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All Roads Lead to Rome: Background, Context and Legacy of the Treaty on the European Community

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All Roads Lead to Rome:
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1.0. The Rebirth of European Integration and the Making of the EEC

The rejection by the French National Assembly of the ill-fated European Defense Community (EDC) Treaty in August 30, 1954, together with the automatic shelving of the equally faulty European Political Community (EPC) proposal, put an end, at least for the time being, to any form of political and military union of the existing Western Europe on a supranational level. The times were difficult in Europe and the international atmosphere was cloudy. The end of the Korean War coincided with the insistence of the Soviets to stick to a policy of *détente*, leading to the suppression of the Hungarian rebellion. France was facing opposition to her colonial presence in Indochina, as well as in North Africa. But the crisis of Suez prompted the French government to distance itself from the British and the United States. The defeat of the EDC and EPC was not going to be the end of the story and the dream inaugurated by Monnet and Schuman in 1950. It was not long before plans in favor of a European re-launch were taking shape. [1]

The main force this time came from the three Benelux countries. The economic and the nuclear energy sectors were seen as the most promising, even though the six members of the European Coal and Steel Community (ECSC) had not arrived at an agreement regarding the pursuit of sectoral integration or of establishing a general common market based on a customs union. Things then moved very fast, given the need to take advantage of what was seen as a propitious political juncture and international situation. Only twenty-one months were to pass between the Messina Conference of June 1-3, 1955 and March 25, 1957, when the Treaties establishing the European Economic Community (EEC) and the European Atomic Energy Community (EAEC) were signed in in Rome. This rather brief period, however, was a time of busy activity and the sometimes exhausting search quest for a compromise among the six original members of the ECSC. The establishment of the EEC and Euratom marked a decisive step towards the

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[1] For a selection of studies on the history of the EU, see: Asbeek, Gillinghan, Hallstein, Milward, Young, Pagden, Weigall, Heater, Moravcsik, Salmon, Willis, Lundestad, and Stirk.

building of a Europe that was still confined to the Six but that allowed scope for expansion and might pave the way for political union.

Following the steps of the historical foundational duo formed by Jean Monnet and Robert Schuman, Minister of Foreign Affairs of France, Paul-Henri Spaak, the Belgian Minister for Foreign Affairs, presided an inter-governmental Committee. This decisive body was previously created by the Conference held in the Italian city of Messina, Sicily, of June 1-3, 1955, composed of the ministers of foreign affairs of the members of the ECCS. The delegations of the six participating countries were truly potstanding: Johan Willem Beyen (Netherlands), Gaetano Martino (Italy), Joseph Bech (Luxembourg), as chair, Antoine Pinay (France), Walter Hallstein (Germany), and Paul-Henri Spaak (Belgium). The Committee held its constituent meeting on July 9, 1955 in Brussels. The team of delegates was equally impressive: Carl Friedrich Ophüls, Minister Plenipotentiary of the Federal Republic of Germany; Baron Jean-Charles Snoy et d'Oppuers, Secretary-General of the Ministry for Economic Affairs of Belgium; Félix Gaillard, Member of the National Assembly and former government minister of France; Lodovico Benvenuti, former Under-Secretary of State at the Ministry for Foreign Affairs of Italy; Lambert Schaus, Luxembourg's ambassador in Brussels; and Professor Gerard Marius Verrijn Stuart of the University of Amsterdam of the Netherlands.

A steering committee chaired by Spaak formed for its part a number of specialized committees. They were dedicated, on the one hand, to the central issue of the common market, and on the other hand to sectoral fields: investments and social problems; on energy sources; on nuclear energy, and on transport and public works. The course of the meetings examined proposals for developing the decisions of the Messina Conference. Institutional matters were on purpose left for later discussions, while efforts and attention were concentrating on a primary objective, considering the notion of a Common Market as a hypothesis.

In a rather novel move, it was decided that the High Authority of the European Coal and Steel Community (ECSC) would participate in the steering committee, although only in a consultative capacity. In addition, the Organization for European Economic Cooperation (OEEC), the Council of Europe and the European Conference of Ministers of Transport (ECMT) were also invited to attend meetings when their presence would be useful.

The United Kingdom had already received special treatment in the course of European integration through the association agreement with the ECSC. Invited to participate in the discussions of the project of the EEC, as a special observer, it was clear that the UK was not really interested in the ambitious formation of a customs union. London, pressed by business sectors, wanted to protect its industries and to maintain its preferential relations with the Commonwealth partners. Moreover, the British already possessed the atomic bomb since 1952 and had an advanced nuclear program in cooperation with the United States and Canada. Membership in a new organization (Euratom) dedicated to nuclear energy was seen as a disadvantage.

Moreover, the prospect of the Common Market was then interpreted as a sure path towards federation, something beyond the British concept of international cooperation, and a violation of national sovereignty. This ever present feature of British attitude was not going to disappear when the UK finally joined the European Community, once the opposition of Charles De Gaulle had disappeared. Margaret Thatcher reaffirmed her opposition to the "F" (federation) word. In any event, when the EEC was set in motion, Britain prioritized links with the OEEC and prepared the way for the foundation of the European Free Trade Area (EFTA), an organization designed in principle to unite the efforts of the Western European countries and in turn compete with the EC.

In contrast to this disdainful British attitude, Franco-German relations became even more important in the setting of the new stage of European integration. The sticky issue of the status of the

Saarland was treated very effectively with an agreement on October 1954. The territory was to be restored to Germany in January 1957. In October 1956, the French Prime Minister, Guy Mollet, and the German Chancellor, Konrad Adenauer, met in Paris to complete an overall settlement, on the way to be full partners in the projects of the Common Market and Euratom.

When the committee felt that its work was accomplished, the task then centered on the drafting of a final report, due February 1956. This document was known officially as the *Report by the Heads of Delegations to the Foreign Ministers*. What became popularly known as *the Spaak Report* was then sent in April to act as the base for the negotiating process to be carried out by the Conference of Foreign Ministers to be held in Venice on May 29-30, 1956.

Spaak had earlier resumed his starring role of the Intergovernmental Committee on July 9th, 1955. It was going to end on April 20, 1956, when the Heads of Delegation of the six MSs of the ECSC approved the report. After reaffirming that the Common Market was the central issue to be the main goal, other sensitive topics were also addressed: agriculture, transport, conventional energy. When technical details were solved, it was the time for the necessary political agreements. The discussions then dealt with the nature and dimensions of the nascent Common Market. At the end of the process, the central topic became the establishment of common institutions. The final Spaak report was officially approved at the Venice Conference on May 29-30. It was used as the basis for discussion in the work of the Intergovernmental Conference for the Common Market and Euratom developed after July 1956.

