convinced that the existing Treaty framework no longer allows them, in a too heterogeneous Union, to deepen their integration links, they cannot be prevented from pursuing, in a smaller group, the European integration project.

VI. GOVERNMENTS AND PARLIAMENTS

The European Union, as the European Communities, is not a (federal) State, and the Constitutional Treaty would not have turned it into one (see *supra* Constitutions and Treaties). However, the Union cannot be assimilated to a classical international organization either. The Union peculiarity consists of joining elements of both: it is a union of States and a union of peoples at the same time. That dual nature is now reflected in Article 10(2) TEU, which provides that European citizens are directly represented, at the level of the Union, in the European Parliament and that Member States are represented in the European Council by the Heads of State or Government and in the Council by their respective governments. The Treaty also illustrates the different ways in which national parliaments may in turn contribute to the good functioning of the Union.⁴⁸ It now also reflects the double legitimacy of the Council in the new

48. See TEU post-Lisbon, *supra* note 39, art. 12, 2012 O.J. C 326, at 21.

double majority voting system due to enter into force on November 1, 2014, and easy to grasp, at last: the majority of States, coupled with the majority of population, wins.

The representation of governments and the representation of peoples have hardly ever evolved at the same pace, the former being by definition in-built from the beginning in the European institutional system. There has been a moment though, in the second half of the seventies, when both lanes ran almost side by side. Two major steps forward mark the institutional life in those years: one is the creation of the European Council and the other is the decision to have the members of the Assembly (the European Parliament to be) elected by direct universal suffrage.

The Summits, also known as Summit Conferences, always existed, taking place in European capitals from time to time. They were institutionalized by the last of their kind, held in December 1974 in Paris, where the decision was also taken to hold direct universal elections to the Assembly. The Paris decision meant that the Heads of State or Government would meet as the Council in the highest possible composition (which allowed Member States to leave the Treaties unchanged, as no new institution was created), three times a year. The European Council met for the first time on March 10, 1975, in Dublin. It was a sort of political “take over” of the European decision-making by the Heads of State or Government and one which would allow foreign affairs to be brought progressively into European deliberations, while remaining formally outside the Community remit. The European Council was to find its place in the Treaties with the Single European Act; it was made an institution by the Lisbon Treaty.

The first direct election of the members of the Assembly (which would soon be officially called European Parliament, by virtue of the Single European Act) took place from June 7 to June 10, 1979, in the nine Member States of the European Communities. It gave rise to great expectations, which time and experience would show *a posteriori* that they were not entirely justified. A few decades later, the Parliament, in spite of its denomination and its powers, has lost legitimacy, attracting less

and less of the European electorates' attention over the years.⁴⁹ It did not succeed to fulfill the role which one could have expected it to play and which Maastricht in particular had meant for it. In the meantime, the European Council became the arena where Member States regularly play the core of European business. In that process, the European Council will have taken part of the spotlights away from the Council. As for the European Parliament, it could see its role progressively taken over again by national parliaments.

The representation of governments has not changed much over the years. The role of the Council has basically remained the same over successive Treaty changes, although the modalities of its functioning, including voting, slightly evolved (see below). The progressive establishment of the European Council as the place where the main decisions are taken and the guidelines are set out for the Union future action, however, could not but reduce the margin for the Council's maneuver. On the other hand, the European Parliament's is the story of a quest for increased powers: budgetary powers were conferred upon the Parliament in 1971 and 1975, legislative ones in 1986 and 1992, and the scope of those powers was enlarged from Maastricht to Lisbon. As from the eighties, however, the Parliament also sought to enlarge its powers through agreements with the other Institutions,⁵⁰ while each of them should only act within the limits of the powers conferred on it by the Treaties.⁵¹

The political debate about democratic legitimacy in Europe has been set to rest for some time now, although probably not the academic one. More than twenty years ago, at the beginning of a European Council meeting, a senior Head of State reminded the president of the European Parliament, who had just claimed his institution's legitimacy, that the members of the European Council were not less democratically legitimate, as

49. The European citizens whom the Parliament is supposed to directly represent show, every five years, that they feel less and less concerned by the Parliament's elections, for which the turnout has kept falling, from sixty-three percent in 1979 to forty-three percent in 2009.

50. See, e.g., Revision of the Framework Agreement on relations between the European Parliament and the Commission, 2012 O.J. C 70 /12, at 98.

51. See TEU post-Lisbon, *supra* note 39, art. 13(2), 2012 O.J. C 326, at 22.

they were themselves all accountable under the respective constitutional systems. That is now clearly set out in the Treaty.⁵² What is now more relevant, in this respect, is whether and to what extent national parliaments should be given a larger say in Union's matters.⁵³

As from November 1, 2014, the Council majority voting system will at last combine the majority of States and the majority of population.⁵⁴ That will not make the Council more legitimate than it already is, but might make the system better understandable by the public. At the beginning, the votes of the six members of the Council were weighted according to a mix of parameters which allowed a political balance (four votes for Germany, France and Italy, two votes for Belgium and the Netherlands and one vote for Luxemburg): a qualified majority required twelve votes out of seventeen and neither the three "small" nor one single "big" Member State could block a decision.

