

Chapter 1 : Maastricht - Wikipedia

Despite recent turmoil in European currency markets and the near-defeat in France of the Maastricht treaty, momentum toward full economic and political integration of the European Community will continue.

In a historic referendum in June , Austrian voters indicated their desire to join the EU, and in January Austria became a member. The following year, Austrians commemorated 1, years of common history. At the end of the war, several western European countries sought closer economic, social, and political ties to achieve economic growth and military security and to promote a lasting reconciliation between France and Germany. The ECSC created a free-trade area for several key economic and military resources: To manage the ECSC, the treaty established several supranational institutions: A series of further international treaties and treaty revisions based largely on this model led eventually to the creation of the EU. The EEC created a common market that featured the elimination of most barriers to the movement of goods, services, capital, and labour, the prohibition of most public policies or private agreements that inhibit market competition, a common agricultural policy CAP , and a common external trade policy. Signing of the Treaty of Rome, March 25, AP Images The treaty establishing the EEC required members to eliminate or revise important national laws and regulations. In particular, it fundamentally reformed tariff and trade policy by abolishing all internal tariffs by July It also required that governments eliminate national regulations favouring domestic industries and cooperate in areas in which they traditionally had acted independently, such as international trade i. The treaty called for common rules on anticompetitive and monopolistic behaviour and for common inland transportation and regulatory standards. The CAP, which was implemented in and which became the costliest and most controversial element of the EEC and later the EU, relied on state intervention to protect the living standards of farmers, to promote agricultural self-sufficiency, and to ensure a reliable supply of products at reasonable prices. To advise the Commission and the Council of Ministers on a broad range of social and economic policies, the treaty created an Economic and Social Committee. It also combined the councils of the three organizations into a common Council of Ministers. The Commission officially known as the European Commission consists of a permanent civil service directed by commissioners. It has had three primary functions: Initially, commissioners were appointed by members to renewable four-year terms, which were later extended to five years. In consultation with member governments, the president appoints the heads of the Directorate-Generals, which manage specific areas such as agriculture, competition, the environment , and regional policy. The Commission has shared its agenda-setting role with the European Council not to be confused with the Council of Europe , an organization that is not an EU body , which consists of the leaders of all member countries. Established in , the European Council meets at least twice a year to define the long-term agenda for European political and economic integration. The European Council is led by a president, an office that originally rotated among the heads of state or heads of government of member countries every six months. Upon the adoption of the Lisbon Treaty in , the presidency was made permanent, with the officeholder being selected by European Council members. The composition of the council changes frequently, as governments send different representatives depending on the policy area under discussion. All community legislation requires the approval of the council. The president of the council, whose office rotates among council members every six months, manages the legislative agenda. Council meetings are chaired by a minister from the country that currently holds the presidency. The exception to this rule is the Foreign Affairs Council, which, since the ratification of the Lisbon Treaty, is under the permanent supervision of the EU high representative for foreign affairs and security policy. The Common Assembly, renamed the European Parliament in , originally consisted of delegates from national parliaments. Beginning in , members were elected directly to five-year terms. The Parliament is organized into transnational party groups based on political ideology. Until the legislature served only as a consultative body, though in it was given joint decision-making power with the Council of Ministers over community expenditures. Eight impartial advocates-general assist the ECJ by presenting opinions on cases before the court. The ECJ has established two important legal doctrines. The promulgation of the Lisbon Treaty signaled the acceptance of these legal

