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European federalism: birth and evolution of an unfinished project

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List of abbreviations

CAP	Common Agricultural Policy
ECB	European Central Bank
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
ECU	European Currency unit
EDC	European Defence Community
EEC	European Economic Community
EMI	European Monetary Institute
EMS	European Monetary system
EMU	European Monetary Union
EP	European Parliament
EPC	European Political Community
EU	European Union
EUF	European Union of Federalists
EURATOM	European Community of the Atomic Energy
GATT	General Agreement on Tariffs and Trade
MEPs	Members of European Parliament
MFE	Movimento Federalista Europeo
NATO	North Atlantic Treaty Organization
OPEC	Organization of Petroleum Exporting countries
SEA	Single European Act
UK	United Kingdom
USA	United States of America
USSR	Union of Soviet Socialist Republics
WWII	Second World War

Introduction

"Europe will not be made all at once, or according to a single plan. It will be built through concrete achievements which first create a de facto solidarity"

Schuman Declaration, May 1950

The European Union (EU) is a political and economic union. So far, the history of the European Union has been written through several Treaties which have regulated its life. The European Union has displayed a wide range of successes, ensuring peace and prosperity for a region that today counts about 500 million people and 27 member states. The work of the Union has been under constant scrutiny and has overcome difficult moments such as the recent Brexit vote and the ongoing COVID-19 pandemic. The revival of nationalist instances and the response to new challenges has indeed caused the Union effectiveness of action to be doubted. However, the difficulties encountered could be exploited to rethink the organization of the European Union and to revive the integration process. One of the most desired outcomes of new integration is the creation of the United States of Europe, a federation of European states.

The European Union is composed of 27 sovereign states which have transferred part of their sovereignty to the Union, though most of their sovereign powers remain in their hands. In order to achieve a federal state, it is essential to overcome the concept of national sovereignty which nation states have fought hard to achieve and protect jealously. Considering this, it is clear why European federalism has always been a challenge. The Union history has always been marked by the need to find a compromise between enhancing supranational integration and maintaining intergovernmental institutions to guarantee member states their grip over the Union institutions.

Even before the beginning of the EU history, federalist instances were advanced to deal with region-wise and international issues, especially after the First World War. The instances were carried forward by the federal movement which had relevant exponents and supporters also among the ranks of European Union officials. Some of them are Richard Coudenhove-Kalergi, Aristide Briand, Altiero Spinelli, Walter Hallerstein. Unfortunately, the movement has had a long but troubled life, often victim of its own internal divisions and divergences. Moreover, strong opposition by member states or Union officials has prevented a federalist turn. Despite divisions,

federalists have been present in every phase of the EU development and have attempted to impact the development of integration steps. Federalist contributions, frequently small ones, can be traced in almost all the Treaties and in the Union overall political development.

It is recurrent throughout the European Union history the debate on whether a federal Europe could be possible and needed. Nowadays we often hear claims that 'more Europe' is necessary to tackle challenging social, political, economic and environmental issues. 'More Europe' might mean many different things but one of them is for sure a federal Europe, with its own federal Constitution and federal institutions. This revolutionary passage would imply a retreat of the role of member states in the management of the Union and therefore a retreat of the supranational and intergovernmental features of the Union. A federal Europe would entail a stronger presence of the Union on the international scene and more decision-making power internally.

The analysis of this dissertation aims at providing an historical account of European federalism. In a chronological fashion, the discussion will begin from the 1940s until the signing of the Lisbon Treaty and the future prospects of federalist developments. The dissertation is divided in four chapters. The first one illustrates the federalist aspirations before the Second World War, mostly ideas generated by the historical context and difficulties of the post-World War I reconstruction, and the first developments after the war. The second chapter deals with the 1950s, when the first relevant steps of the Union were made with the creation of the European Coal and Steel Community and later of the European Economic Community. Between these two Communities, the European Defence Community and the European Political Community were supposed to be established.

The following chapter dives into the 1960s and 1970s. These two decades were full of failed attempts to build a federal Europe but the European Court of Justice had an important role in fostering integration. The final chapter illustrates the evolution from 1980s until nowadays, going through the several treaties promulgated in those years. The conclusion will help reorganising the salient steps of federal instances and will give an insight about possible future opportunities of development of the European Union, in light of the current historical and political context.

To effectively understand the developments of the European Union federal movement it is necessary to go back to very first roots of the European federalism, the interwar period.

Chapter 1: European federalism from the interwar period to the 1940s

Historically, federalism meant a way of bringing separate, autonomous entities together under the maxim 'Unity in diversity'. It consists of a voluntary union which aims at recognizing and preserving different cultures, interests and identities. A moral commitment to the community is embedded in federalism since all members have to act in the interests of the general well-being and with the aim of not harming others. The dictum 'Unity in diversity' in parallel has also accompanied the development and growth of the European Union since its birth and has become the official motto of the Union.

1.1 The defining features of federalism

Naturally, the heritage of the European federalist movement can be traced back to many centuries ago up to the Enlightenment period but it is undeniable how powerful the impact of the Second World War has been on it. Conceptions about federalism, though in the same historical context, have developed nonetheless quite differently and often ambiguously. They are a mixture of schemes developed by political philosophers and strong supporters of the European unity and experiences of already-existing federal states[1]. Cleary however, every experience of a federal state has been different. Switzerland and India for example stand out as case of how multinational, multilingual and multicultural federal unions can thrive. Switzerland in particular is often cited as a model for future, possible European developments, but not all the experiences have been as successful.

The starting point indeed for each federal state is different. According to Charles Pentland, there can be usually two different starting points: a sociological and a constitutional one [2].The former aims at peace and progress given by the interaction among people, while the latter ensures harmony and stability through enlightened constitutional frameworks. Eventually all these starting points led to the same outcome: a defined supranational state[3]. Indeed, according to federalists, the supranational state generates efficiencies through a degree of centralization and upward devolution of policy competence. Federalism has to work in the perspective of common objectives thanks to

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[1] Rosamond,B (2000) *Theories of European Integration*. Palgrave Macmillan p.25
[2] Ibid.
[3] Ibid. p.26

the combination of unit autonomy and harmony among members of the federation. The objectives have then to be constitutionalized rather than left to the diplomatic means[4].

In the eyes of the supporters of federalism, it has two advantages[5]. The first consists of rendering much less easy the domination of one single group over the others. According to the second one, the state becomes a strong unit able to face external threat. However, discrepancies can be found also about the way through which it is possible to achieve the federal framework. The first way is making steps through an act of constitutional immediacy, through a revolutionary settlement. Then there is the gradualist way, which aims at persuading people, interest groups and political elites that the federalist way is the proper one. So, in this case, federalists have to work through the purpose of creating a popular movement.

1.2 Inter-war period federalism

1.2.1 'Pan Europa'

The popular movement indeed started developing after the Second World War, when the European federalist movement had its effective starting point. Nonetheless, even during the inter-war period, there was notable activism towards a united Europe. Some believed Europe should become a federal state with its own Constitution and bureaucratic and administrative structure. One of the most important intellectual interventions about this purpose was the Richard Coudenhove-Kalergi's book "*Pan-Europa*" published in 1923[6]. The book envisioned a united Europe being a federal state with a federal constitution. An ad hoc political-economic federation which had defensive or military-economic objectives as well as cultural and political ones[7].

The author supported this idea since he believed a united Europe could become a force in the international system and would replace the conflicting nation states created by the post-Versailles order. Considering the historical context, Kalergi hoped for the immediate cooperation of European states for three reasons: the prevention of another war, the prevention of economic ruin and the ensuring of protection against Bolshevik invasion and communist ideology. He envisioned Pan-Europa to be the union of all the democratic states of continental Europe, which would unite under

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[4] Ibid.
[5] Ibid.
[6] Ibid. p.21
[7] Villanueva, D.C., Richard von Coudenhove-Kalergi's Pan-Europa as the Elusive "Object of Longing", University of Nevada

administrative and economic terms[8]. Achieving this goal would not be so difficult since European countries already are very intertwined and the only alternative to Pan Europa would be enmity and conflict. Indeed, a fragmented Europe leads to war, oppression, misery while a United Europe leads to peace and prosperity.

Building Pan-Europa consisted of a process entailing different steps to be followed. The first involved the convening of a pan-European conference. The conference would have been pivotal to increase a positive echo for the European project and would be based in Switzerland, whose federative system could have been used as an example. The second step was the conclusion of an arbitration agreement and democratic guarantee among the European states. The third step is the creation of a European custom union to create a prosperous European economic area. The symbol of the union would be a red cross against the background of a golden sun, the symbol of humanity and reason and of the foundations of European culture. Kalergi also envisaged the creation of two parliamentary chambers: the people's chamber and the member states' chamber. The former would have been composed of 300 deputies one per each million of Europeans, the latter of 26 members representing the 26 member states.

Another institution was the Arbitration Court or the Federal Court. Its competence would have been the one of ensuring the respect of the arbitration treaty, as a mutual guarantee signed by the member states of the Federation[9]. Moreover, the author believed the Union would include also the colonies of European states but not Russia and England. The former was not included because of its non-democratic regime, the latter because of its tight economic and political connections with its empire. He was aware that the 20th Century saw the decline and loss of power and relevance of the European continent on the international arena. However, through the United States of Europe, Kalergi hoped Europe could once again be a superpower together with Russia, Britain, America and East Asia, creating a new close community under the League of Nations where the Soviet Union and the United States could join[10].

1.2.2 *"Memorandum on the organization of a Regime of European Federal Union"*

This book influenced many important politicians at the time. One of them was the French minister of Foreign Affairs Aristide Briand who in 1930, on behalf of the French government, issued the

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[8] von Coudenhove-Kalergi, R. (1923) Pan-Europa
[9] Dumitru, A.S., (2020) The Idea of a European Union in the Interwar Period
[10] Ibid.

"*Memorandum on the organization of a Regime of European Federal Union*"[11]. Briand presented his plan to the delegates of the 27 European countries members of the League of Nations in Geneva[12]. He distinguished himself from Kalergi since he did not explicitly support a federal state but spoke out in favour of a federal link between European countries, outlining it as a federative connection between states which maintained their sovereignty. He claimed the Union should include all the states which are members of the League of Nations and act under the auspices of this institution. The federative union would include also a common market and a customs union. The economic approach would have helped preserving the sovereignty of member states which retained their full independence[13]. The Memorandum was supposed to be followed by a conference of European States to debate these proposals, but the conference was never held[14]. The Memorandum was met with some criticism and nationalist resistance but it is an important testimony of the support by an exponent of a European government of European unity.

1.3 Federalist enthusiasm after World War II

Despite the interwar period enthusiasm for a federal Europe, it was not until throughout World War Two that some European countries started thinking seriously about creating a united Europe and also a federal Europe. The desire of overcoming nationalist stances towards a strongly united Europe belonged particularly to leftist parties. Although it was among the lines of anti-fascists that the idea of a federal Europe started its development, it did with radically different conceptions. However, almost all the federalist groups had the same objective: a European federal state. They mostly gathered, under the European Union of Federalists (EUF) founded in Basle in 1946 which became their centre of action. The EUF represented the different souls of the federalist movements. Among them, the 'world' federalists who saw European unity as the first stage, 'international' federalists who retained the importance of maintaining a good degree of decentralization and diversity and finally the 'integral' federalists who wanted to build the new European unity on the basis of traditional national sub-groups[15]. Later many other movements were born around Europe with the same spirit.

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[11] Rosamond, B (2000) Theories of European Integration. Palgrave Macmillan p.21
[12] Dumitru, A.S., (2020) The Idea of a European Union in the Interwar Period at
[13] Ibid.
[14] Briand, A., (1930) Memorandum on the organization of a Regime of European Federal Union
[15] Pentland, C. (1973) International Theory and European Integration, Faber p.177

1.3.1 The Ventotene Manifesto and Spinelli impact

Undoubtedly, the most important document of that period is the *Ventotene Manifesto* of 1941. It was written by the Italian federalists Altiero Spinelli and Ernesto Rossi on the island of Ventotene, where they were imprisoned for being Fascist opponents[16]. The Manifesto was a summary of federal attitudes, assumptions and ideas developed during the years of Resistance. The authors believed it was the right historical moment to end the division of Europe in sovereign states, since the support for a federal European Union had increased because of the war[17]. They also claimed the European Union could be the only viable way to establish a pacific cooperation with American and Asian peoples. The federal Union was envisioned to be a federal state, having a common army at its disposal and the power to make its decisions binding at the national level, while leaving to states the possibility to adapt them to peculiar cases. Spinelli and Rossi assumed the Federal Union could also solve several political and economic problems which had existed among European countries for a long time, such as the Irish question, the Balkan question, the issues for the protection of minorities, the access to the sea of inland countries[18].

1.3.2 '*Movimento federalista europeo*'

At that time the Manifesto circulated very much already and today is considered one of the founding documents of the European Union. At the end of the war and of the Fascism era, Spinelli began its successful political career and played a central role in the European integration process. As Secretary-General of the Italian *Movimento Federalista Europeo* (MFE), he pressured the Italian government to support a federal solution through a directly elected European assembly, powers of taxation and a joint decision-making structure. Spinelli hoped that his 'democratic radicalism'[19] would lead to the appointment of a parliamentary assembly to draft a new European treaty.