The weighting was adapted upon each enlargement up to 1986, without the system being fundamentally altered.

Things got more complicated ten years later, as the adaptation started giving a relatively greater weight to the "small" and "medium" Member States, a process which could only take larger proportions with the prospect of the 2004 enlargement; by that time, the German unification had resulted in the vote of Germany—which "weighted" 23.5% in 1957—to fall to 8.4% while that vote was meant to "represent" 17% of the total Union population. The Convention therefore re-launched the idea, which had already been flagged in the nineties, of building the population element into the system; and the Lisbon Treaty finally settled for a double majority to be reached with 55% of the Member States (today fifteen) and 65% of the population of the Union (which today would represent 328.6 million people). While it is true that the perfect

52. *See id.* art. 10(2), at 20 ("Member States are represented in the European Council by their Heads of State or Government and in the Council by their governments, themselves democratically accountable either to their national Parliaments, or to their citizens.").

53. The role of national parliaments has already been enhanced by the Lisbon Treaty (see in particular Protocols n° 1 and 2). *See* PIRIS, *supra* note 27, at 122–33.

54. *See* TEU post-Lisbon, *supra* note 39, art. 16(4), 2012 O.J. C 326, at 24.

representativeness could hardly be guaranteed, the dual majority system is due to better reflect the double legitimacy of the Council in a European Union which is a union of states and a union of citizens at the same time.

VII. *CITIZENS*

Europe needs to recover its citizens' trust. It is not an easy task, at a moment when many see Europe as the image of crisis, the source of tight fiscal policies, if not an obstacle to economic recovery. Does that mean that citizen's trust in European institutions may not come back until tangible results are on show and employment grows again? That would not be a fair representation of the relation of citizens to Europe.

It goes without saying that the European Communities, first, and then the European Union have been set up for the well-being of the Member States' citizens. What is hardly ever highlighted in national political debates, though, is that generations of European citizens saw their quality of life improved as a result of the existence of the European Union, which has allowed them to move freely across borders, to study and seek jobs, and eventually establish all around Europe, for over fifty years; and which now allows them to use a single currency, wherever they are, in a large number of countries.

That is hardly ever said because in politics it is more beneficial to keep success-stories for oneself, but also because, as extraordinary as it may seem in the twenty-first century, Europe is still lacking reconnaissance and visibility among its citizens and only makes the headlines when the press and social media need an easy scapegoat. European leaders and politicians never really undertook, with some notable exception, to explain in their respective constituencies, what the European integration process was about, and "who did what and why" at European level and in the European institutions, of which some of them were—or had been—a member. They occasionally preferred to blame the European institutions for the lack of information for which they—at the national level—were responsible in the first place, as it has always been self-evident that such a task can only be handled at the ground level of each Member State, starting with education.

Making European citizens and public opinions feel more connected to, and more concerned by what happens and how it happens at European level remains after so many years an urgent need and a repeatedly missed opportunity, even if people only realize that at times of crisis.

In this respect, the first missed opportunity to change things and commit to a real effort of information was in 1992, in the aftermath of the failed Danish referendum on the Maastricht Treaty: while the October Birmingham European Council had clearly set citizens' information as a priority, the focus was rapidly shifted on the lack of transparency of European Treaties and legislation, which was held responsible for detaching citizens' interest from European matters. An easy remedy was then found in making the institutions' (the Council's in particular) deliberations and records public, which the average citizen could obviously not care less about, but which resulted in a considerable increase of bureaucracy and costly paper work for the exclusive benefit of a few Brussels based NGOs and think-tanks. What was not increased however was the level of citizens' information about European matters and their relevance to citizens' life. Worse—as one would normally expect people to learn from experience—the same mistakes were made and another opportunity was missed twelve years later, when public opinions were confronted with the Constitutional Treaty, which was then rejected by the French and by the Dutch citizens. Every time that anti-European parties and lobbies develop new narratives against European institutions, be it in the framework of a referendum or of an economic crisis, they are almost regularly left unchallenged.⁵⁵

Anti-Europe narratives are easier to tell, and more difficult to counter, at times of economic difficulties, when young people facing unemployment are eager to be given a chance. Still, new generations are also those who benefitted from two decades of Erasmus programmes; and, as one columnist recently put it for

55. At the time of the French referendum on the Maastricht Treaty, in the summer of 1992, the anti-Maastricht camp argued that the entry into force of that Treaty would be detrimental to the farmers interests, traditionally representing an important part of the electorate; now, the Common Agricultural Policy was probably the single area which had been left untouched by the Treaty. Nobody countered that assertion.

the *International New York Times*, “[the] so-called Erasmus generation—the millions of young men and women who spent their 20s sharing offices, labs, lecture halls, apartments and beds across the European Union—is coming of age. They have a duty, and a privilege, to stand up for Europe.”⁵⁶

Younger European citizens are the hope of the European project. They are the first ones who did not wait for anybody to lecture them about Europe or tell them how to feel about it, but rather went to find out for themselves. They might act tomorrow as true European citizens, having a sound and responsible judgment about something they got to know personally, not through the media.