Jean Monnet had been also working, in a different manner, behind the scenes. After resigning in November 1954 from the chair of the High Authority of the ECSC, Monnet was once more free to act and also to express opinions. He had learned a great deal from the sorry experience of the disaster of the European Defense Community (EDC). He needed to gather the necessary political forces to promote another step of European reconstruction and integration. By then he still believed in the principle of functional sectoral integration, as in the ECSC, with coal and steel as an axis. He thought that the next move should be to deal with the sectors of transport and energy (gas, electricity). Monnet was even more eager to concentrate on nuclear power, reading the atmosphere and urgency of the times very well. He felt that Europe would be a loser in a confrontation between the Soviet Union and the United States over nuclear research and development for civilian uses. He was also in favor of cooperation with the United Kingdom.

Personally, Monnet was not really in favor for a horizontal and comprehensive Common Market, as in fact was later founded and developed, but he took note of the fact that the European partners were aiming at it. He then decided to lobby for a combination of the two complementary paths of integration, the functional sectoral and the common market approach. In his view, they should work in synergy. Monnet pressed Spaak to work with his partners in that complementary direction. It appeared that Monnet had found a new Robert Schuman to make act as the political agent for his own idea. Spaak, in turn, had found his own Jean Monnet to inspire him in the right and decisive direction.[2]

Monnet then concentrated his energies in the foundation of the Action Committee for the United States of Europe (significantly abbreviated in the acronym: ACUSE). It was an earlier form of a lobby that set the trends in the early stages of unifying Europe. Through this entity he managed to obtain the cooperation of different political parties, trade unions and political figures. One of the first "manifestos" was a call for the governments to form an organization with supranational profile dedicated to atomic energy, following the model of the ECSC. He also maintained close contact with experts preparing the actual foundational treaties of the European Economic Community (EEC) and the European Atomic Energy Community (Euratom).

[2] For review of Monnet's role, see Monnet, Duchene, and Feathersome.

Negotiations and further discussion continued in Noordwijk, near The Hague, on September 6, 1955, and then in the Brussels conference of February 11-12, 1956, chaired by Spaak. The high level gathering then dealt with the crucial dilemma between a free-trade area and a customs union. Naturally, Spaak, backed by an array of experts' reports, pushed for a customs union. On the complex institutional dimensions, Spaak explained that their important role would highly depend on how flexible the treaty itself was. It was also considered the opinion of the Council of Europe in creating an institution with limited terms of reference but equipped with real powers, much in the direction of the Monnet scheme. It was decided that basically four institutions were needed: a Council of Ministers, a body resembling the High Authority, a parliamentary Assembly and a Court of Justice. Spaak considered at the time that the Council should take its decisions unanimously wherever possible. However, it was also felt that a less rigorous procedure for decision-making was to be established in the future, thinking about an option for a qualified majority, once the common market was in place with policies well in the realm of community control.

2. To Venice and Brussels with the Spaak Report.

Dated April 21, 1956, the Spaak Report formed the cornerstone of the intergovernmental negotiations at Val Duchesse. In the foreword, there was the clear notation that Western Europe was in an inferiority status competing with the United States. The separate European markets could not be effective. The remedy was to address the issue of bring nuclear research under one authority and to set a general common market. Consequently, the report was divided into three parts: the common market, Euratom, and the third dedicated to urgent areas.[3]

The common market implied the creation of a large area with a common economic policy, fostering production, continuous expansion, increased stability, an accelerated increase of the standard of living, and the development of harmonious relations between the Member States. The fusion of the separate markets would serve to eliminate waste of resources. The common market would open up new outlets. The market should be based on a customs union and pursued by means of a three-pronged strategy: elimination of all protective measures obstructing trade; rules and procedures designed to cancel out the effects of state intervention or of monopoly situations; and new resources for the purpose of boosting underdeveloped regions and taking advantage of unused labor forces. All this should be accomplished through a period of transition divided in stages.

Regarding the institutions, before getting into the details, basic principles were to preside. First, issues of general policy would be kept under the domain of the governments. Second, the report raised the need for the institutions to decide on certain matters by another method than unanimity. Finally, parliamentary control was considered. Following the precedent of the ECSC structure, the report considered four separate institutions: a Council of Ministers, a European Commission, a Court of Justice, and a European Parliament.

On the customs union, the Report recommended the gradual elimination of internal customs duties. Moreover, the elimination of customs duties in the common market would then be accompanied by the establishment of a single tariff for imports from non-member countries. The establishment of this common tariff should be based on the simplest possible calculation methods. Therefore, structural differences between producer countries and importing countries should be considered. Quotas should be eliminated.

[3] Among the general studies of this evolution, see Salmon.

Dealing with services, the Report contemplated that the economic output of the member countries included not only goods but also services: transport, insurance, banking and financial activities, distribution, hotels, personal care, the liberal professions and public administration. The liberalization of services should facilitate the implementation of the common market. Any discrimination based on residence or nationality should also disappear. A common system to accept equivalents in university degrees awarded in different countries should also be set in place.

On the socially sensitive issue of agriculture the Report stated that the establishment of a general common market was not possible without the inclusion of agriculture, prerequisite for balanced trade. However, special problems existed in the agricultural field. Consequently, the common management of markets would be beneficial.

Regarding competition, the abolition of discrimination based on nationality or residency was considered to be necessary. It was also contemplated that state aid and monopoly practices did not undermine the basic aims of the common market. On the field of Transport, basic for the functioning of a common market, the Report recommended a change in the charging system and in the conditions governing international transport, as well as the formulation of a common general transport policy.

Two financial instruments were designed to guarantee that the common market developed in a balanced way. An investment fund should be established to help in developing national budgets and an adaptation fund for the conversion of industrial plant and the retraining of workers.

Central in the good functioning of the free movement of labor and capital, a system of gradual liberalization should be based on annual increases, at an agreed rate, in the number of nationals of the other member countries that would be permitted to take up employment. The free movement of capital should be based on the liberalization of capital transfers. It also required recognition of the right of nationals of member countries to acquire capital from any of the MSs and to transfer and use it within the common market. Of the areas needing urgent action, the Report emphasized energy, air transport, and postal services and telecommunications.

On May 29-30th, 1956, the Ministers for Foreign Affairs of the six MSs of the ECSC convened on the island of San Giorgio Maggiore in the city of Venice to negotiate the report. There was an initial agreement on establishing a general common market and a treaty creating Euratom. The French government suggested that the transition from the first to the second stage should be subject to the results of the first four-year period. It was also understood that the reduction of customs duties, the harmonization of social security, equal pay for men and women, paid holiday should be implemented at the same time.