From the Spinelli experience, an important lesson could be drawn: EU member states can be propulsive forces towards building a federal Europe and this should be also taken into consideration. Spinelli plan for a federal Europe consisted of the establishing of political institutions and a treaty endorsed by the people which would be later translated into a constitution. Unfortunately, the

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[16] Wiener, A., Diez T.(2003) *European Integration Theory*. Oxford University Press p.31
[17] Spinelli, A. Rossi E., (1941) Per un'Europa libera e unita. Progetto d'un manifesto
[18] Ibid.
[19] Wiener, A., Diez T.(2003) European Integration Theory. Oxford University Press p.32

question for a European Constitution has never been at the centre of debates about European integration especially after WWII since most of the European States were not able to contemplate or introduce such a proposal. Eventually up to this day the plan laid down in the Manifesto has never been practically implemented.

1.4 The Hague Congress

A turning point for the federalist movement was the Hague Congress of May 1948[20]. It is often defined as the first federal moment in European history since federalist supporters were active and influential. The Hague Congress wanted to provide an opportunity for further discussions about the development of European integration. 750 delegates participated from around Europe with Canada and United States participating as observers. Through the debates held during the Congress, it became clear that two factions existed among the delegations. The delegations from Italy, France Germany, Belgium and the Netherlands, among others, were strong supporters of a federalist Europe, while British and Scandinavian countries declared themselves unionists and called for an Assembly drawn from national Parliaments. Federalist participants instead asked for the immediate creation of federal political institutions and federalized economic and administrative structures[21].

The disruptions caused by the war both materially and spiritually induced the participating delegations to find solutions to avoid further divisions and conflicts in the continent. The need for change was particularly felt in countries which suffered the consequences of Fascism and Nazism directly or indirectly and where the need to take a distance from nationalism was felt stronger[22]. Those were the ones who supported federalism more fervently. It was indeed a common perception that the two World Wars, especially the second one, were the outcome of the unsatisfactory nation-state system. Many were still appalled and concerned about the quick rise of Nazi Germany and believed that resolving the 'German question' was a matter of urgent priority. Particularly worrying was also the relationship between France and Germany, whose conflicts turned out to be particularly damaging and dangerous for the whole continent and beyond. It was a pressing need to look for a way in which they could live harmoniously together and cooperate politically and economically.

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[20] Pentland, C. (1973) International Theory and European Integration, Faber p.178
[21] Ibid.
[22] Wiener, A., Diez T.(2003) European Integration Theory. Oxford University Press p.31

1.4.1 Winston Churchill: the Zürich speech

This problematic possibility was pointed out by the then British Prime Minister Winston Churchill, as well. In a speech given in Zürich[23] in 1946 he expressed his belief that the first step to build a united and federal Europe would be the one of creating a long-standing partnership between France and Germany. This would help creating a harmonious atmosphere in the whole continent and restoring peace. He also took a stand for the United States of Europe, supporting European federalism. He claimed it would not conflict with the United Nations framework and it would generate a sense of belonging in all European citizens after the turbulent years of the two World Wars. He believed in a system where small states could count as the bigger ones and where they would all participate in the decision-making processes for the benefit of the community[24]. Churchill believed the United States of Europe could be the third way between the United States of America and the Soviet Union and set the scene for future joining by Eastern European countries.

His speech had a great impact at the time and was met with great enthusiasm by the already-existing federalist groups. During the Hague conference, he explained and supported this vision once again. Churchill wanted the United Kingdom to be at the core of the European community though not directly part of it, since he thought the UK could give a great contribution to the cause and help build a strong union. Therefore he was extremely disappointed by and critical of the choice of the UK not to participate in the creation of the community from 1945 to 1951 under the Heath government[25].

1.4.2 The outcome of the Hague Congress

Eventually, in the Hague Congress the view of unionists prevailed. The enthusiasm of federalists was disrupted by the many negotiations carried out. Federalists increasingly became a minority and their requests had little following. The functional and partial solution seemed considerably more viable and ended up being chosen over the federalist one. This situation can be clearly seen in how it affected the discussions on the structure and future of the Council of Europe, as well[26]. The Council

[23] Churchill in Zürich, *Churchill speech in Zürich* available at https://www.churchill-in-zurich.ch/en/churchill/en-churchills-zurcher-rede/
[24] Ibid.
[25] Poyser, D. (2020) Churchill and the European Union at https://encompass-europe.com/comment/churchill-and-the-european-union
[26] Pentland, C. (1973) International Theory and European Integration, Faber p.178

of Europe is an international organization founded in May 1949, following the Hague congress, with the purpose of protecting human rights, democratic values and diversity, but its establishing treaty satisfied little of the requests of the federalists.

Considering the outcome of the Congress and despite the apparently favourable conditions, the recent wars, the decline in nationalism, the encouragement from the United States and a common external threat, the federal revolution failed. The British opposition played a significant role[27] but also the other European governments were hesitating about supranationality. Therefore, in the end, the federalist stand did not manage to fully convince all European leaders and be translated into concrete actions. Some countries feared indeed the loss of national sovereignty and decision-making control which they had just gained back after the war.

1.5 Divergences and criticisms

Considering the average positions of federalists during the 1940s, it turned out that the most predominant position of federalists was the one of the pragmatic wing of federalists[28]. Taking into account one of the most successful examples of federal state at that time, European pragmatists took for granted the possibility of reproducing in Europe the American experience, creating a state-like order at the European level. Their position was often criticised and regarded as a mistake for two reasons. The first one is that it can provoke a distancing between the governors and governed. Nation states can more easily claim the loyalties of its citizens rather than federated entities.

The second reason is it may lead to a series of dangerous interregional rivalries, since a European federal state would reproduce the flaws of the national level on a bigger scale[29]. Furthermore, a federal integration such as the European one had no testable example at that time in the world and still not to this moment. It has remained confined to academic isolation. Nonetheless the wide spread of federalist ideas in the 1940s was given by the fact that this system promises to ensure like no other both security, order, authority, administrative rationality and liberty, local autonomy, representation, pluralism, diversity[30]. It can be a unifying force and an effective means in maintaining the value of diversity.

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[27] Ibid.
[28] Pentland, C. (1973) International Theory and European Integration, Faber p.176
[29] Rosamond,B (2000) Theories of European Integration. Palgrave Macmillan p.30
[30] Pentland, C. (1973) International Theory and European Integration, Faber p.177

At the time then nation states seemed to have lost part of their control over economic and social development. The need for supranational governance was strongly felt since it could avoid the dangers arisen in the 1920s and 1930s which led to Fascism and Nazism. Moreover, the economy was already under transnational governance as the Great Depression showed. This is why Robert Schumann, Konrad Adenauer and Alcide De Gasperi among others decided to build an order stronger than the League of Nations which could resist from dangerous attacks[31].

Thanks to these inherent qualities, despite all the difficulties and failures, the objective of a federal Europe did not retreat but adapted to the changing historical context. In 1950 the French Foreign Minister Robert Schuman issued the so-called 'Schuman Declaration'. The Schuman Declaration was a proposal to establish a single authority for the control of production of coal and steel in France and West Germany (now Germany), a proposal open also to other countries. The proposal was later realised into the 'European Coal and Steel Community' (ECSC)[32]. An important role in the process of establishment of the institutions of the Community was played by Walter Hallstein, the first president of the Commission of the ECSC, considered one of the founding fathers of the European Union.

Chapter 2: European federal developments in the 1950s

2.1 First attempts to federalism: the Schumann Declaration

In the 1950s the Schuman Plan became the substitute of the federalist aspirations. On the 9th May 1950 the French Foreign Minister Robert Schuman promulgated the so called Schuman Declaration. The Declaration had as its core aim, bringing under a common supranational roof the production of steel and coal of France and Germany[33]. Production would be placed under the control of a High Authority and participation would be open to other countries. The functions of the High Authority would replicate those held by the International Ruhr Authority and conditions given by Germany. The International Ruhr Authority was established by the Western Allies in 1949 to manage the Ruhr Area in West Germany. The Authority would "supervise the production, organization, trade and ownership policies of the Ruhr industries and distribute their products so

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[31] Schulz-Forberg, H. and Stråth, B. (2014) The Political History of European Integration. 1st edn. Taylor and Francis ch 1

[32] Britannica, The Editors of Encyclopaedia. "Schuman Plan". Encyclopedia Britannica, 2 May. 2021, https://www.britannica.com/event/Schuman-Plan. Accessed 10 December 2021

[33] Schuman, R., Schuman Declaration, 9 May 1950 https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en

that all countries cooperating for the common economic good will have adequate access to them"[34].

The pooling of coal and steel production would create a productive unit which provided the basis for an economic unification. It would also promote peaceful arrangements around the world, with a particular focus on the development of the African continent. Economic unification will then lay foundations to a European federation, focusing on maintaining peace, changing the history of those countries which have been long-standing manufacturers of munitions of war[35]. The coal and steel sector would be realised of all custom duties and free movement of goods would be promoted. The High Authority would manage the scheme and would be composed of independent functionaries appointed by governments[36]. The Schuman proposal was based on the efforts of avoiding a new war between France and Germany, by making it materially impossible[37]. It also wanted to promote international peace, making Europe the balance-sheet between the USA and USSR and reintegrating Germany in the Western block.

2.1.1 From the Schuman Plan to the Coal and Steel Community

The Declaration became therefore the basis for the creation of the European Coal and Steel Community. Indeed in 1952 the European Coal and Steel Community Treaty was signed by 6 countries: Italy, West Germany, France, Luxembourg, the Netherlands and Belgium. The United Kingdom expressed support but did not join it. The treaty envisaged the creation of a common market and therefore established the free circulation of goods, by forbidding the imposition of tariffs and taxes. It also attempted the improvement of working conditions and of standards of living, accompanied by the development of international exchanges and modernization of means of production[38]. The Treaty prohibits discrimination based on unfair competition, such as abuse of dominant position and concentrations. It also established a High Authority, an Assembly, a Council and the Court of Justice[39]. The High Authority was composed of 9 members, which had the tasks of monitoring the market, the respect of rules on competition, guaranteeing the transparency of prices. The Assembly was composed of 78 members, representing their national Parliaments, who

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[34] "The Ruhr Agreement". The New York Times. 1948-12-29. p. 20.
[35] Schuman, R., Schuman Declaration, 9 May 1950 https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en
[36] Ibid.
[37] Ibid.
[38] Treaty establishing the European Coal and Steel Community https://eur-lex.europa.eu/legal content/EN/TXT/?uri=LEGISSUM%3Axy0022
[39] Ibid.

had the task of monitoring the respect of rules. The Assembly had a consultative role and it was supposed to close the gap between citizens and decision-makers. However, it was closer to the latter and at the time it was not representative of the opinions of the citizens[40]. The Council was composed of 6 members, representing their national governments and it has the role of harmonising the decisions of the High Authority to the political economy of the member states. Its opinion is necessary for important decisions taken by the High Authority. The Court of Justice was composed of 7 judges who had the task of assuring the respect of interpretation and application of the Treaty[41].

2.2 Deepening integration

2.2.1 The Pleven Plan

The above-mentioned treaty, which had been in force until 2002, gave the impulse to further European integration and developments. Indeed, because of the success of the Coal and Steel Community, its six members attempted to deepen European integration. Between 1952 and 1954 two ambitious projects were envisioned: the European Defence Community (EDC) and the European Political Community (EPC). Those years were dominated by military issues: the activities of North Atlantic Treaty Organization (NATO), the American pressures for European rearmament, Franco-German military negotiations, the Korea and Indochina wars[42]. Considering all these facts, in 1950 Winston Churchill called for the creation of a unified European army under the authority of a European minister[43]. Indeed, he feared the growing power of the USSR and a Communist invasion.

The Army should have been placed under democratic control and should have collaborated with the United States and Canada[44]. At that time the USA encouraged the rearmament of West Germany because they considered it fundamental to contain the USSR from invading Western Europe[45]. The EDC was outlined in the Pleven Plan, proposed by French Prime Minister René Pleven in 1950. The Plan wanted also to bring under European and especially French control the rearmament of West Germany, which France considered premature and dangerous. It was

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[40] Van Middelaar, L., (2013) The Passage to Europe: how a continent became a Union, Yale University Press p. 279
[41] Ibid.
[42] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.67
[43] Ibid.
[44] Address given by Winston Churchill to the Council of Europe (Strasbourg, 11 August 1950)
[45] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p.39

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basically a way of re-arming Germany, without officially re-arming Germany[46]. The Pleven plan provided for the creation of a European army tied to European political institutions. The army could not just be a mere coalition of armies but had to reflect the European values, under human and material elements[47].

A Minister of Defence would be appointed by the member governments and would be responsible to those appointing him and to a European Assembly. The Minister would have the same powers of a national minister towards the national army and would have to implement the directives of the Council of Ministers of member states. The European army would be financed by a common budget. The European Minister of Defence would be also responsible for obtaining the contingents, equipment, armaments and supplies from each member state[48]. The European army would collaborate closely with the NATO and play a pivotal role in the implementation of Atlantic programs. Pleven also invited Great Britain and other continental European countries to participate[49].

It is crucial to underline the role of federalists in these years, since they exploited these opportunities to revive the discussion about a federal Europe. Altiero Spinelli, Pietro Calamandrei, Alcide de Gasperi, Paul-Henry Spaak, Fernand Dehousse, Henry Frenay and others were able to exercise a political influence that was stronger than their size[50]. As they saw the external events opened them a window of opportunity, they exploited it with vigour and tenacity. They mostly advocated for a political union which then had to democratize the envisioned European Defence Community[51].