doctrines by national courts, and the ECJ has acquired a supranational legal authority. Members also made several attempts to manage their exchange rates collectively, resulting in the establishment of the European Monetary System in 1978. It gave the meetings of the EPC a legal basis, and it called for more intensive coordination of foreign policy among members, though foreign policy decisions were made outside community institutions. As a result of the act, there was a substantial increase in funding for social and regional programs. More generally, the SEA set out a timetable for the completion of a common market. A variety of legal, technical, fiscal, and physical barriers continued to limit the free movement of goods, labour, capital, and services. For example, differences in national health and safety standards for consumer goods were a potential impediment to trade. Originally, the Commission proposed legislation, the Parliament was consulted, and the Council of Ministers made a final decision. The SEA introduced qualified majority voting for all legislation related to the completion of the common market. Under this system, each member was given multiple votes, the number of which depended on national population, and approval of legislation required roughly two-thirds of the votes of all members. The new procedure also increased the role of the European Parliament. Specifically, legislative proposals that were rejected by the Parliament could be adopted by the Council of Ministers only by a unanimous vote. The treaty met with substantial resistance in some countries. Voters in France narrowly approved the treaty in September, and in July British Prime Minister John Major was forced to call a vote of confidence in order to secure its passage. An amended version of the treaty officially took effect on November 1, 1993. The treaty consisted of three main pillars: The agreement gave the EC broader authority, including formal control of community policies on development, education, public health, and consumer protection and an increased role in environmental protection, social and economic cohesion, and technological research. It also established EU citizenship, which entailed the right of EU citizens to vote and to run for office in local and European Parliament elections in their country of residence, regardless of national citizenship. The Maastricht Treaty specified an agenda for incorporating monetary policy into the EC and formalized planning that had begun in the late 1970s to replace national currencies with a common currency managed by common monetary institutions. Countries were required to have annual budget deficits not exceeding 3 percent of gross domestic product (GDP), public debt under 60 percent of GDP, inflation rates within 1.5 percent. The members that qualified were to decide whether to proceed to the final stage—the adoption of a single currency. The decision required the establishment of permanent exchange rates and, after a transition period, the replacement of national currencies with the common currency, called the euro. Although several countries failed to meet the convergence criteria, Greece failed to qualify, and Denmark, Sweden, and the United Kingdom chose not to apply for membership. Greece was admitted to the euro beginning in 2001. Initially used only by financial markets and businesses, the euro was introduced for use by the general public on January 1, 2002. The Commission was reformed to increase its accountability to the Parliament. Beginning in 1999, the term of office for commissioners, who now had to be approved by the Parliament, was lengthened to five years to correspond to the terms served by members of the Parliament. The ECJ was granted the authority to impose fines on members for noncompliance. The treaty also created a regional committee, which served as an advisory body for commissioners and the Council of Ministers on issues relevant to subnational, regional, or local constituencies. One of the most radical changes was the reform of the legislative process. The range of policies subject to qualified majority voting in the Council of Ministers was broadened. The treaty also endowed the Parliament with a limited right of rejection over legislation in most of the areas subject to qualified majority voting, and in a few areas, including citizenship, it was given veto power. The treaty formally incorporated the Court of Auditors, which was created in the 1970s to monitor revenue and expenditures, into the EC. Members agreed that, where possible, they would adopt common defense policies, which would be implemented through the Western European Union, a security organization that includes many EU members. Joint actions—which were not subject to monitoring or enforcement by the Commission or the ECJ—required unanimity. The elimination of border controls conflicted with some national immigration, asylum, and residency policies and made it difficult to combat crime and to apply national civil codes uniformly, thus creating the need for new Europe-wide policies. For example, national asylum policies that treated third-country nationals differently could not, in practice, endure once people were allowed to move

freely across national borders. Switzerland tabled its application in the early s. Norway, Iceland, and the members of the EU along with Liechtenstein are members of a free trade area called the European Economic Area , which allows freedom of movement for goods, services, capital, and people. Two subsequent treaties revised the policies and institutions of the EU. The first, the Treaty of Amsterdam, was signed in and entered into force on May 1, A second treaty, the Treaty of Nice, was signed in and entered into force on February 1, Negotiated in preparation for the admission of new members from eastern Europe, it contained major reforms. The maximum number of seats on the Commission was set at 27, the number of commissioners appointed by members was made the same at one each, and the president of the Commission was given greater independence from national governments. Qualified majority voting in the Council of Ministers was extended to several new areas. Approval of legislation by qualified voting required the support of members representing at least 62 percent of the EU population and either the support of a majority of members or a supermajority of votes cast. Although national vetoes remained in areas such as taxation and social policy, countries choosing to pursue further integration in limited areas were not precluded from doing so. After the end of Cold War , many of the former communist countries of eastern and central Europe applied for EU membership. However, their relative lack of economic development threatened to hinder their full integration into EU institutions. To address this problem, the EU considered a stratified system under which subsets of countries would participate in some components of economic integration e. Turkey , at the periphery of Europe, also applied for membership, though its application was controversial because it was a predominantly Islamic country, because it was widely accused of human rights violations, and because it had historically tense relations with Greece especially over Cyprus. Despite opposition from those who feared that expansion of the EU would stifle consensus and inhibit the development of Europe-wide foreign and security policies, the EU in admitted 10 countries Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia , all but two of which Cyprus and Malta were former communist states; Bulgaria and Romania joined in Building on the limited economic and political goals of the ECSC, the countries of western Europe have achieved an unprecedented level of integration and cooperation. The degree of legal integration, supranational political authority, and economic integration in the EU greatly surpasses that of other international organizations. Indeed, although the EU has not replaced the nation-state, its institutions have increasingly resembled a parliamentary democratic political system at the supranational level. The drafting process evoked considerable controversy, particularly over the question of whether the constitution should mention God and the Christian heritage of much of European society the final version did not. The proposed constitution was signed in but required ratification by all EU members to take effect; voters in France and the Netherlands rejected it in , thereby scuttling the constitution at least in the short term. It would have created a full-time president, a European foreign minister, a public prosecutor, and a charter of fundamental rights. Under the leadership of Germany, work began in early on a reform treaty intended to replace the failed constitution. The resulting Lisbon Treaty , signed in December , required approval by all 27 EU member countries in order to take effect. The treaty, which retained portions of the draft constitution, would establish an EU presidency, consolidate foreign policy representation for the EU, and devolve additional powers to the European Commission, the European Court of Justice, and the European Parliament. Unlike the draft constitution, the Lisbon Treaty would amend rather than replace existing treaties. The treaty failed, at least in the short term, in June after it was rejected by voters in a national referendum in Ireland. A week after the Irish vote, Poland completed its ratification of the treaty as well.