The final agreement included a number of concrete items. First, there should be a single Intergovernmental Conference (composed of a single representative per nation). This event should take place in Brussels beginning on June 26th, in a process to be ended with the approval the Common Market and Euratom treaties. Spaak would be appointed chairman of the Conference. It was also decided that the sectors requiring urgent action (energy, aviation, post and telecommunications) should be dealt along the discussion of the common market. Finally, technical details were avoided at that time. But provisions on the arrangements for accession or association by third countries should be considered at the same time.

The big conclave met in Brussels on June 26th, 1956. Under the presidency of Spaak, two groups were formed to deal with the common market and Euratom. A drafting group was also organized to give form to the treaties. After the summer vacation, work was resumed in the fall and continued through the winter of 1957. On March 15, 1957, the new Europe on its way towards unification was formed.[4] The birth certificate was signed in the Capitoline Palace, built on the Campidoglio hill, overlooking the

[4] For a retrospective account, see: http://news.bbc.co.uk/2/hi/europe/6480347.stm

ancient Roman forum, with the Coliseum visible in the distance. Incidentally, the building was not going to be the ceremonial site of an isolated, historical event of the EU process. [5] On October 29, 2004, the text of the newly approved EU Constitution was signed by representatives of 25 members[6] of the EU, in the "Orazi and Curiazi" spectacular Renaissance hall, the same room as the 1957 event.[7] Two plaques placed on the entrance lobby of the palace remind visitors of the two historical events. Symbolically, one (referring to the 1957 act) is an homage to the success of the first chapter of the EU process; the second (a record of the 2004 conclave) is a sample of a number of blunders and frustrations of the EU history. Scholars keep reminding observers that the EU is very often more effective learning from past mistakes than sitting on superficial accomplishments. As mentioned above, the EEC was born out of the smoke produced by the disaster of the European Defense Community. It was bound not to be last defeat. The new constitutional step was destined not to be the closing chapter, either.

The ratification process of the constitutional framework as set in 2004 failed by the negative referendum held by the electorates of France and the Netherlands in 2005. Facing a management disaster in view of the reformatting of the enlarged EU (one of the main reasons for the need of the "Constitution") the EU leaders embarked in a decisive effort to redress the situation, After a long period of reflection and action, the concept, basic details and a certain spirit of the constitutional were rescued by the Treaty of Lisbon, approved on December 13, 2007, and in force after a long referendum process since December 1, 2009, thanks finally to the salvaging of the last obstacles placed by a previous negative referendum in Ireland and the reluctance of the Czech president to give the nod of approval. This treaty amends the Treaty of the European Union (known as the Maastricht Treaty) and the Treaty Establishing the European Community (the Treaty of Rome, subject of this essay). In this process, the Rome Treaty was renamed as the Treaty on the Functioning of the European Union (TFEU).

This long process endorses a widely-shared doctrine in the EU scholarship and political circles that in essence, the European process of integration has had since its inception a "constitution". It is composed of the series of treaties developed after the Treaty of Rome until the current modification enthroned in the Lisbon Treaty.[8] All the succession of treaties has been working in a similar way to the amendments applied to the original U.S. Constitution. The difference is that the addition of the new treaties has generated texts that have consolidated the original documents plus the changes. The basic value of the "Common Market" treaty is still valid.

3. The Content of the Treaty of the European Economic Community

[5]For a comprehensive bibliography on scholarship and documents on the evolution of all the constitutional process, see: http://www.unizar.es/euroconstitucion/Treaties/Treaty_Bibliography_alphabetical.htm. Among the celebrations, see a sample: http://www6.miami.edu/eucenter/rome102904.pdf

[6] Bulgaria and Romania representatives also attended, pending scheduled membership due in 2007. Croatia, an official candidate, also participated. Turkey, because of its special status as candidate for eventual membership, was also given special treatment.

[7]For samples of news reports: http://philologos.org/bpr/files/misc_studies/ms103.htm http://news.bbc.co.uk/2/hi/europe/3963701.stm

[8] Europa Publications. *The Rome, Maastricht, Amsterdam and Nice Treaties: the Treaty on European Union and the Treaty Establishing the European Community, amended by the Treaty of Nice: comparative texts*. London: Europa, 2003.

Matching the expectations of the Spaak commission and report and the general spirit of the meetings and conferences, the Preamble of the nascent document outlined in extremely clear terms the aims and purposes of the new organization. The high leadership of the founding partners declared their determination "to establish the foundations of an ever closer union among the European peoples." It declared to have decided "to ensure the economic and social progress of their countries by common action in eliminating the barriers which divide Europe." In consequence, it aimed in directing its "efforts to the essential purpose of constantly improving the living and working conditions of their peoples." The new organization would recognize that "the removal of existing obstacles calls for concerted action in order to guarantee a steady expansion, a balanced trade and fair competition." It also aimed at strengthening "the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and by mitigating the backwardness of the less favored." In more concrete terms, the founders wanted to establish "a common commercial policy to the progressive abolition of restrictions on international trade." Taking into account the special ties that bind the members with other countries and regions, the CEE will intend "to confirm the solidarity which binds Europe and overseas countries, and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations."[9] For this purpose, it decided "to strengthen the safeguards of peace and liberty by establishing this combination of resources, and calling upon the other peoples of Europe who share their ideal to join in their efforts". In sum, the heads of state decided "to create a European Economic Community".[10] For this purpose, they designated their plenipotentiaries. The membership of the initial group was impressive for the times. In representation of their respective Heads of State, the following personalities were signers: Paul-Henri Spaak (Minister of Foreign Affairs of Belgium), Konrad Adenauer (Federal Chancellor of Germany), Christian Pineau (Minister of Foreign Affairs of France), Antonio Segni (President of the Council of Ministers of Italy), Joseph Bech (Prime Minister of Luxemburg), and Joseph Luns (Minister of Foreign Affairs of the Netherlands).