2.2.2 A federalist leap: the European Defence Community

The Pleven Plan became the blueprint for the EDC Treaty. The objectives of the Community had to be only defensive, ensuring the security of the member States against aggression. Any form of aggression towards a member state would be considered an attack against all the member states[52]. In the treaty it was underlined that any decision of the Community had always to respect fundamental rights and public liberties. The Armed forces should be placed at disposal of the

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[46] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.68
[47] Pleven Plan, Excerpt from Address to National Assembly, 24 October 1950
[48] Ibid.
[49] Ibid.
[50] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.69
[51] Ibid.
[52] European Defence Community Treaty 1952

Community by the member states. The Army would have been composed of 43 divisions, of approximately thirteen thousand men per each. However, member states could still recruit and maintain armed forces for use in non-European territories, for protection of the Head of State and relevant political personalities and for police forces and forces of gendarmerie, for example Gendarmes in France and Carabinieri in Italy.

The Armed forces should collaborate with NATO and during wartime the Supreme Commander of NATO should have exercised on the Armed Forces full powers and responsibilities of Supreme Commanders. Despite the USSR trying to block the signing of the treaty sending a diplomatic note proposing the neutralization of Germany, it was signed by the six ECSC member states in Paris in 1952. The EDC Treaty represented the greatest single cession of sovereignty by the member states until the Maastricht Treaty of 1992[53].

The Community bodies were: the Council of Ministers, a Common Assembly, a Commissariat, a Court of Justice[54]. The Commissariat would have executive and supervisory power. It should have been composed of nine members appointed for six years among member states nationals with general competence. While part of the Commissariat, they should have been and acted as independent from governments. The Commissariat was supposed to give military assignments and appoint the Commanders of basic units. It was also responsible for the appointment of civilian heads of services together with the Council. The Council would have been composed of representatives of member states. The Council would take decisions, issue concurrences with the Commissariat and decide when it was appropriate to call a joint meeting with the Council of NATO. It would meet at least every three months. The Court of Justice is the Court of the ECSC. It has to ensure the rule of law in the interpretation and application of the Treaty and implementing regulations. Finally, the Assembly has the same conditions and terms of the Assembly of the ECSC[55]. It would meet annually.

The Italian government of Alcide De Gasperi managed to insert a special article, number 38 in the EDC treaty which aimed at securing discussions about a federal model would be later held[56]. The Assembly should study the problems among the different organizations for European cooperation to give rise to a federal or confederal structure. Article 38 indeed contributed in 1953 to the

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[53] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 40
[54] Ibid.
[55] Ibid.
[56] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.69

appointment of an Ad Hoc Assembly based on the ESCS Assembly, with the function of issuing a draft treaty for the European Political Community[57].

2.2.3 The European Political Community

Federalists played a critical role in the proposal to create the above mentioned European Political Community (EPC). In particular, the Italian government strongly advocated a federal model for the new organization based on a European Assembly directly elected and with powers of taxation. In August 1952, the Assembly of the ECSC began designing a blueprint for the new Community which would have had the task of coordinating the foreign policies of the member states and the implementation of the EDC project. By March 1953 the Assembly completed its job. The EPC was designed to be a huge step ahead in the integration process since it had to incorporate the ECSC and the European Defence Community[58]. It also seemed to give reason to federalists since Europe was going to be structured as a federation.

The EPC was supposed to have a bicameral legislature, an Executive Council, an advisory Council of Ministers, a Federal Court and an Economic and Social Council. The bicameral legislature had to be composed by a Senate chosen by National Parliaments and a People's Chamber elected by universal suffrage. The Senate would have had the power of nominating in a secret ballot the president of the Executive Council. The president would then have the freedom to choose a cabinet of Ministers. The Executive Council would be the federal government of the Community [59] and could be removed by the Senate or censured by the Chamber.

The advisory Council of Ministers had to represent the ECSC and the EDC[60]. The Court of Justice would provide the nation states with judicial review of the constitutionality of the EPC's laws[61]. The EPC had the task of encouraging the progressive establishment of a common market and coordinated economic policies and promotion of cooperation in foreign policy. The EPC, because of its direct links with the European electorate and partial control over the military, had to be the root for a European Federal Union[62].

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[57] Pentland, C. (1973) International Theory and European Integration, Faber p.180
[58] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group
[59] Ibid.
[60] Ibid.
[61] Ibid.
[62] Pentland, C. (1973) International Theory and European Integration, Faber p.180

2.2.4 The first failure of European federal developments

Some governments were not enthusiastic about this idea and delayed the discussions, but this was the closest attempt European countries had come to create a federal community[63]. Federalists were prepared to assume a 'contractualist' approach towards the new Communities in an effort to overcome the difficulties of European integration and finally lead to a Western European Union[64]. Despite member states agreeing to strengthen their individual power in the Union, the EPC was a bold expression of federalist ideas[65]. However, the project did not succeed. The situation in Europe and the world was changing. France was in the midst of the process of liquidation of its colonial empire, Germany was experiencing a tremendous rise and with Stalin's death the USSR seemed not to represent a terrible threat anymore[66]. Especially France did not want to give up its control over the army and defence issues. On the 30th of August 1954, the French National Assembly failed to ratify the EDC Treaty because of Communist and Gaullist opposition[67]. This failure led the whole project, both EDC and EPC, to collapse as well as the first attempt at creating a federal Europe. Governments were indeed pursuing their own national different interests and only Italians were really interested in the project of a federal Europe[68].

Another episode contributed to the end of the federal project. Considering the changing international situation, in 1954 Belgium, the Netherlands, Luxembourg, France and the UK, decided to end the occupation of West Germany with the aim of creating the Western European Union with West Germany and Italy as members and allowing Germany to join NATO. However, the UK pledged it would maintain military forces in West Germany and Germany pledged it would abstain from keeping certain weapons such as nuclear bombs and capital ships. An agency to monitor national stocks of armaments was set up. In a nutshell, European powers created a defence framework outside and independent of the EDC.

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[63] Ibid.
[64] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p.42
[65] Ibid.
[66] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino pp. 27-28
[67] Dedman,M.J., (2010) The origins and development of the European Union 1945-2008: a history of European integration, Routledge p.60
[68] Ibid.

The failed attempts turned out into a trauma for those who believed in the federal project. Despite the failure, the project of the EPC and EDC was very far-reaching and it highlighted how impactful federalist ideas could be on the European Union organization[69].

2.3 The revival of federalist aspirations

2.3.1 The Spaak report

Indeed, federalists did not cease to reach their objectives. In 1955 the Foreign Ministers of the six member states of the ECSC gathered in Messina to discuss further European integration after the failure of the EPC. Foreign Ministers agreed to advance European integration in three fields: transport and nuclear energy, establishment of a European market, the progressive harmonization of social policies[70]. Belgium, Netherlands and Luxembourg, in particular, proposed to revive European integration through a common market and the integration in the transport and atomic energy sectors. The Belgian Paul-Henry Spaak was chosen as head of the intergovernmental committee which had to prepare a concrete proposal for further integration. The Spaak report delivered the 'Intergovernmental Conference on the Common Market and Euratom' which then led to the Treaties of Rome of 1957. After the Messina conference, federalists were forced to choose once again between doctrinal purity and pragmatic collaboration in a prospect of a gradualist project[71]. According to many, the defeat of EPC ended any aspiration of federal integration[72].

The divisions among federalists eventually led to a split. Spinelli and others left the UEF in 1956 and moved on by creating the *Mouvement Fédéraliste Européen (*MFE)[73]. The MFE consisted mainly of French, Italian and Belgian social-democratic federalists and aimed at a radical transformation of the European society through a campaign that would lead to a Constituent Assembly. However, the influence of this groups diminished with respect to the Dutch and German federalist organizations which had a more gradualist approach, entailing also working with the emergent European Economic Community (EEC). The EEC was established by the Treaty of Rome.

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[69] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.70
[70] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p.42
[71] Pentland, C. (1973) International Theory and European Integration, Faber p.181
[72] Ibid.
[73] Ibid.

The Treaty developed some ideas and concepts already written in the Spaak Report. The Report was drafted by two self-confessed federalists: Hans Uri, the principal economist of the High Authority of ECSC and Hans von der Groeben, the head of the Coal and Steel Community in the German Ministry of Economic Affairs. Considering their contributions, it does not come as a surprise that the ECSC served as a model for the EEC[74]. Each national delegation then tried to bend the treaty to its own national interests but in the end everyone converged on the same European interests. An important role was then played by Italian federalist Benvenuti who wanted to carry on the legacy of Alcide De Gasperi, the Italian President of the Council of Ministers who contributed to the federalist cause[75].

2.3.2 A new integration attempt: the European Economic Community

Despite the preamble stating the Community would establish an even-closer Union, the word 'federalism' was never mentioned, following the failure of the EDC[76]. The Treaty focused on short- and medium-term economic benefits rather than long-term political objectives, avoiding provoking nationalists' fears. It did not specify the time-ranges for the concretization of the objectives. It was a 'framework treaty' which provided instruments for a permanent negotiation among member states, a typical feature of the Community[77]. The treaty signed by Italy, West Germany, Belgium, Netherlands, Luxembourg and France envisaged the creation of integration and economic development based on commercial exchanges[78]. The common market was based on the free circulation of goods, services, people and capitals. It also established a custom union, abolishing tariffs among member states and imposing a common tariff for imports coming for extra-EEC countries.

The institutions of the Community were the Council of Ministers, the Commission, the parliamentary Assembly and the Court of Justice[79]. The administrative structure of the EEC was very similar to the one of the ECSC. The ECSC and the EEC shared the same Assembly which became then known as the European Parliament and the Court of Justice[80]. The key institutions

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[74] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.72
[75] Ibid.
[76] Dedman,M.J., (2010) The origins and development of the European Union 1945-2008: a history of European integration, Routledge p.84
[77] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p.31
[78] Treaty of Rome (EEC) https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0023
[79] Ibid.
[80] Dedman,M.J., (2010) The origins and development of the European Union 1945-2008: a history of European integration, Routledge pp.83-84

were the Commission and the Council of Ministers. The Commission had the role of the EEC's executive civil service, it proposed to initiate policies and it was the guardian of the treaties. It did not have any national equivalent. It was composed of political personalities independent from the national governments. It had the monopoly of legislative proposals and the execution of the legislation. The Commission would have a strong role in the integration process since it was the result of composition of different national and sectoral interests[81].

The Council of Minsters was the body through which member states retained their national power and it was the decision-making body[82]. It had the power to adopt the legislative acts proposed by the Commission (regulations, directives and decisions). The representatives of member states met in different configurations, depending on the policy field to be dealt with (for example Agriculture, Transportation). Decisions could be taken by unanimity or majority vote. The latter should have been the norm but it took decades before the majority vote became the privileged voting system[83].

The Commission and the Council of Ministers were the supranational elements of the Rome Treaties. The former often acted as a 'federator reference' while the latter was the place where national interests manifested themselves. The appointment of Walter Hallstein as the President of the Commission, an avowed federalist was a political decision which highlighted how impactful politicians and officials could be in the development of integration[84]. The European Parliament represented the concretization of federalist ideas, since the parliamentary initiatives and the popular mandates were at the basis of the federal Europe. It was composed of members designated by the national Parliaments, because the definition of competences and the system of direct election had to be decided later in the Community development[85]. At the time, therefore the European Parliament had little, if any role, and it did not pass a law since its establishment in 1952 as the Assembly of the ECSC.

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[81] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p.33
[82] Ibid.
[83] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 33-34
[84] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge p.73
[85] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 33-34

2.3.3 Community expectations and EURATOM

The architects of the Community expected the Community to take over the responsibility for economic prosperity and full employment, resulting in fiscal, monetary and political Union[86]. However, this process happened 40 years later leading to the Economic and Monetary Union by 1999. Along with the EEC, another treaty established the European Community of the Atomic Energy (EURATOM). Nuclear energy had a key position in the discussions of the Spaak intergovernmental committee and in the bargaining among governments. EURATOM powers were limited to peaceful civil uses of nuclear energy. The ECSC Assembly and Court of Justice would serve also for this organization[87].

Among the supporters of the EEC, there are Spaak, Monnet and Hallstein who derived their convictions not only from the federal traditions but also from functionalism and other sources. Hallstein played a central role in the establishment of the Economic Community as the first president of the European Economic Community Commission. The success of the EEC gave impulse to the instances of the gradualist federalists. However, after some difficulties arising in the Sixties, other factions of federalists began to reappear. The opponents of federalism believed instead the signing of the Rome Treaties signalled the end of the federalist dream.

Chapter 3: few successes and several failures in 1960s and 1970s

3.1 The Hague Summit

The 1960s and 1970s had been two difficult decades for federalist aspirations. A decisive moment was the Hague Summit of 1969. It was carried out under the auspices of completion, enlargement and deepening of the Community[88]. Completion of the Common Market meant finding a common ground on the Common Agricultural Policy. Community deepening instead was based on two aspects: political cooperation and economic and monetary cooperation. The latter was based on the Werner report, the former on the Davignon report which presented proposals about foreign policy issues. Enlargement consisted of the accession of 3 countries, United Kingdom, Ireland and Denmark upon acceptance of the Treaties and all decisions related to them. Moreover, the

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[86] Ibid.
[87] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p.56
[88] Communiqué of the meeting of Heads of State or Government of the Member States at The Hague (1 and 2 December 1969)

enlargement had to result into deeper integration to facilitate governance[89]. The facilitation of governance happened through the Merger Treaty, signed in 1965. The Treaty established the unification of the executive bodies of the European Coal and Steel Community, the European Economic Community and the EURATOM. The Hague Summit became then the starting point for further steps in European integration and federalism, though many of them turned out to be failed attempts.