Chapter 2 : BERGHAHN BOOKS : Europe After Maastricht: American And European Perspectives

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Foremost among these is its pronouncement that "the Federal Constitutional Court will examine whether legal acts of the European institutions and organs are within or exceed the sovereign powers transferred to them. Furthermore, the Court stated, legal acts of the Union which exceed the competences outlined in the treaty, as interpreted by the German court will not be legally binding in Germany. At stake are the uniform application of Union law and the future of European integration itself. This challenge could be brought directly against a piece of Union legislation or even a ECJ decision. Second, if presented with a suit involving a Union legal act, a lower German court could refuse to make an article reference to the ECJ on the ground that, because the legal act is ultra vires, there is no issue of European law to be referred. Under a fourth scenario, the challenge to Union authority could come outside the realm of the judiciary: Any or all of the above scenarios, if they arose frequently enough, could have serious implications for the European Union. The potentially destructive nature of such cases could be aggravated further should constitutional courts in other Member States of the European Union adopt a similar position.

Purpose and Methodology This article analyzes the Maastricht decision and discusses, in detail, the issue of which court in a federal system possesses the authority to draw the boundaries of federal power. The content and methodology of the article are comparative. While the European debate over this issue is no older than the European Union itself, the problem is inherent in any federal system. This analysis serves two goals. Second, such analysis is a critical background to the American comparison. Following this introduction, the article shifts its focus across the Atlantic and back in time to, primarily, the 19th century. There are two components to the American experience which must be addressed. Of primary importance is, of course, the jurisprudential treatment of the problem of the division of competences. Equally important, however, is a description and analysis of the political debate surrounding the jurisprudence. As will become apparent below, the resolution of the problem in the US was, and in Europe is destined to be, a mixture of law and politics. Third, the article extracts from the American experience normative ways of thinking about the problem and applies these norms to the European Union and, more specifically, the Maastricht decision. In recognition of the inherent limitations of any comparison of the United States and the European Union, the article then examines factors unique to the European Union. As with the other sections of the article, projections on this issue are informed by the discussion of the American experience. In short, the primary purpose of this article is to enrich the analysis of the problem in the European Union. Approaching the issue comparatively provides an assortment of lenses through which one can view the authority to divide competences in a federal system. This normative way of thinking should, hopefully, inform and broaden the debate which inevitably will take place in Europe in the coming years. It is equally important to underscore what the article does not try to accomplish. Nowhere does the article devise a list of policy responses to the issue which should be adopted in Europe. Although a comparative approach necessarily raises the possibility of particular responses, [10] this article attempts to avoid drawing conclusions from the American experience simply to posit them as "obvious" answers for the European Union. Rather, it seeks to enable the reader to apply to Europe the conclusions drawn from the American experience in order to pursue a more profound and reasoned approach to European solutions. The Maastricht decision

Of primary interest for purposes of this article are three issues which surface in the Maastricht decision. The second part of the decision, which addresses the merits of the claims, raises two interrelated but distinct issues: Nonetheless, the Court declared, a substantial reduction in fundamental rights standards will not occur, for one simple reason: The Court cited its holding in a decision, [13] namely that the Court rules on European law in a "relationship of cooperation" with the ECJ. In deference to this cooperative relationship, the Federal Constitutional Court does not exercise its jurisdiction over individual fundamental rights cases, leaving this to the ECJ, as long as a sufficient level of protection is maintained. These acts must, therefore, fall under the watchful eye of the

Federal Constitutional Court. This passage set the tone for the remainder of the opinion. The Federal Constitutional Court, by claiming jurisdiction over the legal acts of European organs, seemed to challenge the authority of the ECJ. Decision on the Merits: Therefore, the fact that state authority is not exercised in the European Union in a manner identical to Germany does not violate the Basic Law: It found that certain basic features of a democracy, such as a constant, free exchange of ideas leading to a common public opinion, transparent and understandable to the ordinary citizen objectives of public authority, and the possibility of every citizen to communicate in his native tongue with public authorities to whom he is subjected, are currently lacking in the European Union. Given the lack of democratic infrastructure in the European Union and the peripheral role of the European Parliament, the Court concluded, democratic legitimation is achieved primarily through the participation of national parliaments. Because this democratic legitimation is indirect, however, in contrast to the direct legitimation of German power, the Court set a limit on the amount of power that may be transferred to the European Union. The Court did not, however, postulate where this limit might lie. In its words, "subsequent fundamental changes to the integration program and the associated competences outlined in the Union Treaty are not covered by the implementing legislation to the treaty. According to the Court, legal acts taken pursuant to such "treaty amendment by interpretation" would not be binding in Germany; German state organs would be constitutionally prohibited from implementing them. The Court then warned against a broad interpretation of article , which in the past had facilitated the transfer of competences to the Union without treaty amendment. Specifically, the Court stated [w]hereas a dynamic expansion of the existing treaties through a broad interpretation of Art. Such an interpretation would not be binding in Germany. It is this statement, unnecessary to the outcome of the case, [33] that has created a stir among constitutional scholars. First, the Federal Constitutional Court reaffirmed that it retains jurisdiction for the guarantee of fundamental rights protection, albeit in a "cooperative relationship" with the ECJ. In so doing, it extended this jurisdiction to review acts of European organs, including the ECJ. Second, the Federal Constitutional Court seemed to impose an "absolute" limit to the number of competences which may constitutionally be transferred to the European Union. Third, and most importantly, the Federal Constitutional Court declared that the contours of power permissibly transferred to the European Union are determined and limited by the Treaty of Maastricht and the accompanying implementing legislation. This also flows from the Democracy Principle. The Federal Constitutional Court stated that, with respect to Germany, it, and not the ECJ, will be the final arbiter of disputes concerning the division of European and Member State power. In other words, the Federal Constitutional Court will police the boundaries of permissibly-transferred powers and decide when acts of the Union are ultra vires. Although the issue of fundamental rights protection is certainly important, it is the focus of neither the Maastricht decision nor this article. The remainder of the article will focus on the latter two issues, especially the Federal Constitutional Court as final arbiter of the allocation of federal powers.