The document signed in Rome on March 25th, 1957, offers a structure divided into four parts.[11] Part one is dedicated to the "principles" presiding the aims and scope of the Community. Part Two includes the bases of the Community. It is divided into four titles, dedicated to the general subject of "Free Movement of Goods", with two chapters dealing with the Customs Union, Agriculture, Free Movement of Persons, Services and Capital, and Transport. Part Three deals with the policies of the Community (common, economic and social). Part Four is fully dedicated to the subject of the special relationship of the Overseas Countries and Territories. Part Five deals in detail with the functioning of the Institutions, with a title dedicated to revenues and budget. Finally, Part Six sums up with general provisions:

Article 1 of Part I, dedicated to principles, names in clear terms the entity that is born: the European Economic Community. Article 2 is perhaps the most clear and blunt of the content, stating that "the aim of the Community" is the foundation of "a Common Market".[12] As a supplement, it plans to "progressively" approximate "the economic policies of Member States." The purpose of this task is fourfold: (1) "to promote throughout the Community a harmonious development of economic activities; (2) to seek a continuous and balanced expansion; (3) an increased stability, and (4) an accelerated raising of the standard of living and closer relations between its Member States.**"**

The "activities of the Community" are listed in Article 3: (a) the elimination of customs duties; (b) the establishment of a common customs tariff and a common commercial policy; (c) the abolition of the obstacles to the free movement of persons, services and capital; (d) a common agricultural policy; (e) a common transport policy; (f) a system ensuring competition; (g) the co-ordination of the economic

[9] For this relationship, see Feld 1967, Cohen, and University of Pittsburgh.

[10] See Whitlow and Lumb

[11] For a complete text of the Treaty, see: Intergovernmental Conference on the Common Market and EURATOM. 1957. and Intergovernmental Conference on the Common Market and EURATOM. 1957. Official Publications 1978. Along the other EU treaties, including consolidated texts, see: http://eur-lex.europa.eu/en/treaties/index.htm#founding

[12] Barker, Deniau, Gurland, Hoepli.

policies; (h) the approximation of local laws for the functioning of the Common Market; (i) a European Social Fund; (j) a European Investment Bank; and, (k) the association of overseas countries and territories with the Community.

Article 4 makes the official presentation of the basic institutions (following the format of the ECSC bodies): an Assembly, a Council, a Commission, and a Court of Justice. The quartet then adds the Economic and Social Committee with jurisdiction in a consultative capacity.

Article 8 (1) states that the Common Market would be "progressively established in the course of a transitional period of twelve years," divided into three stages of four years each. Part Two is dedicated to the "Bases of the Community." Title I deals with the Free Movement of Goods, stating in Article 9(1) that the Community "shall be based upon a customs union covering the exchange of all goods and comprising both the prohibition, as between Member States, of customs duties on importation and exportation and all charges with equivalent effect and the adoption of a common customs tariff in their relations with third countries."[13] In chapter 1 the Customs Union is detailed regarding the elimination of customs duties in stages.[14] Section 2 outlines the establishment of the Common Customs Tariff.[15] In Article 18 the Member States are committed to "contribute to the development of international commerce and the reduction of barriers to trade by entering into reciprocal and mutually advantageous arrangements directed to the reduction of customs duties below the general level which they could claim as a result of the establishment of a Customs Union between themselves."

Article 30 of chapter 2 states, "quantitative restrictions on importation and all measures with equivalent effect shall… be prohibited." Moreover, Article 31 mandates that the States will cease to introduce "new quantitative restrictions or measures."

The sensitive field of agriculture is dealt by Title II.[16] Article 38 (1) states that the Common Market "shall extend to agriculture and trade in agricultural products." This will be accomplished by "the establishment of a common agricultural policy". Article 39 (1) then outlines its objectives: (a) to increase agricultural productivity by developing technical progress; (b) to ensure thereby a fair standard of living for the agricultural population; (c) to stabilize markets; (d) to guarantee regular supplies; and (e) to ensure reasonable prices in supplies to consumers. Article 40(1) mandates that the CAP will be developed during the transitional period. Article 41 mentions the provision of "an effective co-ordination of efforts undertaken in the spheres of occupational training, research and the popularization of rural economy".

Title III tackles the crucial dimension of the Free Movement of Persons, Services and Capital. Chapter 1 deals with workers.[17] Article 48(1) states that "the free movement of workers shall be ensured within the Community not later than at the date of the expiry of the transitional period." This shall involve "the abolition of any discrimination based on nationality between workers of the Member States, as regards employment, remuneration and other working conditions." Moreover, it will include "the right, subject to limitations justified by reasons of public order, public safety and public health": (a) to accept offers of employment; (b) to move about freely for this purpose within the territory of Member States; (c) to stay in any Member State in order to carry on an employment in conformity with the legislative and administrative provisions governing the employment of the workers of that State; and, (d) to live, on conditions which shall be the subject of implementing regulations to be laid down by the Commission, in the territory of a Member State after having been employed there. The text makes the exception that the provisions will not apply to employment in the public administration.

Article 49 mentions a set of measures to obtain this objective: close collaboration between national labor administrations; progressively abolishing administrative procedures and practices that might be an obstacle to the freeing of the movement of workers; progressively abolishing conditions imposed on workers of other Member States conditions for the free choice of employment different from these imposed on workers of the State concerned; and, setting up appropriate machinery for connecting offers of employment and requests for employment. Article 50 encourages the exchange of young

[13] See Oliver.
[14] See Gormley.
[15] Lasok 1983, Vaulant, Hsia.
[16] Heller
[17] See Burrows.

workers. Article 51 provides, in the field of social security, the adoption of measures of protection to migrant workers.

The Right of Establishment is the content of Chapter 2.[18] Article 52 mandates that "restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be progressively abolished." The text specifies that "freedom of establishment shall include the right to engage in and carry on non-wage-earning activities, and also to set up and manage enterprises and, in particular, companies". Article 54 mandates that "wage-earning workers of one Member State employed in the territory of another Member State may remain in that territory for the purpose of undertaking a non-wage-earning activity there", and provides for nationals of one Member State "to acquire and exploit real property situated in the territory of another Member State."

Article 57(1) provides for the "mutual recognition of diplomas, certificates and other qualifications." Article 58 states that companies constituted in accordance with the law of a Member State will be "assimilated to natural persons being nationals of Member States."

Chapter 3 is dedicated to Services.[19] Article 59 mandates that "restrictions on the free supply of services within the Community shall be progressively abolished." Article 60 enumerates the services normally supplied for remuneration activities of an industrial character; activities of a commercial character; artisan activities; and activities of the liberal professions.

Chapter 4 regulates the field of Capital. By Article 67(1) the Member States will "progressively abolish as between themselves restrictions on the movement of capital belonging to persons resident in Member States and also any discriminatory treatment based on the nationality or place of residence of the parties or on the place in which such capital is invested."

Title IV moves to regulate the field of Transport with the provision to establish "common rules applicable to international transport effected from or to the territory of a Member State or crossing the territory of one or more Member States" and, "conditions for the admission of non-resident carriers to national transport services within a Member State."