3.2 Financing of the Community

3.2.1 The Common Agricultural Policy

In the 1960s and 1970s, the EEC consolidated and began developing its first common policies. In 1962 the first Community policy to be discussed and developed was the Common Agricultural Policy (CAP). Its main objectives were: supporting farmers and increasing productivity, maintaining rural landscapes across the EU and keeping the rural economy alive[90]. It also ensured the free circulation of agricultural products. In order to do so, the policy provided the standardization of national legislations to guarantee free circulation since often they were incompatible among one another. The CAP works through income support for farmers, market measures to deal with difficult market situations and rural development measures[91]. It became also one of the greatest sources of expenditure of the Community budget, reaching €57.98 billion in 2019.

The birth of the first common policy was considered a relevant step ahead in the process of integration[92]. The CAP and other common policies were the reasons of the success of the EEC. Between 1957 and 1961, the GNP of the Six members increased by 27% in real terms compared to 18% in the US and 14% in the UK. Growth rates varied greatly among members states, from 59% of Italy to 15% of Belgium. Professor Hallstein said these figures do not represent an index of the success of the Community but surely highlight it was not a failure[93].

3.2.2 The Luxembourg compromise

A few years later France attempted the approval of a new financial regulation but failed. After this episode, France interrupted negotiations with the policy of 'empty chair', consisting of the

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[89] Ibid.

[90] Common Agricultural Policy https://ec.europa.eu/info/food-farming-fisheries/key-policies/common-agricultural-policy/cap-glance_en

[91] Ibid.

[92] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 40-41

[93] Dedman,M.J., (2010) The origins and development of the European Union 1945-2008: a history of European integration, Routledge p.92

withdrawal of all the representatives at the Council blocking the functioning of the institution. It was an attack to the heart of the Community, against the two features which are most federalist: the powers of the Commission and the majoritarian vote in the Council[94]. However, the other five member countries (Italy, Luxembourg, Netherlands, Belgium, West Germany) did not surrender to French pressures and did not give significant concessions to France. Since the issue sparking conflict between France and the Commission was the financing of CAP an agreement was found in January 1962, establishing the CAP would be financed by national contributions until June 30th 1965.

When the end of the abovementioned agreement was approaching, at the end of 1964 President Hallstein and the Agriculture Commissioner Mansholt proposed a new plan. It provided that running costs of the Community would be paid out by the EEC 'own resources'[95]. These would derive from tariffs imposed on agricultural goods coming from outside the Community and the revenues of common external tariffs. Following this, the Commission proposed to give the Assembly greater decisional power over the budget. The new procedure of budget approval would lead to a greater involvement of the Assembly and would make the Commission a 'kind of government of the Community'. At a glance, the Commission and the Assembly suggested member states could hand over the control on budget to supranational institutions. Eventually this plan failed due to strong French opposition. President De Gaulle made sure member states retained their central role in supranational decision-making[96].

3.2.3 A federalist milestone: the First European Parliament elections

In September 1976 the foreign Ministers of the 9 member states approved the 'European Elections Act'. The act had to be ratified and in countries like France and Britain was at the centre of the political debate about the protection of national sovereignty. The elections of the European Parliament were an attempt at trying to reduce the democratic deficit of the Community structure. At the end of 1970s, the Parliament was not the central institution of the Community but received the power of approving the Community budget. However, its direct election would have had an impact on the Community institutional dynamics.

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[94] Ibid.
[95] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 79
[96] Ibid. p. 87

The Assembly was enlarged from 198 to 410 MEPs and the term was fixed at 5 years. The allocation of seats for each country was given regardless of the size of the population[97]. The electoral rules were still those of the member states, leaving the national feature of the electoral mandate alive. The MEPs could be members both of the National Parliament and of the European Assembly. Federalists were disappointed by this possibility left to MEPs since they believed the Parliament was the 'Congress of the European People' and therefore had to be the constituent power of the future European Federation[98]. Moreover, during the electoral campaign, they claimed discussions maintained a 'local' tone and did not touch relevant European-level topics.

Thanks to the elections, national political parties were given a further chance to express their issues and proposals at the European level. Already between 1975 and 1979 new political groups were formed in the European Parliament but these groups were very weak due to ideological differences. The electoral campaign was based on integration issues and it became an information campaign about the Community for all the European citizens. Relevant political figures participated in the electoral campaign, such as Enrico Berlinguer, Simone Veil and Willy Brandt[99]. Turnout varied across countries: from Belgium with 90% to Britain with 33%[100]. The newly elected Assembly represented the full diversity of political opinions of the member states. The socialists won the greatest number of seats with 109, followed by the European Peoples' Party with 105[101]. It turned out that every political party had federalism exponents in it. Therefore, the European Parliament became the place where to forward federalist ideas.

The EP elections were looked over suspiciously by member states such as Britain and Denmark since they believed direct elections were strictly connected with federalism. However, this did not impede the efforts in reducing the democratic gap between the citizens and the European Community. The Parliament became a place which was more than a debating chamber and its powers were slowly increased[102]. Its powers were expected then to be complementary to those of national parliaments. Spinelli saw this as an opportunity to reinstate the Commission at the centre of Community affairs by rendering it responsible to a directly elected Parliament, but his plans did

[97] Ibid. p.114
[98] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 99-101
[99] Ibid.
[100] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p.115
[101] Ibid.
[102] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge pp. 122-123

not encounter the hoped success since he was the only federalist in Mansholt Commission in the early 1970s[103].

3.3 Constitutionalization process

3.3.1 The ECJ role in Community developments

In the 1960s the European Court of Justice (ECJ) enhanced its role in the Community and assumed a pivotal role in the process of integration. It became the official interpreter of the founding treaty but not just of its literal interpretation, but also of its spirit which is the European founding moment[104]. The ECJ established a relationship of trust with national courts, making the two levels of the judiciary more and more complementary[105]. One of the most important early judicial decisions in which the relationship between the national and European judicial institutions became clear was the *Van Gend en Loos[106]* case. The case consisted of a Dutch company accusing the Dutch government of breaching article 12 of the Treaty of Rome because the government imposed an 8% import duty on chemicals imported by the company from Germany. The Court had to answer two questions: whether the Dutch government breached article 12 of the Treaty of Rome and whether the article was directly applicable in the member states.

The Court ruled in favour of *Van Gend en Loos* and ruled the article is directly applicable. National courts therefore had the task of enforcing the treaty and had to take decisions according to the Treaty itself. Governments had to act according to article 12 and favour the free circulation of goods without imposing trade barriers. Moreover, it gave individuals the power of vigilance to protect their rights over the implementation of the Treaty, bypassing member states[107]. This was a ground-breaking decision. The European Economic Community constituted a new legal order of international law for which the member states limited their sovereign rights, in limited fields[108]. The ECJ therefore stated the supremacy of the Community legal order over national legal orders. After *Van Gend en Loos*, the Court was able to formulate legal principles aimed at strengthening the position of the European Community[109].

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[103] Ibid. pp.120-121
[104] Van Middelaar, L., (2013) The Passage to Europe: how a continent became a Union, Yale University Press p.27
[105] Maduro M.P., Wind M., (2017) The Transformation of Europe: Twenty-Five years on, Cambridge pp. 55-56
[106] Van Gend en Loos, Case 26-62, EU:C:1963:1
[107] Van Middelaar, L., (2013) The Passage to Europe: how a continent became a Union, Yale University Press p.51
[108] Van Gen den Loos https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:61962CJ0026
[109] Van Middelaar, L., (2013) The Passage to Europe: how a continent became a Union, Yale University Press p.52

However, the problem was where the limits of jurisdiction were to be established. The Community legal order expanded significantly in those years. The major expansion happened in social areas: consumer protection, environmental protection, education. The ECJ also had an important role in the protection of Human Rights. Since the Treaty did not include a Bill of Rights, the Court had to develop its own procedure of review and it was formidable. If the Court had not taken this position, a Treaty amendment had to be requested[110]. The Court also allowed the Parliament to be sued and have a standing to sue other Community institutions since the wording of the Treaty could have otherwise prevented the possibility of suing the Parliament and its legal standing. Thanks to its flexibility of judgement, the Court's activities in those years had been fundamental in fostering integration towards a federal-like division of competences and jurisdiction[111].

3.3.2 Doctrines of direct effect and supremacy

In the 1960s the European Court of Justice established four doctrines fixing the relationship between the European Community and the member states. After these decisions, the relationship was indistinguishable from the one within federal states[112]. The first one, established in 1963, is the doctrine of direct effect providing that legal norms which are precise, clear and self-sufficient must be regarded as law of the land in the sphere of application of Community law. With the exception of Community directives, direct effect operates not just between Member states but also among individuals *inter se*. Direct effect meant that member states violating Community obligations would be faced with legal actions before their own courts within their own legal orders[113]. The second doctrine is the one of supremacy. From a series of cases from 1964, the Court of Justice established the principle of supremacy of European law over national law. Any community law prevails over the conflicting national law. Moreover, the Court has the "*Kompetenz-Kompetenz*" in the Community legal order, meaning it is the body that determines which norms come within the sphere of application of Community law[114]. The combination of these two doctrines establishes that Community norms producing direct effect are the higher law of the land.

The primacy of the Community law was reinforced by two cases: the *Internationale Handelgesellschaft v. Einfuhr und Vorratsstelle Getreide* and the *Amministrazione della Finanze*

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[110] Maduro M.P., Wind M., (2017) The Transformation of Europe: Twenty-Five years on, Cambridge pp 39-40
[111] Ibid.
[112] Ibid. p. 10-13
[113] Ibid.
[114] Ibid.

dello Stato v. Simmenthal. In the former, the ECJ highlighted the principle that the primacy of Community law cannot be affected by any national norm, not even the Constitution[115]. In the second case, the Court stated that in case of a conflict between a national norm and a Community one, the latter should prevail. These decisions were aimed at protecting the effect of the Community law on member states. The legal activity of the ECJ from 1964 to 1978 was very significant since it prevented member states from impeding the direct effect of the Community law on themselves and their citizens. The EEC Treaty eventually reached the same position as a Constitution in federal states[116].

3.3.3 Doctrines of implied powers and human rights

The third doctrine is the one of implied powers. It concerns the power of the Community to conclude agreements. The Court established that the grant of internal competence must be read as implying an external treaty-making power. Community international agreements would be binding not only on the Community as such but also on Member states. The final doctrine is the one of human rights. The Treaty did not provide any Bill of Rights, therefore the Court of Justice had to find other legal basis for judicial review regarding human rights. It did so by adopting for its criteria the constitutional traditions common to Member states and human rights conventions subscribed by Member states. Community norms would be subject to the Court scrutiny. This was especially important in the context of supremacy. Accepting supremacy without some guarantee that this supreme law would not violate rights fundamental to law of a Member States would be impossible since some Constitutions such as the Italian and German ones protect human rights. Even if protection of human rights was not indispensable for a federal-like constitution it was critical for the acceptance by national courts of the other elements of constitution-building[117].

Therefore, in the 1970s the powers of the Community changed slowly and almost imperceptibly. Lenaerts said 'there simply is no nucleus of sovereignty that the Member states can invoke as such, against the Community'[118]. The true expansion of the Community powers happened with article 235 of the Treaty of Rome. It is an 'elastic clause'. It does not explicitly allow the Community to expand its jurisdiction, but the language of the article is ambiguous. This has sparked discussions about how far this article can be used to permit change without amending the

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[115] Ibid. p. 112
[116] Ibid. p. 113
[117] Ibid.
[118] Maduro M.P., Wind M., (2017) The Transformation of Europe: Twenty-Five years on, Cambridge p.46-47

Treaty[119]. Until 1973 it was used rather infrequently since it was confined to an area of competence granted by the treaty, but which lacked explicit grant of legal power. From 1973, the use of the article rose dramatically and instrumentally. The Community made reference to the article also in the field of concluding international agreements and of granting aid to third countries. Despite the large use of article 235, it did not ignite 'federal' disputes between the Community and member states[120].

3.4 Extra-treaty developments

3.4.1 The first 'common' foreign policy decision

In 1973, Syria and Egypt attacked Israel to claim back those territories which were lost during the 'Six-days' war[121]. Israel was supported by the USA while the Organization of Petroleum Exporting countries (OPEC) operating in Arab countries, supported Syria and Egypt. OPEC decided to boycott any foreign country which supported Israel. The EC had then to choose between its historical ally and its supplier of oil, the main source of energy. Eventually the governments of the Nine decided to support the Arabs in order to continue to receive oil supplies. They forbad the United States to make use of European basis for military flights to Israel and issued a declaration, claiming Israel should give those territories back to the previous owners, respecting Palestinians' rights. For the first time, member states agreed on a major foreign policy issue[122].