The US Experience The reason for undertaking a detailed examination of the authority to determine the limits of federal power in the United States seems clear. The US, being more than years older than the European Union, provides a good example of the manner in which way in which one federal system confronted and resolved the issue. With this experience as a backdrop, the nature and the magnitude of the problem in Europe are illuminated, and as a result, a more thoughtful and complete approach to the European debate should be possible. This issue was not resolved by a simple declaration by the Supreme Court that it possessed jurisdiction. Rather, the resolution involved an interplay of judicial reasoning and political debate among the states of the Union. In fact, there is a strong argument that, "[a]t bottom, the issue was one of politics and expediency rather than law. This case has been called the "keystone of the whole arch of the federal judicial power. The reasoning of the Virginia court is critical to an understanding of the conflict. First, Judge Cabell argued, the Constitution was simply silent on the issue of how disputes over the boundaries of federal and state competences would be settled. As the state courts and federal courts belonged to distinct sovereign systems, Cabell reasoned, the Supreme Court could be considered "superior" only to lower federal courts, not to state courts. The natural extension of such logic would be to give the Supreme Court appellate jurisdiction over the courts of England or France if their decisions conflicted with the US Constitution. The meaning of this provision, Story concluded, is that jurisdiction attaches to the Supreme Court as a

consequence of the case, not the court from which the appeal is taken. The issue is not whether the Supreme Court has jurisdiction to hear all appeals of federal law; the issue is whether the Supreme Court has the authority to decide whether a particular issue is a matter for federal appeal in the first place. This analysis was, rather, a logical screen to cover the policy decision that uniformity of federal law was a fundamental policy goal of Story. The public mischiefs that would attend such a state of things would be truly deplorable; and it cannot be believed that they could have escaped the enlightened convention which formed the constitution. Story bolstered his uniformity analysis with assertions of "historical fact. However, it simply ignores the fact that Patrick Henry and James Madison were among of the most virulent opponents of the Supreme Court at this time. At any rate, it is untrue. Each is a "prism" through which to view the issue, and both "prisms" prove relevant to an analysis of the European situation. Subsequent Jurisprudential Developments The Supreme Court never strayed from its decision in *Martin* and subsequently reaffirmed its principles quite forcefully. The next significant pronouncement on the subject came in in the case of *McCulloch v. In form, and in substance, it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit. Not surprisingly then, the next case in which the issue arose, *Cohens v. Virginia*, [71] was once again a conflict with Virginia. The term "nation" connotes a common experience and character of the citizens of the several states. In other words, it implicitly rejects a confederation of different peoples and states and embraces a federation of common peoples. From this vision followed the conclusion that the federal government must have supreme authority to decide issues of vital national interest. The positions taken by both sides were the same as in *Martin*, *McCulloch*, and *Cohens*, and the judicial reasoning provided no new ways of approaching the problem. Justice Story cast the mold in *Martin*; the ensuing political debate would reveal whether any state or states would or could break it. Political Debate The debate over the ultimate authority to decide the limits of federal power was not limited to disputes between state courts and federal courts. In fact, the court proceedings were but a fraction of the struggle. State legislatures, executive branches and influential constitutional theorists, including several of the Founding Fathers, [76] joined in support or opposition to Supreme Court jurisdiction. Thus, an analysis of the broader historical and political debate is fundamental to an understanding of the American experience. Background The end of the 18th and beginning of the 19th centuries, culminating in the Civil War, was a time of consolidation of federal power. Ohio, for example enacted nullification legislation [80] in opposition to the Supreme Court in , stood by the Supreme Court and against South Carolina and Georgia in , and again opposed the Supreme Court in Of considerable consequence, however, is that, at any given time, only a few states actively voiced their opposition. Rather, the states, as parties to the treaty, possessed the power to "decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power. The Virginia legislature proclaimed that, although the Supreme Court had authority to interpret the Constitution as between the branches of the federal government, this authority could not "extend to questions which would amount to a subversion of the Constitution itself, by the usurpation of one contracting party or another. States recognized the supremacy of federal law, but not the supremacy of federal judges. Nonuniformity was viewed as an inevitable result of the United States being a group of free and independent governments. Such a loose association of states presumably will not be bestowed with competences of significant number or importance; conflicts, then, are necessarily few in number and involve relatively "minor" issues.*