Article 79(1) mandates that "any discrimination which consists in the application by a carrier, in respect of the same goods conveyed in the same circumstances, of transport rates and conditions which differ on the ground of the country of origin or destination of the goods carried, shall be abolished in the traffic within the Community." Part Three deals with the Policy of the Community. Title I outlines Common Rules. Chapter 1 outlines Rules Governing Competition.[20] Section 1 specifies Rules applying to enterprises. Article 81(1) prohibits as "incompatible with the Common Market: any agreements between undertakings, decisions by associations of undertakings and any concerted practices which may affect trade between the Member States and which have as their object or effect of prevention, restriction or distortion of competition within the Common Market, and in particular those which: (a) the direct or indirect fixing of purchase or selling prices; (b) the limitation or control of production, markets, technical development or investment; (c) market-sharing or the sharing of sources of supply; (d) the application to parties to transactions of unequal terms in respect of equivalent supplies, thereby placing them at a competitive disadvantage; or (e) the subjecting of the conclusion of a contract to the acceptance by a party of additional supplies which, either by their nature or according to commercial usage, have no connection with the subject of such contract."

Article 86 opposes "to take improper advantage of a dominant position within the Common Market or within a substantial part of it," and considers the practice "incompatible with the Common Market".[21] Some practices outlined are: "(a) the direct or indirect imposition of any inequitable purchase or selling prices or of any other inequitable trading conditions; (b) the limitation of production, markets or technical development to the prejudice of consumers; (c) the application to parties to transactions of unequal terms in respect of equivalent supplies, thereby placing them at a competitive disadvantage; or (d) the subjecting of the conclusion of a contract to the acceptance, by a party, of additional supplies

[18] See Everling.
[19] See Lasok 1986.
[20] See Bellamy, Frishauf, Weiser, Beckerleg.
[21] See Deringer.

which, either by their nature or according to commercial usage, have no connection with the subject of such contract."

Section 2 aims at ending dumping practices. Section 3 deals with the sensitive subject of aids granted by States. Among other practices, the following are considered "incompatible with the Common Market": (a) aids of a social character granted to individual consumers, provided that such aids are granted without any discrimination based on the origin of the products concerned; (b) aids intended to remedy damage caused by natural calamities or other extraordinary events; or (c) aids granted to the economy of certain regions of the Federal Republic of Germany affected by the division of Germany, to the extent that such aids are necessary in order to compensate for the economic disadvantages caused by such division." In contrast, the following are acceptable: (a) aids intended to promote the economic development of regions where the standard of living is abnormally low or where there exists serious under-employment; (b) aids intended to promote the execution of important projects of common European interest or to remedy a serious disturbance of the economy of a Member State; and (c) aids intended to facilitate the development of certain activities or of certain economic regions. Chapter 2 deals with Fiscal Provisions. Article 95 A bans the imposition "on the products of other Member States any internal charges of any kind in excess of those applied directly or indirectly to like domestic products."

Title II addresses Economic Policy.[22] Chapter 1 specifically treats the Policy Relating to Economic Trends. Article 103(1) states, "Member States shall consider their policy relating to economic trends as a matter of common interest… and they will "consult with each other and with the Commission on measures to be taken." Chapter 2 deals with Balance of Payments. Article 104 prescribes that the MSs "shall pursue the economic policy necessary to ensure the equilibrium of its overall balance of payments and to maintain confidence in its currency, while ensuring a high level of employment and the stability of the level of prices." Article 105(1) mandates the MSs to co-ordinate their economic policies through "collaboration between the competent services of their administrative departments and between their central banks."

The Commercial Policy is the subject of Chapter 3. Article 110 sates, "by establishing a customs union between themselves the Member States intend to contribute, in conformity with the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international exchanges and the lowering of customs barriers." Consequently, Article 111 prescribes MSs to co-ordinate their commercial relations with third countries in such a way as to bring about the conditions necessary to the implementation of a common policy in the matter of external trade." In the event that "MSs abolish or reduce quantitative restrictions in regard to third countries, they shall inform the Commission beforehand and shall accord identical treatment to the other MSs."

Title III deals with Social Policy. Chapter 1 addresses Social Provisions. Article 117 mentions that MSs agree "upon the necessity to promote improvement of the living and working conditions of labor so as to permit the equalization of such conditions in an upward direction." Moreover, the MSs "consider that such a development will result not only from the functioning of the Common Market which will favor the harmonization of social systems, but also from the procedures provided for under this Treaty and from the approximation of legislative and administrative provisions." Article 118 instructs the Commission to promote close collaboration between MSs in the social field, particularly in matters relating to: employment, labor legislation and working conditions, occupational and continuation training, social security, protection against occupational accidents and diseases, industrial hygiene, the law as to trade unions, and collective bargaining.

Article 119 ensures the implementation of the principle of equal remuneration for equal work as between men and women workers. This is translated as: "that remuneration for the same work at piece-rates shall be calculated on the basis of the same unit of measurement; and that remuneration for work at time-rates shall be the same for the same job."

The European Social Fund is the subject of Chapter 2. Article 125 aims for "ensuring productive re-employment of workers by means of occupational re-training, and resettlement allowances; and granting aids for the benefit of workers whose employment is temporarily reduced or wholly or partly suspended as a result of the conversion of their enterprise to other productions."

[22] See Vanthoon.

Title IV addresses the establishment of the European Investment Bank, with a legal personality. Its task will be to contribute, "by calling on the capital markets and its own resources, to the balanced and smooth development of the Common Market in the interest of the Community." The Bank was set to grant loans and guarantees on a non-profit-making basis with the purpose of facilitating the financing of the following projects in all sectors of the economy: "(a) projects for developing less developed regions, (b) projects for modernizing or converting enterprises or for creating new activities which are called for by the progressive establishment of the Common Market where such projects by their size or nature cannot be entirely financed by the various means available in each of the Member States; and (c) projects of common interest to several Member States which by their size or nature cannot be entirely financed by the various means available in each of the Member States."

Part Four is exclusively dedicated to the Association of Overseas Countries and Territories.[23] Under Article 131 the MSs agree to bring into association with the Community the non-European countries and territories which have special relations with Belgium, France, Italy and the Netherlands." Article 132 prescribes that MSs apply the same rules which they apply among themselves. Each country or territory shall apply to its commercial exchanges with MSs and with the other countries and territories the same rules which it applies in respect of the European State with which it has special relations. MSs shall contribute to the investments required by the progressive development of these countries and territories.