CONCLUSION

I have always considered, in my professional life, to be a privileged person: being paid to do what one likes most, and believes in, is no doubt a great privilege. Working over all these years for a project like European integration has been a challenging and rewarding experience. It has been so in particular during the past twenty five years, when the European “constitutional” project saw a new beginning, followed by an abrupt stop, and is now looking at new, uncharted avenues. Of course, working for European integration is not about Treaty writing every day. It may be more obscure and involve more technical day-to-day work, and still be rewarding though, whenever the work is accompanied by a vision. In that case, one is less affected and keeps doing his or her best, when the mood turns doubtful, if not pessimistic.

The mood about European integration has periodically changed over the last four decades: there have been periods of high and periods of low, one cannot always have bright skies. Today the overall mood is not euro enthusiast, as it wasn’t either when I started working for the Council of European Union, in Brussels, many years ago. In the meantime, I made the direct experience that European integration is not a process which one can expect to be definitely accomplished over a few decades: it

56. Beppe Severgnini, Op-Ed, *Can the European Center Hold?*, N.Y. TIMES, Jan. 2, 2014, http://www.nytimes.com/2014/01/03/opinion/severgnini-can-the-european-center-hold.html?_r=0.

needs time, as it needs to go through highs and lows. If one takes a look at European integration over a longer period, one can see that it always ends up overcoming critical moments, even when the process seems to be at a standstill and trust is at its lowest: the institutional crisis which followed the Luxembourg compromise ended in the Spring 1982 (without waiting for the Single European Act), when the Belgian Presidency decided to go for a vote in the Council; the euro sclerosis period which followed the economic crisis in between the seventies and the eighties went away with the Single Market programme. True, people want to see results, in particular at times of economic difficulties; and politicians may not wish to talk about the medium-term when they seek to be (re)elected. Those are the moments when one prays to have (or badly regrets not to have) true political leaders, a rare category of politicians who have “leadership,” i.e. at home, the capacity, to tell electorates the tough truth and aren’t afraid of not being (re)elected for doing so; and, in Europe, the capacity to promote integration in the most efficient way, beyond vested institutional interests.

Traditionally, European integration has progressed through the impulse of concerted Franco-German action; Giscard d’Estaing-Schmidt in the late seventies and Kohl-Mitterrand, between the eighties and the nineties, are the easiest examples which come to mind, the latter tandem being supported by Jacques Delors in the Commission’s Chair. There has alas been no such thing for quite some time now. Angela Merkel has been leading Europe alone for some years and has found support in the financial crisis only from Mario Draghi, President of the European Central Bank, the truly supranational institution today.

If political leadership is essential to keep European integration moving, the work of the European administration—unrelentlessly keeping through changes in Member States governments, political legislatures and mandates—is also important, though regularly underscored, if not openly criticized. The European Institutions’ officials—whom the media like to refer to as “Eurocrats”—are those who draft proposals, amendments, and compromises, on the basis of which legislation is passed and decisions are taken. As officials, however, they do not—and should not—take political

responsibility, which is for the Commission, for MEPs and for the members of the Council to take. Overtime, I had the chance to come across dozens of extraordinary men and women working hard behind the scenes, who greatly contributed to make European integration progress in different areas and whose names are hardly known to the public. Officials do not appear in the forefront, they do not sign Treaties in front of the cameras, though they happen to impulse the action of political leaders: one can think of Jean Monnet, behind Robert Schuman during the very first steps of European integration, and Jean-Claude Piris, who helped Angela Merkel on the Lisbon Treaty after seeing four more Treaties through.

Reconnecting citizens to the Union remains the priority for the years to come, at a time when populism is spreading all over in Member States. The challenge, to that end, is to stop antagonizing the national and European levels and succeed in reconciling national interests within the search for a higher European consensus. Again, a difficult task today, but one worth undertaking by national and European leaders and by the society at large, as it is still worth explaining that answers to economic problems are harder, if not impossible, to find outside Europe and that Member States—big or small—cannot cope alone with global crises in today's world.

To think about Europe tomorrow is to think about the next generation: those who will have voted for the first time in May, or have done so five years ago, those who may take up public responsibilities in the ten years to come, those who have had, or are having now, a direct experience of Europe and might choose to be personally involved in order to have an impact on our common future. Wishing them to be successful in pursuing, with renewed vigor and imagination, a European dream.