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Although he brought them unheard of prosperity, he was never popular with farmers, being a strong advocate of eliminating inefficient small farms and setting limits to high guaranteed prices. For a brief period in and he was president of the Commission , the only Dutchman to have held that post. The instigator of Marshall Aid , as it became known, was President Truman, who perceived clearly the Soviet threat to a weakened Europe. Under pressure from Stalin the East European satellite countries refused to accept any Marshall Aid ; the USSR also attempted, not without success, to raise fears in leftist circles in the West over German revanchism and American imperialism. Together with NATO , the Plan signalled the emergence of the USA as a European power and set Europe on a path to freedom and prosperity on a hitherto undreamed of scale, creating a debt of honour which France alone has sometimes been reluctant to acknowledge. Another motive was to aid stability in an area plagued by poverty and threatened by Islamic fundamentalism. Mergers See Competition and merger policy. Messina Conference In plans to create a European Defence Community to replace the national armies of Germany , France , Italy and the Benelux countries with a common defence force collapsed when France refused to ratify the Treaty. The diagnosis appears flawed. The Six paid no attention to the British position. Nor could the UK have lightly abandoned Commonwealth trade, cheap food and the Anglo-American nuclear alliance in favour of expensive French farm produce, a protectionist Community and Euratom. A Vichyite until the war turned against Germany , thereafter a devotee of the Resistance, he was twice defeated in French presidential elections before finally becoming president in , a position he held until the year before his death. With Chancellor Helmut Kohl and Commission President Jacques Delors , who were his political contemporaries and closest allies, he was one of the architects of the Maastricht Treaty. Viscerally hostile to German reunification, he conceived the Treaty as a bargain. Germany would be allowed to reunite; in return, France would dilute the power of the Bundesbank by incorporating the D-Mark into an EU -wide monetary system. His policy of matching the strength of the D-Mark at any cost led to an overvalued franc and was one of the causes of growing unemployment. Obsessed with grandeur, Mitterrand lavished public money on prestige projects, but did little to modernise the economy and equip it to meet the challenge of globalisation. In he put the Maastricht Treaty to a referendum , in expectation of a ringing endorsement, but won approval by the narrowest of margins. His attitude to Margaret Thatcher was one of mingled fascination and confrontation. Although he supported her in the Falklands War and it was under his presidency that the British rebate was finally agreed, they opposed each other over the EU at every turn. He was an integrationist; she believed in a Europe of sovereign nations. He was protectionist; she was a free trader. He was a complex intriguer, capable of considerable deviousness, whereas she was not averse to taking her opponents head on. In Europe , he will be remembered chiefly for his political adroitness and his calculated devotion to the Franco-German relationship. Mixed agreement An agreement falling within the competence both of the EU and of the member states. Monaco See Small countries. Starting as a cognac salesman, he soon graduated to financial planning, spending his World War I years in London and moving on to the League of Nations. Returning to France , and charged with designing French economic recovery, he was the brains behind the Schuman Plan and the European Coal and Steel Community , of which he was the first president. When his other great project, the European Defence Community , failed, Monnet withdrew from public office in to form the Action Committee for the United States of Europe , a lobby group which played an influential part in the Messina Conference and the subsequent creation of the EEC. Never a member of any party, Monnet was convinced that a united Europe was essential to peace and could only come about through supranational institutions capable of overriding sovereign democracies - a view sharply at odds with that of de Gaulle , with whom he was in constant conflict during the s. Morocco Morocco applied to join the Community in but was rejected as not being a European country. Mostar In , Mostar , a town in Bosnia, was the scene of intense

fighting between Croats and Muslims. Mutual recognition The principle of mutual recognition , whether of product standards or professional qualifications, is central to the operation of the single market. If each member state were to accept goods and services from the other member states as freely as domestic goods and services, the need for excessive harmonisation would fall away, and with it much of the apparatus of integration. In the Cassis de Dijon judgment of the European Court of Justice established that a product lawfully made and sold in one EC country could not be prohibited, except on public health grounds, from sale in another important though this case was, it did not, however, stem the flow of harmonising legislation that followed in the late s and the s. Professional services proved a more difficult area, since not only were national qualifications jealously guarded but the regulatory systems differed from one country to the next. Nevertheless, after negotiations which in some cases, such as that of architects, took 15 years or more to complete, by doctors, vets, dentists and midwives were able, at least in theory, to practise throughout the EU , as were lawyers, architects and pharmacists. Such discrimination as remains is generally based on creative interpretation of the exceptions permitted under Community law.

Chapter 4 : European Union after Maastricht

The Europe of Maastricht no longer serves, as its grandparents the Europe of Paris and Rome, as a vehicle for the original foundational values. This, if my analysis is correct, represents too a rupture with an earlier pre-modern and modern historical continuity of ideas.