Following this, the Nine also approved the 'Document on European Identity'[123]. The document claimed the EC wished to play a central role in the world politics and was supposed to help better defining its relations with third countries and its responsibilities in world affairs. The intention was to carry out the work while still making progress in the process of integration[124]. However, in subsequent meetings to solve the issue of the relationship with OPEC, it was clear that the EC was not ready for an independent and common foreign policy[125]. After this episode, member states representatives agreed to meet more often in order to speak with one voice in international

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[119] Ibid.
[120] Ibid.
[121] Ibid. p. 101
[122] Ibid.
[123] Document on The European Identity published by the Nine Foreign Ministers on 14 December 1973, in Copenhagen
[124] Ibid.
[125] Maduro M.P., Wind M., (2017) The Transformation of Europe: Twenty-Five years on, Cambridge p. 103

affairs. Once again this attempt failed and meetings were not regular, but were held every time the international or internal situation required to do so[126].

3.4.2 European Union and the relaunch of European Community institutions

In 1972 for the first time the expression 'European Union' was used, as an objective of consolidation of the Community in the 80s[127]. This expression was dear to French President Pompidou. It did not have a federalist connotation and seemed more like a wish for the revisioning of the Rome Treaty. Since it was not clear the significance of the expression 'European Union', a further report of explanation was requested. The document was elaborated by Leo Tindemans, the Belgian Prime Minister. The document forwarded very cautious proposals and envisioned small steps ahead in the process of integration. The report did not receive much attention in the Council and soon it was forgotten.

The new Commission headed by Roy Jenkins, former British Laburist Minister, wanted to relaunch the role of the Commission. Considering the economic crisis of the 70s the Commission had to increase its de facto powers to protect the EC market against protectionist forces[128]. Therefore, the president of the Commission, during a speech at the European institute of Florence, relaunched the idea of a monetary Union, creating a common currency which would have been able to compete with the USA. Consequently, in March 1978, a French-German proposal for monetary union was forwarded in view of the European Council in Copenhagen. During the latter, the member countries found also an agreement about the date of the first European Parliament election, for June 1979[129].

3.4.3 The first attempt to monetary integration: the European Monetary Union

The international monetary system was based on Bretton Woods agreement of 1944 which set the price of the dollar in gold at the fixed price of 35$ per ounce. The system at the time was already on the edge of breaking down and in 1971 US President Richard Nixon declared its end. In order to prepare and deal with post-Bretton Woods, in the 1970s the idea of creating a European monetary system was more and more at the centre of the political debate. Deepening integration meant including also economic and monetary fields, with a shared currency and a security political union.

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[126] Van Middelaar, L., (2013) The Passage to Europe: how a continent became a Union, Yale University Press p. 177
[127] Olivi,B., Santaniello R., (2015) Storia dell'integrazione europea, Mulino p.92-93
[128] Ibid.
[129] Ibid.

The steps to follow were to be found in the Werner plan. The Werner plan takes the name of Pierre Werner, Luxembourg Prime Minister and Minister of Finances which presided the working group. The plan was a step in the federal direction, but it did not explicitly envision a transformation into a federation[130]. The Werner plan was a compromise of the deliberations established in the Hague in December 1969. The Dutch government proposed a European Ministry of Finance but Germany, in particular, was not ready to go so far.

During the Paris Summit of 1972, the participating countries decided to create a 'Snake in the tunnel': a mechanism for the managed floating of currencies (the 'snake') within narrow margins of fluctuation against the dollar (the 'tunnel')[131]. It was a system to tie Community currencies together, rising and falling together with the dollar. However, this system did not last long and it ended up losing most of its members apart from Germany, the Benelux and Denmark. Following the collapse of Bretton Woods, in March 1973 the above-mentioned member States decided to float their currencies, while Italy was just forced to drop out. The decision to float as a group reflected the aspiration for European unity[132].

Then the idea of the EMU (European Monetary Union) was forwarded. It had as an objective the increase of economic expansion, the guarantee of development aid and higher living standards and the promotion of world trade and peace. The EMU had to be established at the end of 1980, with a regional fund established already in 1973. Unfortunately, the oil shocks led to an unmanageable monetary turmoil in the continent and the Werner plan, establishing the EMU never became a reality[133].

3.4.4 The European Monetary System

Monetary integration was attempted once again at the end of the 1970s, when the effects of the oil-shock seemed to have faded[134]. At the European Council in Copenhagen, the European Monetary fund was proposed in the framework of a new European Monetary System (EMS). The European Monetary Fund was composed by the monetary reserves of central banks, representing

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[130] Schulz-Forberg, H. and Stråth, B. (2014) The Political History of European Integration. 1st edn. Taylor and Francis ch. 1

[131] History of economic and monetary integration https://www.europarl.europa.eu/factsheets/en/sheet/79/history-of-economic-and-monetary-union

[132] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p.98-99

[133] Ibid.

[134] Dedman,M.J., (2010) The origins and development of the European Union 1945-2008: a history of European integration, Routledge p.111

the first core of European central reserve. The EMS then had to create a zone of monetary stability to favour community trade[135]. First, it provided the expansion of the Snake membership. Then the core element of the new European monetary system was the fixed but adjustable exchange rate mechanism, based upon the Ecu (European Currency unit)[136]. The Ecu was defined as a composite currency whose value was determined by merging the currencies of the member states according to a complex formula. 20% of the reserves detained by central banks had to be in dollar.

Moreover, it was provided the activation of mechanism of monetary credit in the short and medium run[137]. Member states would then be obliged to maintain fluctuations of their currency between 2.25% above or below their par value against the Ecu. Italy was instead allowed to fluctuate the lira up to 6%. The same offer was made to Britain which refused to join and to Ireland which broke its alignment with Britain by joining the system with a 2.25% of fluctuation rate[138]. Britain joined the system 10 years later. At the beginning its implementation was delayed at France request but over a 10-year period, the EMS helped reducing exchange rate variability. Indeed, the flexibility of the system achieved currency stability[139].

The 1960s and 1970s have been decades of small changes and often failed attempts to deepen integration. The European Parliament elections, the Merger Treaty, the European Monetary system have helped making small steps ahead. However, the indecision of some member countries about the future of the Community and the mistrust towards European federalism posed some threats and difficulties to the advancement of the integration process. From the 1980s, Europe has regained the momentum to continue the integration process after the paralysis experienced for almost two decades.

Chapter 4: from 1980s to the Treaty of Lisbon

From the 1980s onwards, an acceleration of integration took place. Several treaties were negotiated and signed to revise the Community organization because of new enlargements and new developments in the Community bodies functions.

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[135] Ibid.

[136] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 108-110

[137] Olivi,B., Santaniello R., (2015) Storia dell'integrazione europea, Mulino pp. 95-99

[138] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 108-110

[139] History of economic and monetary integration https://www.europarl.europa.eu/factsheets/en/sheet/79/history-of-economic-and-monetary-union

4.1 The Spinelli Project

Altiero Spinelli gave his contributions to the attempt of providing the Community with a constitutional text[140]. Considering the Parliament frustrations with the lack of influence over decision-making processes, Spinelli believed the European Parliament had to be the main vehicle of reviving the dynamics towards a constituent process within the EEC through a comprehensive reform of the Rome Treaties. The so-called Spinelli project consisted of a very innovative and new institutional Treaty.

Relevant innovations were present in the treaty. Article 3 introduced the European citizenship, in parallel with the national one. Article 4 introduced the idea of fundamental rights, deriving from constitutional traditions and from the European Convention for the Protection for Human Rights and Fundamental Freedoms[141]. Article 12 established the subsidiarity principle, according to which the Union action is necessary if it proves to be more effective than national member action. Spinelli then introduced the legislative co-decision. European law would then be adopted by a procedure involving the Parliament as the Lower House and the Council. Art 42 establishes the supremacy of European Law over national law[142].

Despite the endorsement of French President Mitterrand in front of the European Parliament, the Spinelli project was not altogether implemented. During the Fontainebleau European Council, the project was only indirectly discussed. Two *ad hoc* Committees were created instead: the Dooge Committee and the Adonnino Committee[143]. The former, involving Heads of State or Government personal representatives, had the task of suggesting how to better the functioning of European cooperation. The latter had the task of promoting and strengthening the image of the Community among European citizens and around the world. With the appointment of the two Committees, the role of the European Parliament was not central anymore as in the Spinelli Project. The draft of the project was sent to national Parliaments, where the promoters hoped it could still succeed. The Italian, German and Belgian Parliaments indeed approved motions in favour of the project. Nonetheless it never became object of serious political debates. The Spinelli Project had the merit

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[140] Glencross, A., Trechsel A.H., (2010) EU Federalism and Constitutionalism: the legacy of Altiero Spinelli,Lexington Booxs pp.3-10
[141] Ibid.
[142] Ibid.
[143] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 134-135

of reviving the reform aspirations while the Community was experiencing a moment of crisis. Later, about two-thirds of its innovative provisions were included in subsequent Treaties.[144]

4.2 The completion of common market and free movement of people and services

An important step towards deeper integration and federalism was the completion of common market. The case '*Cassis de Dijon*' was the turning point[145]. The case related to the interpretation of articles 30 and 37 of the EEC treaty in relation to article 100 (3) of the German law on the monopoly in spirits[146]. To answer the case question, the Court defined the obstacles to the freedom of trade, obstacles which survived to the norms of the customs union. The obstacles were all those norms and rules in national legal orders which impeded directly or indirectly the complete freedom of trade. Therefore, the Court stated that member states cannot impede the commercialization of any product, except for specific situations such as effectiveness of fiscal supervision, the protection of public health, the fairness of commercial transactions and the defence of the consumer[147]. This judicial sentence had the merit of decreasing the number of excuses which could be used by the member states to impede the entry in their markets of other member states' goods.

The *Cassis de Dijon* case helped re-launching the completion of the common market. It was clear that only a common European market could face the external economic threats and re-launch European economic activities and employment[148]. In 1984, the Commission presented a plan to reach this goal. The plan comprised initiatives to eliminate all the barriers to the free movement of people, capitals and services. The liberalization of services was a priority because of the increasing relevance of the sector. Community law included banks, assurances but also IT services, marketing and audio-video systems[149]. The transportation services were also included to liberalize all kinds of transportation by sea, land and air. Particular attention was reserved to free movement of professionals. The Commission proposed the reciprocal trust among member states and the mutual recognition of diplomas and university degrees[150]. The Commission dealt with fiscal integration as well. Tax rates were so different among member states that the difference could

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[144] Glencross, A., Trechsel A.H., (2010) EU Federalism and Constitutionalism: the legacy of Altiero Spinelli,Lexington Booxs pp.3-10
[145] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 125-126
[146] Cassis de Dijon, Case 120/78 EU:C:1979:42
[147] Ibid.
[148] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 127
[149] Ibid. p.132
[150] Ibid.

lead to a distortion of competition. Some solutions were proposed to deal with such a difficult economic issue, but this would imply a stronger transfer of sovereignty, transfer for which member states were not ready[151].

4.3 The Single European Act and Erasmus project

4.3.1 Innovation of the Treaty

In 1985 the first Treaty to be signed was the Single European Act (SEA). It sought to revise the Treaties of Rome setting up the EEC and EURATOM[152]. The Treaty included some relevant innovations. It extended qualified majority in a number of areas, such as common customs tariff, free movement of capital, free movement of services and maritime and air transport, but also in the internal market, environment, research and development. Parliament's powers were enhanced by including the requirement for its assent when concluding enlargement and association agreements[153]. The SEA introduced the cooperation procedure as well, which strengthened the Parliament positions in the interinstitutional dialogue. It also established the European Council, formalising the conferences of Heads of State or Government. The denomination 'European Union' was recurrently used to signify stepping up in the process of integration and its deepening. It was a step ahead in the federation process, but the Foreign and Security policies remained in the cooperation field.

With this Treaty, the EC had continued to deepen integration through the pooling of sovereignty over incremental change. However, the Community system was still based on intergovernmental bargaining and the SEA represented no exception[154]. Usually, federations confer to the federal state the so-called federative power. It is the power of acting on behalf of federated states on the international scene. It is the external sovereignty. The Community is an exception also in this matter, since it has full jurisdiction only over external trade. In meetings, other than the GATT, the Community was not yet a distinctive actor[155]. Usually, it is represented along with its member states, but member states are the actors on the international scene. Finally, the Single European

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[151] Ibid.
[152] The Single European Act https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM:xy0027
[153] Ibid.
[154] Keohane, R. (2018) The New European Community. 1st edn. Taylor and Francis. Ch.1
[155] Ibid.

Act did not have an impact on the foreign relations management of the Community, at the risk of negatively impacting the reforms presented in the Treaty[156].

Clearly, the transformation of the Community from a mere economic entity to a political one required some changes. This opened up once again the dispute on federalism. For this purpose, an intergovernmental conference was called. In the British perspective, this conference should have posed an end to federalist aspirations, while French President Mitterrand believed it could be an opportunity to revive them. This showed that eventually with the SEA, the Commission seemed to have lost its centrality while the Council gained importance[157]. The presidency of the Council of Ministers was given an important agenda-setting role. Despite the direct election of the Parliament, political parties at European level were not present yet, reflecting the lack of European consciousness at the popular level. The Community turned out to be a facilitator of cooperation among governments rather than a significant political actor on its own[158].

4.3.2 Building People's Europe: Erasmus programme

In 1980s a European project for student mobility called 'Erasmus' started taking shape. The Commission proposed the Erasmus project as a way to extend Community competences over educational and vocational training. It was designed to be a voluntary Community programme, encouraging, rather than imposing, participation. Member states had however concerns about the project. According to the Council, the Erasmus project was only a way the Commission found to harbour integrationist ambitions. Some member states believed the construction of a 'peoples' Europe' through Erasmus was a way of developing supranational policies in the area of education. The dispute reached the European Court of Justice. The Court ruled that the Erasmus project was part of the educational scheme since it could determine access to the labour market.