The Institutions of the Community occupy all of Part Five.[24] Section 1 of Title I, Chapter 1, following the traditional protocol in the division of powers of a state, treats first the Assembly. Article 137 states that it will be composed of representatives of the peoples of the States and "shall exercise the powers of deliberation and of control which are conferred upon it by this Treaty." Article 138(1) specifically mentions that it will formed by delegates of the Parliaments. The number will be as follows: Belgium 14; Germany 36; France 36; Italy 36; Luxembourg 6; Netherlands 14. The Assembly will subsequently consider "proposals for elections by direct universal suffrage." Article 139 prescribes that it will hold an annual session, but it "may meet in extraordinary session at the request of a majority of its members or at the request of the Council or of the Commission." Article 140 prescribes that the Assembly shall appoint its President and its officers from among its members. Article 141 provides that it will function "by means of an absolute majority of the votes cast." Article 143 mentions that "the Assembly shall discuss in public meeting the annual general report submitted to it by the Commission." Article 144 provides that "if a motion of censure concerning the activities of the Commission is introduced in the Assembly, a vote may be taken thereon only after a period of not less than three days following its introduction, and such vote shall be by open ballot." Then, "if the motion of censure is adopted by a two-thirds majority of the votes cast, representing a majority of the members of the Assembly, the members of the Commission shall resign their office in a body."

The Council is the subject of Section 2. Article 145 outlines that its function is to "ensure the co-ordination of the general economic policies of the Member States, and dispose of a power of decision." Under Article 146 the Council is "composed of representatives of the Member States." The office of President shall be exercised "for a term of six months by each member of the Council in rotation according to the alphabetical order of the Member States." Article 147 prescribes that meetings of the Council will be convened "by the President acting on his own initiative or at the request of a member or of the Commission." Article 148(1) rules that "the conclusions of the Council shall be reached by a majority vote of its members." Then, when a qualified majority is used to decide, "the votes of its members shall be weighted as follows: Belgium—two votes; Germany—four votes; France—four votes; Italy—four votes; Luxembourg—one vote; and Netherlands—two votes. Majorities are a requirement for the adoption of any conclusions as follows: twelve votes in cases where this Treaty requires a previous proposal of the Commission, or twelve votes including a favorable vote by at least four members in all other cases. However, when the Council "acts on a proposal of the Commission, it shall, where the amendment of such proposal is involved, act only by means of a unanimous vote."

[23] Feld 1967, University of Pittsburgh.
[24] Lowenfeld, Sawer, Whitlow.

Section 3 regulates the Commission. Article 155 lists its most important functions: "ensure the application of the provisions of the Treaty; formulate recommendations or opinions in matters which are the subject of the Treaty, where the latter expressly so provides or where the Commission considers it necessary; dispose of a power of decision of its own and participate in the preparation of acts of the Council and of the Assembly; and exercise the competence conferred on it by the Council for the implementation of the rules laid down by the latter." Article 157(1) states that the Commission will be composed of "nine members chosen for their general competence and of indisputable independence." The text prescribes that only nationals of Member States may be members of the Commission. Moreover, "the Commission may not include more than two members having the nationality of the same State." It explicitly states that the members of the Commission "shall perform their duties in the general interest of the Community with complete independence." Moreover, "in the performance of their duties, they shall not seek or accept instructions from any Government or other body." They also "shall refrain from any action incompatible with the character of their duties." It is expected that "each Member State undertakes to respect this character and not to seek to influence the members of the Commission in the performance of their duties." Understandably, the members of the Commission "may not, during their term of office, engage in any other paid or unpaid professional activity." Article 158 prescribes that "the members of the Commission shall be appointed by the Governments of Member States acting in common agreement." Regarding the term of office it will be for a period of four years, renewable. By Article 161, "the President and the two Vice-Presidents of the Commission shall be appointed from among its members for a term of two years," renewable. Art 163 prescribes that "the conclusions of the Commission shall be reached by a majority of the number of members."

Section 4 is dedicated to the Court of Justice.[25] Article 164 bestows the Court with the mission of "the observance of law and justice in the interpretation and application of this Treaty." Article 165 lists its membership in seven judges, sitting in plenary session." However, it may "set up chambers, each composed of three or five judges, in order either to conduct certain enquiries or to judge certain categories of cases." Article 166 states that it be assisted by two advocates-general whose duty is "to present publicly, with complete impartiality and independence, reasoned conclusions on cases". Article 167 prescribes that the judges and the advocates-general will be chosen "from among persons of indisputable independence who fulfill the conditions required for the holding of the highest judicial office in their respective countries or who are jurists of a recognized competence." Their term will be six years, appointed by the MSs "acting in common agreement." The judges then will "appoint from among their members the President of the Court of Justice for a term of three years, "renewable." The Court is responsible (Article 173) for reviewing "the lawfulness of acts other than recommendations or opinions of the Council and the Commission." With this aim, it has the competence of giving "judgment on appeals by a MS, the Council or the Commission on grounds of incompetence, of errors of substantial form, of infringement of this Treaty or of any legal provision relating to its application, or of abuse of power." The Court of Justice (Article 177) is competent to make a preliminary decision concerning: (a) the interpretation of the Treaty; (b) the validity and interpretation of acts of the institutions of the Community; and (c) the interpretation of the statutes of any bodies set up by an act of the Council, where such statutes so provide. The Court (Article 179) is also competent to decide "in any case between the Community and its employees".

Chapter 2 is dedicated to Provisions Common to Several Institutions. Article 189 prescribes that "the Council and the Commission shall adopt regulations and directives, make decisions and formulate recommendations or opinions." Regulations have general application and be "binding in every respect and directly applicable in each Member State." Directives are binding only in any MS "to which they are addressed, as to the result to be achieved, while leaving to domestic agencies a competence as to form and means." Decisions are "binding in every respect for the addressees named therein." Recommendations and opinions have no binding force.

Chapter 3 addresses the structure and aims of the Economic and Social Committee. It will have consultative status, and it will be composed of "representatives of the various categories of economic and social life, in particular, representatives of producers, agriculturists, transport operators, workers,

[25] Feld 1964, Herzog, Marshaw.

merchants, artisans, the liberal professions and of the general interest." Article 194 lists the number of members: Belgium—twelve members; Germany—twenty-four members; France—twenty-four members; Italy—twenty-four members; Luxembourg—five members; and Netherlands—twelve members. Their term is four years (renewable), appointed by the Council by unanimous vote.

Final Provisions occupies Title II. Article 199 mentions that estimates will be calculated "for each financial year for all revenues and expenditures of the Community." Article 200(1). The revenues of the budget will come from contributions of MSs fixed according to the following scale: Belgium—7.9; Germany—28; France—28; Italy—28; Luxembourg—0.2; and The Netherlands—7.9

Part Six, dedicated to General and Final Provisions, states in Article 210 that "the Community shall have legal personality." Moreover, Article 211 states that it will in each of the MSs "possess the most extensive legal capacity accorded to legal persons under their respective municipal law; it may, in particular, acquire or transfer movable and immovable property and may sue and be sued in its own name." For this purpose, the Community is represented by the Commission.