Most of the procedural arrangements are comparable to that of the CFSP and the administrative costs fall into the EC budget. Nevertheless, the Commission in this role has no right of policy initiation. The free movement of goods, services and people is an essential requirement for the functioning of the common market. Nevertheless the fears in Western Europe that the end of the Cold War will cause a huge influx of immigration from the post-communist Eastern and Central Europe resulted in anxious discussions about asylum, immigration and cross-border crime. These issues were high on the agenda of the Maastricht Treaty. Nevertheless, in the original Member States excluding Italy reached an agreement in Schengen Luxembourg according to which the internal frontiers within the Union were removed in order to facilitate free movement. This growth has led to integration in political, economic and social policy areas and has had a profound impact upon those that have joined, and those that have not. This could be used by Eurosceptics as an example of how inefficiency and incompetence within the Union has led to yet another objective failing to reach its potential. However, the statistics that suggest trade gains of such magnitude were taken from small, deprived countries and as a result are subject to sampling bias [17]. Nevertheless, it can be argued by those who are of a pro-Euro disposition that despite growth far below that of which could be expected, growth has still occurred - and this is evidential of the success of the Euro. Further to this, financial integration has taken place with an "overall increase in co-movements in both equity and bond euro area markets" [18]. This growth in economy resulting from the Euro could lead to less social disparity, which in turn will lead to less political turbulence which would result in governmental stability and therefore shows how the Euro could impact upon social and political areas of interest. Negatively, however, it has been argued that the economic integration resulting from the adoption of a common currency can lead to an exploitation of economies of scale, which subsequently results in a greater exposure to asymmetric shocks [19], such as in instances where the generic interest rate of the Euro fails to accommodate for the diversity of the economies within the Eurozone. This can be transposed into the negative political and cultural aspects of joining the Euro. Due to the inability of the government to independently control their own economy, instances of civil unrest have occurred. Thus the Euro has encroached upon the areas of social and political interests, by causing rioting amongst the population, discontent at the government and frustration at the apparent impotence of the elected representatives the government. Despite this, it can be argued that although the British economy may be of a more fragile disposition now, its ability to rebuild its economy through cheap exports due to a weak pound a consequence of not being part of the Euro and is "what an independent currency is for" [22] Reasons for Britain and Denmark not joining the Euro: Despite the many and varied economic reasons for not joining the Euro, Britain has not joined the Euro to preserve something more fundamental to British society than the economy: Embellished with the head of our biggest cultural institution, the monarchy, the British currency symbolises the Great British culture; proud, independent and enduring. Modern Britain is no longer united, but divided. This is evidenced by the gradual increase from in the membership of nationalist parties such as the SNP and Plaid Cymru [23]. Despite this, it could be argued that people feel more British than European, and that on some level an association is felt with the heritage of the United Kingdom. Nevertheless, it could be argued from a constructivist view point that identity is not static and is constructed, and the more knowledge and experience we have of the European Union the more we will be able to identify with it. A passport is the most concrete demonstration of a persons identity, thus, the replacement of British passports by a European one is symbolic of an evolving European citizenship. Further to this point, the heritage of Britain is built upon European foundations: Consequently, if our biggest cultural institution is European, why should the currency which bears their image not be European to? The failure of the Danish government to address political and social issues rather than purely economic ones is also attributable to the failure of the Euro at a referendum.

This is exemplary of political Neo-functionalism, and has seen some representatives of government change their allegiances from the state to the Community. After Maastricht the activities of the EU were expanded considerably and as a result states outside the EU no longer deal with individual member states, but deal with the EU as a single entity[27]. This is exemplary of supranationalism, as by no longer dealing with individual member states third countries have affirmed the EU as the centre of the European government in place of the individual governments of the Member States. Public opinion on the Treaty of Maastricht was almost evenly divided, with many referendums finding in favour of ratification by only a slight majority. This is because of the view that the Maastricht Treaty was going to reduce state sovereignty. With growing bitterness towards the EC, Maastricht typified Euroscepticism with people criticising the Treaty without any knowledge of what it was about[29]. Further to this, the worries that the Treaty instilled in people were many and varied, ranging from: This clearly defines a sentiment shared by many within the EU, who fear that their cultural identity and integrity is endangered by the competences the Treaty attributes to the institutions of the Community and the prospects it gives for others within the Community. Popular opinion was divided even in countries where a commitment to European integration had existed for many years, such as in France. Pre-Maastricht it is argued that an avidity for European integration was at its highest, but after Maastricht and the introduction of the EMU popular support began to decline [31]. Furthering popular discontent was economic instability and the failure of European intervention in Bosnia [32]. This was clearly designed to create a connection with individuals within the Member States, and shows the EU acting once more as a supranational body, by trying to win popular support as a separate entity. Furthermore, it is argued by some that the Treaty of Maastricht is not a valid treaty as it has different terms from those agreed upon by Member States [36]. This worryingly demonstrates that the EU has power it should not have and could help to support an argument by Eurosceptics that the European Union has unlawfully obtained sovereignty, which should have been left in the hands of the Member States. Maastricht established the legal base for a common defence and security policy [37], which could in the future lead to a common defence force. This shows integration in areas beyond the economic ones of previous treaties and helps to illustrate how the Community is evolving into superstate. This is because it rebuts the argument intergovernmentalists make that Member States control the speed and extent of integration, as in some instances a Member State may vote against a resolution but it will still be passed. However, for Treaty Amendments unanimity is still required, so intergovernmentalism still holds true for an expansion of Community competence. Areas in which Maastricht introduced QMV are approximation of laws, conjunctural policy. As was argued earlier, identity can be constructed over time, and with integration into social and political and the creation of a European citizenship the Union is undoubtedly trying to create a "European" identity.