In 1987, eventually the programme was finally implemented and the level of student mobility increased exponentially. Today more than 10 million people have been educated through the Erasmus programme[159]. Indeed, it is often regarded as the best example of the creation of a People's Europe. Today the programme has a budget of 26.2 billion Euros, and it has expanded beyond the academic field. It involves also training, adult education, youth programs, sport

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[156] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 151
[157] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 140
[158] Ibid.
[159] Erasmus Programme https://erasmus-plus.ec.europa.eu/about-erasmus/what-is-erasmus

programs[160]. With the launch of Erasmus+ in 2014, the programme has adapted to changing times and has succeeded in helping European citizens face a severe employment crisis, targeting the reduction of unemployment in the member countries[161]. Though the Community was not able to expand its competences over education, it has influenced this field through initiatives like Erasmus.

4.4 The birth of the European Union

4.4.1 The Maastricht Treaty

At the time the Community was also continuing its enlargement process and new institutional changes were needed. Moreover in 1989 the fall of the Berlin wall opened the doors to German re-unification. With its reunification a shift in power centrality from France to Germany happened. In practice, nothing significant could be achieved without German approval. In April 1990, an EC Summit was to be held in Dublin. France, Germany and the Delors Commission were aiming at moving towards deeper integration and an integrated federal Europe[162]. However, for the subsequent Maastricht Treaty, the impact of federalists is not as clear as it was for the SEA. The Commission was present at the negotiations while the European Parliament was not. The Italian and Belgian delegations asked anyway that the Treaty had to be approved by the EP as well.

The treaty comprised intergovernmental, federal and confederal features[163]. An example is title 1. Article A established the European Union. It mentioned then the peoples of Europe and the management of relations among them. It was confederal in nature. Article B committed its signatories to the creation of the EMU, Common Foreign Security Policy, European citizenship, cooperation in justice and home affairs, implementation of the principle of subsidiarity. These provisions were instead federal. Article F established the respect of member states competences. This was clearly intergovernmental.

The Maastricht Treaty institutional framework is famously described as a Greek temple. The temple has one Community pillar which could be defined as federal or pre-federal[164] and two intergovernmental pillars, each of them linked by a structure of institutions with varying

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[160] Ibid.

[161] Amato G., Moavero-Milanesi E., Pasquino G., Reichlin L., (2019) The History of the European Union. 1st edn. Bloomsbury Publishing. Ch 14

[162] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 167

[163] Burgess,M. (2000) Federalism and European Union: the building of Europe, 1950-2000, Routledge pp. 207-208

[164] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 189

competences and responsibilities. The European Union became an area of freedom, security and justice. It relates to policies about border control, asylum and immigration, judicial cooperation in civil and criminal matters and police cooperation. The area also has an external dimension, since the Union may conclude agreements and arrangements with third party States. The so-called Schengen agreements are a series of acts relating to the disappearance of border control among various EU member states. It includes non-EU member states, as well[165]. Furthermore, the formal commitment to European Monetary Union and a single currency could finally lead to the achievement of a federal Europe[166].

The Maastricht Treaty included what was missing in the Single European Act. It included the principle of citizenship, fundamental rights, social chapter, health policy, consumer policy, cultural policy, environmental policy, education policy, regional policy. From the Tindemans report to the Maastricht Treaty there is an unbroken chain concerning federalism and the European Union[167]. Federal ideas, influences, strategies have mingled to arrive to the Treaty on the European Union. However, despite being a milestone, it was not the end of federalist aspirations which still required efforts for its realization.

4.4.2 A significant innovation: European citizenship

The European citizenship is one of the most significant innovations of the Maastricht Treaty.

> According to article 8 *'Every person holding the nationality of a Member State shall be a citizen of the Union'*[168].

The norms regarding citizenship strengthened the right to reside and move freely within the European Union. Moreover, citizens enjoyed the right to active and passive electorate both in municipal elections and in the elections of the European Parliament. Article 8c established also the right of consular protection

> *'Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State'*[169].

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[165] Amato G., Moavero-Milanesi E., Pasquino G., Reichlin L., (2019) The History of the European Union. 1st edn. Bloomsbury Publishing. Ch 13
[166] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 189
[167] Ibid.
[168] Maastricht Treaty https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A11992M%2FTXT
[169] Ibid.

Every citizen could then petition to the European Parliament about issues of Community competence which involved themselves directly. A further innovation was the introduction of the *Ombudsman*, the Community mediator. It has the task of safeguarding physical and juridical entities in the event of maladministration of European institutions[170].

4.5 Monetary cooperation

4.5.1 The European Monetary Institute

The Maastricht Treaty included developments in monetary cooperation as well. Developments were articulated in 3 steps. The first began already in 1990, encouraging the convergence of economic policies, together with the full liberalization of the freedom of capital. The second phase began in 1994 with the establishment of the European Monetary Institute (EMI)[171]. It had the task of strengthening the coordination of national monetary policies, the functioning of the European monetary system, re-establishing the Committee of central banks governors. The EMI should constitute the antecedent to the third phase, the creation of the European Central Bank (ECB).

The beginning of the third phase was fixed in January 1997 or January 1999. The EMI would have become the European Central Bank (ECB) and together with the national central banks it would have managed the common monetary policy. The common currency was supposed to start circulating after two more steps. With the first, old national currencies were supposed to keep circulating but with fixed exchange rates. Later only the common currency would be allowed to circulate[172]. After years of discussions and obstacles to monetary cooperation, in 1999 the Wien Strategy for Europe was developed. It implied the reaching of fiscal harmonization. On the 31st December 1998, Euro made its first appearance on the market, involving 11 countries.

4.5.2 The European Central Bank founding

In 1998 the European Central Bank was established. With the introduction of the Euro, the ECB replaced the European Monetary Institute and took over the monetary policy and foreign exchange administration duties that they were carried out previously by national central banks[173]. In 2002, national currencies were taken out of circulation and replaced by the Euro. Today the

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[170] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 196-197
[171] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 189-190
[172] Ibid.
[173] Amato G., Moavero-Milanesi E., Pasquino G., Reichlin L., (2019) The History of the European Union. 1st edn. Bloomsbury Publishing. Ch 17

Euro is the currency of 19 countries: Italy, Germany, France, Belgium, Netherlands, Luxembourg, Finland, Greece, Spain, Portugal, Austria, Slovenia, Cyprus, Estonia, Ireland, Latvia, Lithuania, Malta, Slovakia[174]. The ECB is a public agency governed by European law with its own legal personality and exercises its powers and manages its finances independently. The ECB however is monitored by the European Parliament and the President of the ECB reports to the Parliament every quarter[175]. In 2014, the ECB took over the responsibility of supervising all banks in the member states, participating in the single supervisory mechanism.

4.6 One more attempt to European defence

Spring and summer of 1999 were dominated by the war in Kosovo, the first NATO European war. Following these events, the European Council in Köln announced the birth of the European defence. The EU was supposed to have an autonomous military capacity with adequate military troops and be able to react in case of international crisis. It was the first time in which Council conclusions mentioned European defence. The events in Kosovo and more flexibility from the UK allowed to rethink about European defence. Nonetheless, it was once again not implemented.

4.7 Treaty of Amsterdam

Another attempt on the lines of federalism was the Treaty of Amsterdam. It was signed in 1997 and entered into force in 1999. The Treaty of Amsterdam aimed at consolidating the Union institutions considering the envisioned Eastern expansion of the Union. It continued the work begun by the Maastricht Treaty. Few innovations were included. The co-decision procedure was simplified and its range of application widened. The third reading of the procedure was eliminated, reading which allowed the Council of Ministers to have the final opportunity to override the Parliamentary position[176]. The European Parliament obtained the power to approve the appointment of the President of the European Commission and saw its powers increased, together with the European Court. Qualified majority voting was extended to 14 new areas such as public health, statistics, customs co-operation[177]. Other major policy areas remained instead under unanimity voting.

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[174] Ibid.
[175] Ibid.
[176] Moravcsik, A., Nicolaïdis K., Explaining the Treaty of Amsterdam: Interests, Influence, Institutions, Harvard University
[177] Ibid.

The Treaty of Amsterdam received a mixed welcome. Most of the scholars believed it did not have a significant impact on the federal development of the European Union. Few others instead read in the treaty potential further steps in the federal direction. According to these scholars, one of the most relevant innovations of the Amsterdam Treaty was the *Verfassungsverbund*[178] (multilevel constitutional system). *Verbund* signifies the coexistence of the member states legal orders independently from the Union order, since the Union does not represent the member states as a whole. However, with the introduction of the multilevel constitutional system, the Union highlighted the existence of standards of democracy and rule of law for all public authorities: the Union is therefore entrusted with the protection of liberal-democratic institutions and it has the power to develop democracy and human rights policy in relation with member states[179].

The Treaty then extends the Union relationship between the member states institutions and the supranational institutions. There is vertical and horizontal networking. The former consisted in the cooperation of the Union with central political-administrative institutions of the member states. The horizontal networking instead consisted of the cooperation between lower administrative organs outside the Union institutions. In this case member states opened up to other member states and any local or decentralized authority could participate in the networking[180].

The Amsterdam Treaty laid down the inclusion of the Schengen-acquis into the legal framework of the Union. The Schengen-acquis meant the abolition of internal borders control, abolition which was also a propulsive force for the consolidation of the Union internal market and the freedoms of movement. A legal body concerned with the protection of internal security is also included, together with the expansion of preventive and repressive measures in the field of criminal law.

Despite some innovative features, the Amsterdam Treaty has been overall a modest step towards integration. It helped shaping the European institutional framework to develop into a federal polity, but it did not assess the tough questions. Perhaps, the consolidation of the Union shape would have allowed for politically promising solutions.

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[178] von Bogdandy, A., The European Union as a supranational federation: a conceptual attempt in the light of the Amsterdam treaty, Columbia Journal of European Law
[179] Ibid.
[180] Ibid.

4.8 Treaty of Nice

The new millennium opened up with new challenges. The European Council in Nice had to be the chance to revive the European Union, but the situation turned out to be complicated. The Charter of fundamental Rights was announced. It was anyway just an informal document with a weak significance. A revision of the institutions was envisaged. The Parliament had an increased membership up to 732 MEPs[181]. Germany received 99 members, while France, Italy and UK had 72 members. The composition of the Commission followed the principles of 1 Commissioner per member state. This rule remained valid until nowadays with 27 members of the EU. This decision was risky since it could turn out to make the Commissioners as representatives of the interests of their member state. The qualified-majority vote was extended to 30 new sectors. The Treaty of Nice however did not succeed and was rejected in Ireland. It was a clear signal that bolder decisions had to be taken for the future of the Union[182].

4.9 The (attempted) federal European Constitution and the unofficial Constitution

After the debacle in Ireland the Spinelli Project resurfaced and the need for a European Constitution became stronger. A Constituent Assembly was often invoked, the long-time dream of federalists. It had to be a solemn entity, composed of relevant personalities. The members of the Convention were 105, including representatives from Romania, Bulgaria and Turkey which were candidate members of the Union[183]. There were relevant personalities such as Louis Michel, Josckha Fischer and Jacques Santer. The President of the Convention was former French President Valery Giscard d'Estaing who vigorously directed the work of the Assembly, monitoring the feelings of the member states as well. The Convention worked by dividing members in working groups and each of them had to deal with a policy field. Particularly effective were the results of the defence and development of competences groups. Those in social and economic and monetary field did not bring any change to the status quo[184].

4.9.1 Innovations of the Constitutional Treaty

Member states agreed to incorporate in the Constitution the Charter of fundamental Rights and to give the Union legal personality. The issue of the structure of the Institutions turned out to be

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[181] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino
[182] Ibid.
[183] Olivi,B. Santaniello R., (2015) Storia dell'integrazione europea, Mulino p. 291-293
[184] Ibid.

more complicated. D'Estaing proposed the Congress of European peoples but the idea was immediately abandoned because it was too complicated[185]. The proposal of the Presidency of the European Council was instead accepted because the system of rotating presidency was not working. Some feared there could be a conflict between the President of the Commission and the President of the Council due to cohabitation issues[186].

Therefore, the most federalist members proposed the establishment of the 'President of Europe' who would have directed both the Commission and the Council. This proposal was unacceptable for member states[187]. Eventually the Convention agreed on a 2.5 years renewable mandate for the President of the European Council. The President of the Commission would have then been elected by the Parliament to strengthen its democratic legitimacy. The figure of the European Minister of Foreign Affairs was established, to resolve the weakness of the European position in the face of the unfolding Iraq war[188]. Some issues remained unresolved until the end of the work of the Convention such as qualified majority voting and the composition of the Commission. Finally, the revision of the Constitution had to be decided by unanimity.

The Draft Constitution was an effort to conjugate the respect of the prerogatives of member states and with a workable decision-making structure empowering the European institutions. The Constitution resembled the idea of the United States of Europe as said by French President Chirac[189]. Further changes were made to the text of the Constitution and the final version was presented in June 2004 at the European Council in Brussels. The most significant changes were in the Foreign policy field. Unanimity remained for most of Foreign policy decisions but the EU, if authorized by the European Council, was given legal personality to conclude international agreements. Eventually the Commission should have had one Commissioner per each member state until 2014, then the number would be reduced of one third. Qualified majority then was agreed to be 65% of Union population and 55% of member states[190].