Article 214 mandates that "the members of the Community's institutions, the members of committees as well as officials and other employees of the Community are required, even after the termination of their functions, not to disclose information which by its nature is a professional secret and, in particular, information relating to enterprises and concerning their commercial relations or the components of their production costs."[26] Article 219 prescribes that MSs are not to submit "a dispute concerning the interpretation or application of this Treaty to any method of settlement other than those provided in it."

Article 220 mandates that MSs will engage in negotiations with each other "with a view to ensuring for the benefit of their nationals: the protection of persons as well as the enjoyment and protection of rights under the conditions granted by each State to its own nationals; the elimination of double taxation within the Community; the mutual recognition of companies within the meaning of Article 58, second paragraph, the maintenance of their legal personality in cases where the registered office is transferred from one country to another, and the possibility for companies subject to the municipal law of different Member States to form mergers; and the simplification of the formalities governing the reciprocal recognition and execution of judicial decisions and of arbitral awards."

Article 221 obliges "to treat nationals of other MSs in the same manner, as regards financial participation by such nationals in the capital of companies." Article 223 states that the "provisions of this Treaty shall not detract from the following rules: (a) No MS shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security; (b) Any Member State may take the measures which it considers necessary for the protection of the essential interests of its security, and which are connected with the production of or trade in arms, ammunition and wart material.

Article 224 mandates that MSs will consult "for the purpose of enacting in common the necessary provisions to prevent the functioning of the Common Market from being affected by measures which a MS may be called upon to take in case of serious internal disturbances affecting public order, in case of war or of serious international tension constituting a threat of war or in order to carry out undertakings into which it has entered for the purpose of maintaining peace and international security."

Among the final items are the conditions to become a member. Article 237 states that "any European State may apply to become a member of the Community." The process will begin by addressing its "application to the Council which, after obtaining the opinion of the Commission, shall act by means of a unanimous vote." Moreover, the requirements for admission and the amendments will be the subject of an agreement between the MSs and the applicant State." Such agreement must be "submitted to all the contracting States for ratification in accordance with their respective constitutional rules." Article 238 also mentions that the Community "may conclude with a third country, a union of States or an international organization agreements creating an association embodying reciprocal rights and obligations, joint actions and special procedures." It also mandates that "such agreements shall be concluded by the Council acting by means of a unanimous vote. In closing, Article 240 states that the Treaty will last for "an unlimited period."

[26] Feld 1963.

4. The European Atomic Energy Community (Euratom)

The Euratom Treaty was designed to pool knowledge, infrastructure and funding of nuclear energy.[27] It has as a mission to ensure the security of atomic energy supply and to provide the efficiency of a monitoring system. Following the model of the ECSC, Euroatom was also the twin answer to the failure produced by the rejection of the European Defense Community (EDC) in 1954. As outlined above with the evolution of the EEC, Euroatom was designed by a process that began at the Messina Conference of June 1955. Its objective was to lessen the damage presented by a shortage of "conventional" energy in the 1950s. The original members of the ECCSU considered nuclear energy as a means of achieving energy independence. Tackling this task individually was seen as a mission impossible. Joint research and production was accompanied by guarantees of high safety standards, keeping in mind the civilian use and avoiding at all cost the spill over to military use.

The preamble is direct and precise. It recognizes that "nuclear energy represents an essential resource for the development and invigoration of industry and will permit the advancement of the cause of peace." Therefore, Europe needs "to create the conditions necessary for the development of a powerful nuclear industry which will provide extensive energy resources, lead to the modernization of technical processes and contribute, through its many other applications, to the prosperity of their peoples." To this end, it needs to find "conditions of safety necessary to eliminate hazards to the life and health of the public. Unable to act in isolation, the new entity will seek to "associate other countries with their work and to cooperate with international organizations concerned with the peaceful development of atomic energy." The Treaty itself was initially composed of 234 articles, distributed in six titles. In 2007 the number of articles was reduced 177 when the subsequent Treaty on European Union was amended. The first title is dedicated to the seven tasks of the Community. The second title sets out provisions to encourage progress in the field of nuclear energy. The third title deals with the institutions of the Community. The fourth is dedicated title deals with specific financial provisions. The fifth and sixth titles deal with general provisions and details of the initial period. Five annexes are also added on research, industrial activities, and the initial research and training program.

The specific tasks of Euratom are: to promote research and ensure the dissemination of technical information; to establish uniform safety standards to protect the health of workers and of the general public and ensure that they are applied; to facilitate investment and ensure the establishment of the basic installations necessary for the development of nuclear energy in the EU; to ensure that all users in the EU receive a regular and equitable supply of ores and nuclear fuels. The Treaty bans practices designed to secure a privileged position for certain users; and establishes an Agency with a right of option on ores, source materials and special fissile materials and an exclusive right to conclude contracts relating to the supply of ores, source materials and special fissile materials coming from inside the Community or from outside. The Euratom Supply Agency has legal personality and financial autonomy and is under the supervision of the Commission, which issues directives to it and possesses a right of veto over its decisions. The Commission must ensure that source materials are not diverted from the intended uses. It also guarantees that the provisions relating to supply are complied with. The Commission may send inspectors who have access at all times to all places and data and to all persons who, by reason of their occupation, deal with materials, equipment or installations subject to the safeguards. The Euratom rules are applied in conjunction with those of the International Atomic Energy Agency (IAEA).

[27] See Efron and Blumgart.

The institutional structure of the Euratom Treaty is a mirror image to that of the EEC Treaty (Council, Commission and European Parliament). There is also an Economic and Social Committee as an advisory capacity. Although the MSs retain much of their sovereignty, the Commission has adopted recommendations and decisions setting European standards. With successive enlargements of the EU, the importance of Euroatom has grown, because the EU demands a common approach to nuclear energy. The recent enlargement of the EU has raised the need for the respect of *nuclear safety* measures. Even before joining the EU, the Eastern European countries have been receiving help from pre-accession programs.

The Euratom Treaty has not suffered major modifications and remains fully in force. It has retained a separate legal personality, while sharing the same institutions. In March of 2007 the Commission reviewed the status of the Euratom Treaty. The result of this examination was positive regarding research, health protection, and peaceful use of nuclear material. The current energy crisis of Europe has turned the continent's attention towards this field, with due consideration to the consequences of climate change.

5. The Legacy

The experience of the implementation of the Treaty of Rome offers several lessons and points for reflection.[28] First of all, the decision of putting together an effective and ambitious organization implied a continuous process through progressive stages of integration. The EEC was not going to stop its functions with a mere customs union. It was not designed to be a simple reinforcement of free trade area. The EEC was based on the same revolutionary concepts as the foundation of the European Community of Coal and Steel. The new entity showed that it was possible to evolve from a structure that was placed around a portion of the economy or social life into a collective basket comprising many and potentially all realms of human activity within the confines of the competences of state sovereignty. The "conversion" of the ECSC into the EEC proved that a change from a vertical to a horizontal experiment of regional integration was feasible.