Chapter 5 : Five things you need to know about the Maastricht Treaty

Europe After Maastricht: American and European Perspectives [Paul Michael L'Amazeller] on theinnatdunvilla.com
**FREE* shipping on qualifying offers. During the era following the Second World War world peace was largely assured through American-European cooperation on the political.*

A resident of Maastricht is referred to as Maastrichtenaar whilst in the local dialect it is either Mestreechteneer or, colloquially, Sjeng derived from the formerly popular French name Jean. Of a later date are Palaeolithic remains, between 8, and 25, years old. Celts lived here around BC, at a spot where the river Meuse was shallow and therefore easy to cross. It is not known when the Romans arrived in Maastricht, or whether the settlement was founded by them. The bridge was an important link in the main road between Bavay and Cologne. Roman Maastricht was probably relatively small. Remains of the Roman road, the bridge, a religious shrine, a Roman bath , a granary , some houses and the 4th-century castrum walls and gates, have been excavated. According to legend, the Armenian -born Saint Servatius , Bishop of Tongeren , died in Maastricht in where he was interred along the Roman road, outside the castrum. According to Gregory of Tours bishop Monulph was to have built around the first stone church on the grave of Servatius, the present-day Basilica of Saint Servatius. The town was an important centre for trade and manufacturing. Merovingian coins minted in Maastricht have been finds in many places throughout Europe. In the town was plundered by the Vikings. In the 10th century it briefly became the capital of the duchy of Lower Lorraine. During the 12th century the town flourished culturally. The provosts of the church of Saint Servatius held important positions in the Holy Roman Empire during this era. The two collegiate churches were largely rebuilt and redecorated. Maastricht Romanesque stone sculpture and silversmithing are regarded as highlights of Mosan art. Maastricht painters were praised by Wolfram von Eschenbach in his Parzival. Around the same time, the poet Henric van Veldeke wrote a legend of Saint Servatius, one of the earliest works in Dutch literature. The two main churches acquired a wealth of relics and the septennial Maastricht Pilgrimage became a major event. Unlike most Dutch towns, Maastricht did not receive city rights at a certain date. These developed gradually during its long history. Soon afterwards the first ring of medieval walls were built. In , the old Roman bridge collapsed under the weight of a procession, killing people. A replacement, funded by church indulgences , was built slightly to the north and survives until today, the Sint Servaasbrug. For over fifty years the Spanish crown took over the role previously held by the dukes of Brabant in the joint sovereignty over Maastricht. During this siege, Vauban , the famous French military engineer, developed a new strategy in order to break down the strong fortifications surrounding Maastricht. His systematic approach remained the standard method of attacking fortresses until the 20th century. French troops occupied Maastricht from to The French took the city for the last time in , when the condominium was dissolved and Maastricht was annexed to the First French Empire

â€” Maastricht potteries in Boschstraat After the Napoleonic era , Maastricht became part of the United Kingdom of the Netherlands in It was made the capital of the newly formed Province of Limburg â€” When the southern provinces of the newly formed kingdom seceded in , the Dutch garrison in Maastricht remained loyal to the Dutch king, William I , even when most of the inhabitants of the town and the surrounding area sided with the Belgian revolutionaries. In , arbitration by the Great Powers allocated the city to the Netherlands. However, neither the Dutch nor the Belgians agreed to this and the arrangement was not implemented until the Treaty of London. During this period of isolation Maastricht developed into an early industrial town. Plate commemorating the liberation, 14 Sept. Maastricht retained a distinctly non-Dutch appearance during much of the 19th century and it was not until the First World War that the city was forced to look northwards. The three Meuse bridges were destroyed or severely damaged during the war. As elsewhere in the Netherlands, the majority of Maastricht Jews died in Nazi concentration camps. Maastricht University was founded in Several European institutions found their base in Maastricht. In and European Councils were held in Maastricht, the latter one resulting a year later in the signing of the Maastricht Treaty , leading to the creation of the European Union and the euro. In recent years, Maastricht launched several campaigns against drug-dealing in an attempt to stop foreign buyers taking advantage of the liberal Dutch

legislation and causing trouble in the downtown area. As a result, Maastricht looks notably smarter.