In the preamble the Union values were explicated.

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[185] Ibid.
[186] Ibid.
[187] Ibid. pp.294-296
[188] Ibid.
[189] Gilbert, M. (2012), Europeean Integration: a concise history, Rowman & Littlefield Publishing Group p. 196
[190] Ibid. p. 196

> Article I-2 states '*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities*'[191].
>
> Article I-3 '*The Union's aim is to promote peace, its values and the well-being of its peoples*' and '*In its relations with the wider world, the Union shall uphold and promote its values and interests. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights*'[192].
>
> Article I-8 then states the anthem and the motto of the Union. '*The anthem of the Union shall be based on the 'Ode to Joy' from the Ninth Symphony by Ludwig van Beethoven. The motto of the Union shall be: 'United in diversity'*'[193].

The entry into force of the Constitutional Treaty was dependent on the ratification of member states. The latter decided to hold referendums to decide upon ratifications. Despite the enthusiasm and apparent consensus for the Treaty, 55% of the French voters and 62% of Dutch voters rejected the Treaty[194]. Other referendums were not held and the Treaty was eventually abandoned. The Commission was appalled by the rejection of two of the founding member states of the treaty establishing a Constitution for Europe. This outcome highlighted a worrying disconnection between people, especially French and Dutch, from European institutions[195]. At that point the United States of Europe seemed to be far away.

4.9.2 An unofficial Constitution: the Lisbon Treaty

Despite the failure, it was agreed to find another way to achieve the same objectives as in the Constitutional Treaty but through a Treaty which does not have constitutional allure. The Lisbon Treaty was signed in 2007 and entered into force in 2009. Its scope was to render the European Union more democratic, efficient and ready to face international issues[196]. The Lisbon Treaty resembled some provisions of the attempted Constitutional Treaty. It gave more powers to the

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[191] Treaty establishing a Constitution for Europe art. I-2
[192] Ibid. art. I-3
[193] Ibid. art. I-8
[194] Dedman,M.J., (2010) The origins and development of the European Union 1945-2008: a history of European integration, Routledge p.174
[195] Ibid. p. 175
[196] Treaty of Lisbon https://european-union.europa.eu/principles-countries-history/principles-and-values/founding-agreements_en

European Parliament, setting it on the same footing as the other European institutions. Furthermore, the co-decision process was extended to most policy fields, except rare exceptions.

The role of the president of the European Council was officially established as well as the High Representative of the Common Foreign Affairs and Security Policy and the diplomatic service of the EU. The European Citizens' Initiative was introduced as well[197]. It is a way to help shape the EU policies by calling on the European Commission to propose new laws. Once the initiative reaches 1 million signatures, the Commission will decide on what actions to take. It establishes then the competences of the European Unions, of the Member states and the joint competences. Finally, it enlarged the policy fields in which qualified majority was required, but taxation, social security, common and foreign policy still required unanimity[198].

The Lisbon Treaty dropped some of the features which characterise a Constitution. References to the national anthem, the motto and the flag were excluded, though they still are in force in practice. More importantly it did not include the Charter of fundamental Rights, which still maintained legal force in the Union. However, its values and objectives resemble those of the Constitutional Treaty.

> Article 1 '*The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail*[199].'

> Article 2 '*The Union's aim is to promote peace, its values and the well-being of its peoples. The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime*[200].'

> Article 3a '*In accordance with Article 3b, competences not conferred upon the Union in the Treaties remain with the Member States*[201].'

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[197] Ibid.
[198] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 206-212
[199] Lisbon Treaty art.1
[200] Ibid. art 2
[201] Ibid. art 3

The Treaty was not subject to national referendums, except for Ireland, as the Constitutional Treaty but only to parliamentary ratification. After difficulties of ratification in Ireland and Czech Republic, on December 1st 2009 the Treaty entered into force[202]. The differences of opinion about the recognition of Kosovo, the rise of China and at lesser extent of Brazil, Russia and India made it clear that the Union was not able to speak with one voice. The Lisbon Treaty was another example of how the Union spent a decade protecting the decision-making centrality of member states and the democratic balance between member states. After Lisbon, the EU was a confederation of sovereign states first and a supranational organization in second place[203].

The Constitutional Treaty seemed to have marked a decisive step towards the United States of Europe, after many years of failed or insufficient attempts. However, with its rejections, member states and in particular European citizens were not ready for a such a leap. The Lisbon Treaty tried to be a fair substitute of the Constitutional Treaty but key points such as defence, foreign policy management, fiscal policy were not considered and still today these issues remain unresolved.

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[202] Gilbert, M. (2012), European Integration: a concise history, Rowman & Littlefield Publishing Group p. 206-212
[203] Ibid.

Conclusion

Coming to an end to this paper, few remarks have to be made. This dissertation has attempted to give an overview of the main achievements, halts and several failures of federalist developments in the European Union. After taking into consideration the interwar period, the dissertation dives into the federalist objectives and aspired progress from the 1950s until the Treaty of Lisbon in 2009. Since Europe had been indeed traumatized by two bloody World wars, we have seen the beginning of the history of the European Union has been devoted mainly to build an institutional framework to avoid a new war, by pooling the production of coal and steel under the same European roof. The project, started in the 1950s, involved only six European states. Considering the success of the Coal and Steel Community major developments were expected for the end of the decade.

Therefore, member states decided to take a further integration step through the creation of the European Defence Community and European Political Community. These two Communities had a clearer federal background and were supported by the federal movement. Unfortunately, procrastination and lack of political willingness led to the failure of both projects. Consequently, member states then turned their attention almost exclusively to economic integration. From this purpose, the European Economic Community was born but it presented supranational and intergovernmental elements.

In the 1960s and 1970s the most significant steps in a federal direction were the first elections of the European Parliament and the creation of the European Monetary system. Nonetheless, these steps ahead were not ground-breaking and turned out to be insufficient. The European Court of Justice, instead, contributed greatly to the cause of integration by enhancing common market integration and applying teleological interpretation of the Treaties. The ECJ became a pivotal benevolent force in Community integration.

From the 1980s an acceleration in the negotiation of Treaties took place: the Single European Act, the Maastricht Treaty, the Treaty of Amsterdam, the Nice Treaty and the Treaty of Lisbon. Yet probably the most significant one had to be the Constitutional Treaty of 2004. It was supposed to represent the greatest effort on the federal lines, finally affording the Union a Constitution. It was initially met with great hope and enthusiasm but eventually it failed due to rejection by French and Dutch national referenda. The Constitutional Treaty was greatly supported by the federal movement which suffered a traumatic failure.

Once the consternation was overcome, in order to follow up the proposals in the failed Treaty, the treaty of Lisbon was then negotiated. The latter had to give a stronger grounding to the Community, as the Constitutional Treaty had to but without its constitutional allure. Now it is known as the Treaty on the Functioning of the European Union (TFEU) which together with the Maastricht Treaty, known as the Treaty on the European Union, provides a constitutional basis to the European Union.

As explained in the dissertation, it happened more than once that the Union seemed very close to the achievement of a federal institutional structure, but the unwillingness of member states to transfer larger sovereign powers and the mistrust of European citizens has distanced the federal target. However, the Union has tried to work on its weaknesses and decreased the distance from itself and the citizens. At the time of writing, one of these attempts is ongoing. Until spring 2022, European citizens have been given an important arena to make their voices heard. The European Parliament, the European Commission and European Council have prepared the Conference on the Future of Europe. It is an opportunity given to citizens of every age, country and walks of life to gather and discuss the future of the European Union.

Citizens have been divided in four different panels. Through discussions and debates, the panels will have to prepare a series of proposals which will have to be approved by the plenary of the Conference. The final outcome will then be presented to the representatives of the three institutions which will then analyse it and will follow up to the recommendations received. The topics of discussion range from health to environment, to migration to European democracy. Citizens and especially young people will have the opportunity to make their voices heard straight to the ears European institutions. The decisions taken by the Conference will then have an impact on future developments and will be a milestone in the path to 'People's Europe'.

The ongoing war in Ukraine has posed new questions to the role of the Union in European affairs and on the international scene. The limits of democratic management of international relations push the Union towards self-protection by quickly deepening the process of integration. There is an unprecedented convergence on the need to have a common defence and a common effective foreign policy. This should lead to an institutional reform to abolish the veto power, to enhance the centrality of the European Parliament and the resizing of the European Council. The positive intentions of the member states make federalist supporters hopeful that the United States of Europe are not out-of-reach. To achieve this objective, it is important not to forget the role of the

development of a European consciousness which will contribute to the historical, institutional, cultural and political rebuilding of United Europe.

Hopefully in the near future, the current historical and political context may turn out to be a propulsive force in the integration process, if exploited in a proper way. Many challenges and obstacles are on the way but the desire and, in some occasions, the need to have a stronger and more united Europe could finally open up the way to a federal Europe.

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Summary (Italian Version)

L'Unione Europea è stata ed è il risultato dell'opera e della volontà degli Stati membri di devolvere parte della propria sovranità ad un'entità politica sovranazionale. La sua formazione è cominciata dopo la Seconda Guerra Mondiale ma la sua struttura è tutt'oggi oggetto di cambiamenti. Ogni cambiamento deriva però dalle negoziazioni che avvengono tra gli Stati membri. Il destino dell'Unione Europea rimane dunque nelle loro mani.

Una delle possibili evoluzioni dell'Unione Europea che maggiormente è stato ed è al centro dei dibattiti politici è lo sviluppo federalista. Infatti, sin dalle origini importanti statisti ed addetti ai lavori hanno investito energie affinché l'Unione Europea diventasse una federazione, diventando così 'gli Stati Uniti d'Europa'. Nel tempo si sono susseguiti numerosi tentativi di raggiungere questo obiettivo ma spesso sono stati ostacolati dagli stessi Stati membri, riluttanti nel cedere una parte consistente della loro sovranità o preoccupati che ciò potesse ledere i propri interessi. Le istanze federaliste sono state oggetto delle battaglie del movimento federalista europeo che ha avuto importanti esponenti tra i propri ranghi. Per citarne alcuni Altiero Spinelli, Walter Hallstein, Alcide De Gasperi. Le difficoltà però non hanno fermato il movimento federalista europeo che non ha mai smesso di lavorare per raggiungere l'obiettivo. Ogni nuova negoziazione ed ogni nuovo trattato sono stati un'occasione per promuovere le proprie idee che parzialmente sono state accolte e sono diventate parte integrante della struttura amministrativa e politica europea.

La presente dissertazione si pone come obiettivo quello di approfondire la storia del federalismo europeo, trattando dei suoi successi e dei suoi frequenti fallimenti. Si propone infatti di analizzare l'impatto del movimento federalista sulle istituzioni e nei rapporti tra gli stati membri. Le prime istanze federaliste risalgono al periodo tra le due Guerre Mondiali. Una di esse è l'opera di Richard Coudenhove-Kalergi *Pan Europa'* pubblicato nel 1923, che prevedeva la creazione di uno stato federale con una costituzione federale, un'unione politica e amministrativa. Kalergi aveva previsto questo per 3 motivi: prevenire un'altra guerra tra gli stati nel periodo post-Versailles, evitare la rovina economica degli stati europei e proteggersi da un'eventuale invasione bolscevica. La formazione di Pan Europa doveva avvenire in diversi passaggi. Il primo consisteva nell'organizzare una conferenza europea. Il secondo consisteva nel concludere un accordo di arbitrato per dare una garanzia democratica alle istituzioni., mentre il terzo nel creare un'unione doganale e un parlamento bicamerale. Kalergi sperava che in questo modo la federazione europea potesse

diventare una grande potenza mondiale, creando uno stretto legame con la Lega delle Nazioni e gli Stati Uniti.

L'opera di Kalergi ha influenzato importanti politici dell'epoca. In particolare, ha influenzato il ministro degli esteri francese Aristide Briand che nel 1930 ha pubblicato il 'Memorandum sull'organizzazione del regime dell'Unione federale europea'. Briand aveva pensato non ad una federazione ma ad una connessione federativa tra stati che avrebbero comunque mantenuto la loro sovranità. Il *Memorandum* doveva dare seguito da una conferenza europea che però non si tenne mai.

Nonostante nel periodo tra le due guerre fossero state avanzate valide proposte in campo federalista, fu solo dopo la Seconda Guerra Mondiale che gli stati europei iniziarono seriamente a prendere in considerazione l'idea di creare non solo un'Europa unita ma anche un'Europa federale. Un punto di partenza importante è stato il Manifesto di Ventotene, redatto da Altiero Spinelli ed Ernesto Rossi. Secondo il loro progetto, l'Europa federale doveva disporre di un esercito comune e il potere di rendere vincolanti le loro decisioni a livello nazionale. Spinelli divenne successivamente anche il segretario generale del Movimento Federalista Europeo, movimento creato per la promozione del progetto federalista.

Il congresso dell'Aia divenne un punto di incontro importante per il movimento. Durante il Congresso si formarono due fazioni: Italia, Germania, Paesi Bassi e Belgio che supportavano istanze federaliste, Regno Unito e Paesi scandinavi che cercavano soluzioni alternative al federalismo. Nonostante la posizione apparentemente contraria del Regno Unito, Winston Churchill pronunciò a Zurigo un discorso a favore della causa federalista, discorso che ebbe un grande impatto e provocò grande entusiasmo. Il congresso dell'Aia non ebbe però un esito favorevole per i federalisti, che in seguito si divisero in diverse fazioni. La più influente divenne quella dell'ala pragmatica che voleva riprodurre in Europa l'esperienza degli Stati Uniti.