Like pioneering products that—with the pass of time—end up transferring their brand name to an entire line of goods (scotch tape, kleenex, post it, xerox, jeep, etc.) the European Economic Community was early on simply known as the Common Market. These two words were given to an entire territory. Outsiders of the confines of the geographical boundaries of the EEC, and even today with the EU, talked about "going to work in the Common Market." The model was—since very early in its life—copied and imitated, in theory and in practice, on paper and in real life. But like the good commercial products, the clones were not as authentic as the original.[29]

But at the same time, the experiment seemed to be "a bridge too far." It took almost three decades of evolution, from then mid 50s to the mid 80s, thanks to the Single European Act to be fully functioning. During this long, ambivalent, and turbulent time of leadership confrontations (De Gaulle) and a combination of euroesclerosis and euroskepticism…what was missing was the force of the foundational leadership. At specific times it needed the disappearing of a leadership that only acted as obstacle for the progress of news stages of integration.

However, the comparatively simple structure of the foundational treaty became cumbersome in its interpretation and functioning of its parts. The CEE and its transformations were difficult to define. Was a UPO (Unidentified Political Object), according to Jacques Delors? Was it better to be equated to a cathedral, ever in construction? Was the EC better understood as a process, not as a polity? Was a single

[28] See Roy 2008.

[29] For a review of the considerations of the nature of the EU, see Roy 2005, 2006. For a comparative commentary on the different paths towards regional integration in Europe and Latin America, see Roy 2007.

specimen of a class?[30] The fast travel from Messina to Venice and then back to Brussels was considered as a victory for the endorsers of inter-governmentalism as a theory explaining the new experiment. Was that the burial of the functionalist approach? Anyhow, the complexity of the new entity gave way for the appearance of middle-of-the-way theories that filled the vacuum left by the Manichean dichotomy presented by the autonomous functioning of the invention and the role of the states. Constructivism and other social-oriented theories managed to shed light to an ever expanding field.[31]

It was clear, anyhow, that the initial central power of the High Authority became irremediably eroded; the change of name to the Commission was a living proof. There was also a slow growing influence of the initial Assembly, most especially when the path to direct elections was open. The clear victor of this evolution was the Council, non-existing in the foundational drawing giving by Monnet to the ECCS. Ironically, the perceived growth of the power and influence of the Commission prompted the Council, and most especially a part of the leadership behind, to react accordingly. The Council itself did not realize that it was transforming into a hybrid formed by an inter-governmental body, subject to the draconian threat of unanimity and the shadow of veto power, and a supranational institution that had a life of its own, ruled by qualified majority voting.

But in the background the Court, silently and effectively, was to become the real protagonist of European integration through trend setting decisions when the different parts of the organization and European society at large decided to find solutions for their disagreements and place the decision in the hands of a common entity. However, complexity generated by the internal nature of the CEE, a "community of law,"[32] led to a certain alarming sense of incomprehension by the people. The CEE and the EU have confused Europeans and outsiders to such extremes that for some distinguished visitors to Brussels "one has to be French or very intelligent" to understand it.[33] This was historically explained by the foundational profile of the ECCS. It was the product of an elite. The people were too busy fighting for the survival under the rubble of a fratricidal war. Was the remedy to get rid of the democratic deficit that according to observers still survives today? Was the solution to force major decisions through referendums? The recent experiences leading to disasters as the failed constitution and the near death of its substitute, the Lisbon Treaty, seem to send a word of caution.[34] In any event, the entity seemed to be able to grow steadily in two directions. First, history shows that the open doors left by the treaty of the CEE has led to an ever growing of common policies, the result of the unstoppable delegation of sovereignty (not its loss). Not a single area that has become part of the community ("federalized") has returned to be fully controlled by the state. The other dimension is the history of progressive enlargements, from six to nine, then to twelve and fifteen, and finally to twenty-five and twenty-seven, and beyond… Not a single member has ever indicated a desire to leave, while a long line of suitors are waiting to cross the threshold.

Part of the impressive success is the original balance of policies and principles presented by a reformed capitalism, based on competition and profit, and an evolved social democracy that guaranteed the continuation and correction of the welfare state. Christian Democrats were dominant in the foundational moments; Social Democrats were the second part of the equation. Middle of the road Liberals contributed to the balance, sometimes making possible coalitions that seemed intractable. Former

[30] For a selection on the debate of this subject, see Green, Haas 1958, Mitrany.
[31] For selection of studies on the theory of European integration, see: Chryssochoou 2001, Diez 2004, Haas 1958, 1964, Nelsen 2003, Rosamond 2002, Eilstrup-Sangiovanni 2006, Burgess 2000.
[32] See Cotter, Mathijsen.
[33] Comment attributed to Madeleine Albright, Secretary of States of President Clinton, in one of his trips to Brussels.
[34] For a review of the development of this treaty, see Roy 2009.

Communists, Greens, and others managed to complete the range of ideologies. They are all present in the European Parliament, already visible in the original Assembly.

Moreover, the EEC and its successive transformations have become a model for any attempt in economic cooperation, regional integration, and the sharing of power by states. Or at least, the EEC has become an unavoidable point of reference. The 50th anniversary of its signing in 2007 was the occasion for multiple celebrations and a high volume of retrospective research.[35] It is interesting to note that a sector of the scholarship tends to fix the life of the EU as beginning in 1957 with the Treaty of Rome, siding with an inertia professed by governments and EU institutions. Others prefer to remind readers and observers that the actual date is not only the birth of the Treaty of Paris signed on 18 April 1951establishing the European of Coal and Steel Community, but the Schuman Declaration on May 9, 1950. In any event, regarding the simple announcement reading the basic ideas of Jean Monnet could parallel the Declaration of Independence of the United States on July 4, 1776, as a prelude to the establishing of the Constitution on September 17, 1787, by the Constitutional Convention meeting in Philadelphia.

Nonetheless, critics tend to stress its relative success and slow progress of the whole European process since 1950 or 1957, depending on the date considered as the birthday. But to what can one compare this wrong diagnosis? Rephrasing Winston Churchill's picturing of liberal democracy, the European Union may claim the world title of being the worst of the systems of regional integration… if one eliminates all the others. For the founders of the ECCS and the CEE—still observing with a wide smile the evolution of creature—the generalized sentiment would be summed up with a comment: it was worth it.

[35] For samples: Aldecoa, Roy 2008.

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