Negli anni '50 ebbe inizio ufficialmente la storia dell'Unione Europea con la Dichiarazione Schumann, promulgata dal ministro degli Affari Esteri francese Robert Schumann. La Dichiarazione divenne poi la traccia per la creazione della Comunità Europea del Carbone e dell'Acciaio (CECA). Il trattato fondativo è stato firmato da sei Paesi: Italia, Germania dell'Ovest, Francia, Lussemburgo, Belgio e Paesi Bassi. La Comunità era composta da diverse istituzioni: l'Alta Autorità, l'Assemblea, il Consiglio, la Corte di Giustizia. La Comunità aveva come obiettivo quello di creare un mercato unico e favorire la libera circolazione di merci, rimuovendo ogni tipo di tassazione. A seguito del

successo della CECA, gli stati membri decisero di continuare il processo di integrazione attraverso la creazione della Comunità di difesa e della Comunità politica. La prima doveva portare alla formazione di un esercito europeo, gestito dal ministro della difesa europeo. La Comunità doveva instaurare una proficua collaborazione con la NATO, nell'intento di difendere l'Europa contro l'URSS. La Comunità politica avrebbe poi affiancato la comunità di difesa per una gestione organica delle competenze europee. Queste due comunità avevano una forte impronta federalista. Nonostante l'entusiasmo e le apparenti condizioni favorevoli, il progetto federalista delle due Comunità non ebbe successo e fallì a causa della mancata ratifica da parte del Parlamento francese.

Il fallimento fu traumatico e di conseguenza gli stati membri decisero di continuare il progetto di integrazione ma in campo prettamente economico. Il risultato fu la negoziazione dei Trattati di Roma, che prevedevano la fondazione della Comunità economica europea (CEE) e la Comunità europea dell'energia atomica. La CEE prevedeva un mercato unico e la libera circolazione delle merci. Venne creata anche un'unione doganale, che aboliva tutte le barriere fiscali interne al mercato unico e imponeva un'unica tassa per merci provenienti dall'estero. La Comunità presentava però forti connotati sovranazionali e intergovernativi e lasciava da parte aspirazioni federaliste.

Gli anni '60 e '70 furono caratterizzati da numerosi tentativi falliti di costruire un'Europa federale. Ci furono però anche dei passi avanti. Venne istituita la politica agricola europea che è il capitolo che ad oggi è maggiormente finanziato. I suoi obiettivi sono: supportare gli agricoltori, aumentare la produttività e mantenere le attività rurali. Insieme alla politica agricola europea si sviluppò la tematica relativa al finanziamento dell'Unione Europea, finanziamento inizialmente legato solo ai versamenti degli stati membri. Nel 1964 si decise però di procedere all'accumulo di risorse proprie da parte della Comunità attraverso le tariffe imposte su prodotti extra-comunitari. Nel 1979 inoltre ci furono le prime elezioni del Parlamento europeo. Le elezioni vennero fissate ogni 5 anni e potevano influire sulla gestione dell'Unione. Le aspettative dei federalisti vennero però deluse dalla mancata trasformazione del Parlamento nella Costituente Europea. Molti federalisti, però, vennero eletti come parlamentari e il Parlamento divenne il mezzo per la diffusione delle loro idee.

Un'altra istituzione rilevante per gli sviluppi europei fu la Corte di Giustizia europea. Infatti, la Corte ebbe il merito di focalizzarsi sull'interpretazione teleologica dei Trattati, ricercando lo spirito

fondativo della Comunità. Stabilì nel tempo anche importanti principi legali, come il principio di supremazia dell'ordine legale europeo rispetto a quelli nazionali e il principio di effetto diretto degli atti legislativi europei.

A partire dagli anni '70, ci furono importanti evoluzioni anche in campo economico. A seguito del collasso del sistema di Bretton Woods, gli stati della Comunità Europea risposero con la creazione di 'Snake'. Snake consisteva in un meccanismo di fluttuazione controllata delle monete entro margini ristretti di fluttuazione nei confronti del dollaro. Successivamente, venne lanciata l'idea di creare l'Unione Monetaria Europea con l'obiettivo di aumentare l'espansione economica, garantire fondi per lo sviluppo e promuovere la pace e il commercio. Purtroppo, a causa di crisi interne ed esterne al continente europeo, questo progetto non divenne realtà.

Qualche anno dopo venne proposto il fondo monetario europeo, all'interno del sistema monetario europeo. Il fondo doveva essere composto dalle riserve monetarie delle banche centrali, il primo passo verso una riserva europea. Il sistema monetario europeo comprendeva invece l'espansione del numero di partecipanti al Snake e meccanismo di cambio fisso ma regolabile, sulla base del l'ECU(unità monetaria europea). L'ECU è stata definita come una moneta composita il cui valore è stato determinato dalla fusione delle monete degli Stati membri secondo una formula complessa. Inoltre, veniva attivato un meccanismo di credito a breve e medio termine per gli stati membri.

Le evoluzioni degli anni '60 e '70 non furono particolarmente significative dal punto di vista federalista. Dagli anni '80 vi fu però un'accelerazione nelle negoziazioni di trattati europei, in vista anche dell'espansione ad Est, e quindi maggiori probabilità di sviluppi in tal senso. Il primo importante contributo fu dato da Altiero Spinelli. Spinelli infatti proponeva una riforma complessiva dei Trattati di Roma, ponendo al centro il ruolo del Parlamento Europeo. Il suo progetto consisteva: nella creazione della cittadinanza europea, nella protezione dei diritti fondamentali dell'Uomo, nell'introduzione del principio di sussidiarietà e del principio di supremazia della legge europea su quella nazionale. Una copia del progetto venne inviata ai parlamenti nazionali, ma non divenne purtroppo oggetto di un serio dibattito politico. Successivamente due terzi delle sue proposte vennero incluse nei trattati successivi.

Un punto di svolta importante fu il caso 'Cassis de Dijon'. La causa riguardava l'interpretazione degli articoli 30 e 37 del trattato CEE in relazione all'articolo 100 (3) della legge tedesca sul monopolio degli alcolici. La Corte affermò che gli Stati membri non potevano ostacolare la commercializzazione di alcun prodotto, fatta eccezione per situazioni specifiche quali l'efficacia del

controllo fiscale, la tutela della salute pubblica, l'equità delle transazioni commerciali e la difesa del consumatore. Alla libera circolazione delle merci si aggiunse anche quella delle persone, dei capitali e dei servizi. Si tentò inoltre di stabilire l'armonizzazione fiscale tra i paesi membri ma le proposte non ebbero seguito.

Nel 1985 venne approvato l'Atto Unico Europeo che aumentò il voto a maggioranza qualificata in numerose aree e introdusse la co-procedura che rafforzò la posizione del Parlamento nel dialogo interistituzionale. La struttura della Comunità europea non subì sostanziali cambiamenti a seguito dell'Atto Unico, in particolare nessun miglioramento dal punto di vista federale, rimanendo infatti sostanzialmente un'entità economica. Per trasformarla in qualcosa di più era necessario che gli stati si accordassero sul cedere maggiore sovranità all'Europa.

Un passo avanti nella costruzione dell'Europa dei Popoli fu il progetto Erasmus che prevedeva la mobilità degli studenti universitari a livello europeo. Il numero di studenti partecipanti crebbe esponenzialmente e ad oggi circa 10 milioni di cittadini europei hanno preso parte a questa esperienza. Nonostante la Comunità Europea non ebbe modo di espandere la propria competenza nel campo dell'istruzione, grazie al progetto Erasmus ebbe modo di influenzare comunque le politiche in questo campo.

Nel 1992 entrò in vigore il Trattato di Maastricht che diede ufficialmente vita all'Unione Europea. Il trattato comprendeva caratteristiche intergovernative, federali e confederali. Un esempio è il titolo 1. L'articolo A ha istituito l'Unione europea, menzionando i popoli d'Europa e la gestione delle relazioni tra di loro. Questo articolo è di natura confederale. L'articolo B impegna i suoi firmatari alla creazione del l'UEM, alla politica estera e di sicurezza comune, alla cittadinanza europea, alla cooperazione nei settori della giustizia e degli affari interni, all'attuazione del principio di sussidiarietà. Queste disposizioni sono invece federali. L'articolo F stabilisce il rispetto delle competenze degli Stati membri. Questo è chiaramente intergovernativo. Il Trattato di Maastricht include ciò che mancava nel l'Atto unico europeo. Esso comprende il principio di cittadinanza, diritti fondamentali, il capitolo sociale, la politica sanitaria, la politica dei consumatori, la politica culturale, dell'ambiente, dell'istruzione, la politica regionale.

Nel 1998 venne istituita la Banca centrale europea. Con l'introduzione dell'Euro, la BCE ha assunto le funzioni di gestione della politica monetaria e dell'amministrazione dei cambi precedentemente svolte dalle banche centrali nazionali. Nel 2014, la BCE ha assunto inoltre la responsabilità di vigilare su tutte le banche degli Stati membri, partecipando al meccanismo di vigilanza unico.

Il nuovo millennio si aprì con nuove sfide. Il Consiglio europeo di Nizza doveva essere l'occasione per rilanciare l'Unione europea, ma la situazione si rivelò complicata. Il voto a maggioranza qualificata venne introdotto per 30 nuove politiche e il numero dei Commissari europeo venne stabilito seguendo il principio di un Commissario per stato membro. Venne inoltre annunciata la Carta dei diritti fondamentali. Si trattava però solo di un documento informale con un debole significato. Il trattato di Nizza non entrò in vigore a causa della decisione negativa del referendum in Irlanda.

Dopo la debacle in Irlanda, il progetto Spinelli riemerse e con esso la necessità di una Costituzione europea. Spesso venne invocata un'Assemblea Costituente, che doveva essere un'entità solenne, composta da personalità rilevanti. Questo progetto finalmente si realizzò. I membri dell'Assemblea furono 105, compresi i rappresentanti di Romania, Bulgaria e Turchia che erano candidati all'Unione Europea. Il trattato costituzionale prevedeva una serie di innovazioni. Una di queste fu la creazione della figura del Presidente del Consiglio europeo, poiché il sistema a rotazione non funzionava più. Alcuni temevano che ci potessero essere incongruenze tra il Presidente della Commissione e il Presidente del Consiglio. Pertanto, i membri più fortemente federalisti proposero l'istituzione del Presidente dell'Europa che avrebbe diretto sia la Commissione che il Consiglio. Questa proposta fu però inaccettabile per molti Stati membri. La Convenzione trovò un accordo per un mandato rinnovabile di 2,5 anni per il Presidente del Consiglio europeo. Il Presidente della Commissione sarebbe stato eletto dal Parlamento per rafforzarne la legittimità democratica. È stata istituita inoltre la figura del Ministro degli Esteri europeo, per risolvere la debolezza della posizione europea nei confronti della guerra in Iraq.

L'entrata in vigore del Trattato costituzionale venne però subordinata alla ratifica degli Stati membri che decisero di indire un referendum per legittimare le ratifiche. Nonostante l'entusiasmo e l'apparente consenso per il Trattato, il 55% degli elettori francesi e il 62% degli elettori olandesi respinsero il Trattato. A seguito della mancata ratifica, altri referendum non si tennero e il trattato fu infine abbandonato. La Commissione rimase sbalordita dal rifiuto di due degli Stati membri fondatori del trattato che voleva dare una Costituzione all'Europa. Questo risultato ha evidenziato una preoccupante disconnessione dei cittadini, soprattutto francesi e olandesi, dalle istituzioni europee. In quel momento, gli Stati Uniti d'Europa sembravano essere lontani.

Nonostante il fallimento, si convenne di trovare un altro modo per raggiungere gli stessi obiettivi, ma attraverso un Trattato non di natura costituzionale. Da questo desiderio, ebbero avvio le

negoziazioni del trattato di Lisbona che venne firmato nel 2007 ed entrò in vigore nel 2009. Il suo scopo era quello di rendere l'Unione europea più democratica, efficiente e pronta ad affrontare le numerose questioni internazionali. Il trattato di Lisbona riportava molte disposizioni del tentato trattato costituzionale. I riferimenti all'inno nazionale, al motto e alla bandiera vennero però esclusi, anche se rimasero in vigore nella pratica. Inoltre, non incluse la Carta dei diritti fondamentali, che mantenne però il suo valore giuridico nell'Unione. Tuttavia, i suoi valori e obiettivi sono simili a quelli del trattato costituzionale. Il trattato non fu oggetto di referendum nazionali, fatta eccezione per l'Irlanda, ma solo della ratifica parlamentare.

L'Unione Europea ha attraversato molte difficoltà e gli Stati Uniti d'Europa sembrano essere ancora lontani. L'attuale contesto storico e politico può portare però ad una maggiore integrazione europea, se sfruttato nel modo corretto. La guerra in Ucraina, infatti, potrebbe portare alla creazione di un esercito europeo e l'istituzione di una politica estera comune. Ci saranno molti ostacoli e sfide lungo la via, ma il desiderio e a volte la necessità di avere un'Europa più forte e unita potrebbe aprire la strada ad importanti sviluppi federali europei.