Chapter 6 : Maastricht Treaty - Wikipedia

Maastricht Treaty, formally Treaty on European Union, international agreement approved by the heads of government of the states of the European Community (EC) in Maastricht, Netherlands, in December

By Modifying the previous treaties -Paris, Rome and Single European Act-, the initial economic objective of the Community, building a common market, was outstripped and, for the first time, a distinctive vocation of political union was claimed. Henceforth, it will be known as European Union. The term Union is used from the very beginning of the Treaty to clearly convey the advancement in a historical project. This way, the article 2 of the Treaty of the European Union affirms: The metaphor used refers to a TEU made up as an Greek temple sustained by three pillars: Union citizenship, Community policies, Economic and Monetary Union, etc. Which is the great difference between the so called community pillar and the new ones, based on intergovernmental cooperation? Basically it has to do with the procedure of taking decisions and with the competences of the community institutions. Meanwhile in the community pillar decisions passed on a majority will be more and more a general rule, and the role of community institutions is essential; in the so called intergovernmental cooperation pillars decisions must be taken take by common consent and the Commission , the European Parliament or the Court of Justice have scarcely competences. With regard to the first pillar, the community one, the TEU introduces important changes: The institution of a Citizenship of the Union. The great step ahead: The introduction of an European currency, the Euro, was decided. It would take place following a three phase scheme: From to 31 December Its objective would be a completely free circulation of capitals. From 1 January to 1 January The member countries must coordinate their economic policies in order to achieve some objectives, fixed quantitatively and known as convergence criteria: The countries that reached those objectives could pass on to the third phase. During this phase, in the European Council held in December in Madrid, a definitive name was given to the new European unique currency, the euro. The so called Euroland, countries that went through to the third phase in , consisted of eleven countries: To achieve it, it was agreed that a denominated Cohesion Fund , created in , would provide less developed regions and countries with financial aid focused on sectors as environment or transport infrastructures. The TEU has also meant a noticeable advancement in the EU competences in fields as economic and monetary policy, industrial policy, Transeuropean networks and transport policy, educational networks, etc. In spite of this reforms, the common agricultural policy CAP still absorbed more than a half of the whole Union budget. As regards educational affairs, the TEU limited the Union role to promote intergovernmental cooperation. The European Union launched different programmes Socrates, Erasmus, Leonardo da Vinci to facilitate contacts and combined work among Euroean students and teachers. As far as the second pillar is concerned, the Common foreign and security policy CFSP allows to undertake common actions in foreign policy. The European Council , where decisions must be adopted unanimously, agrees the principles and general orientations of the CFSP. The Treaty on European Union raised Western European Union WEU to the rank of an integral part of the development of the Union and commissioned it the mission of elaborating and implementing decisions and actions with defence implications. USA and NATO went on being the main actors in defence affairs, and the European States have still a very weak political will and capacity to carry out their own policy. Albanians slaughtered by Serbian troops in Kosovo The third pillar is based on Police and judicial cooperation PJC in criminal matters as terrorism, illegal immigration, asylum policy, drugs traffic, international crime, etc. The foundation of the Europol European Police Office , embryo of a future European police, was one of the most outstanding changes in this sphere. It is also necessary to point out that in the denominated Schengen Convention , that developed the Schengen Agreement, was signed so as to build an European Union without frontiers. The difficult ratification of the Treaty of Maastricht The ratification of the Treaty of Maastricht by the national parliaments was brimmed with difficulties. The symbolic year of was gloomed by three crisis that braked the pro-Europe impulse brought about by the signing in Maastricht of the TUE on 7 February Firstly, Europe went through a serious and deep economic crisis that caused governments and public opinion to focus on economic problems, seting aside the European construction; Secondly, there were serious monetary

tensions that challenged the European Monetary System and the objective of the economic and monetary union EMU ; Thirdly, the EU appeared unable to implement a common foreign and security policy in the crisis of Yugoslavia, and kept powerless observing how war came back to our continent after many years of peace. In this conditions, the first ratification process took place in Denmark. The NO to the Treaty of Maastricht won in a referendum for a scarce difference of A eurosceptical wave extended to the other member countries. However, the ratifications of the Treaty were gradually taking place in the rest of the countries. In France, the YES won with a scarce Negotiation with Denmark started and the Copenhagen government was granted with a special protocol, known, in the EU parlance, as opting out clause, that is to say, the possibility of not following the other members when the third phase of the EMU began -a similar clause got United Kingdom when TEU was signed- and in all defence matters. On 20 May , Danish people approved in a referendum this agreement with The Treaty foresaw their own future revision in view of the successive enlargements of the Union. The development of the European Union and the new enlargement to the "Europe of the Fifteen" In Decembe , the mandate of Jacques Delors , as president of the European Commission concluded. His substitute was the former Luxembourg prime minister , Jacques Santer. Jacques Santer, president of the European Commission In spite of the difficulties that the Union was going through and the dramatic transformation of the world in those years, the candidatures to accession to the EU continued being submitted to Brussels: This last country retired its candidature a few months later after a referendum. Negotiations with Austria, Sweden, Finland and Norway began in and were quite easy due to the high economic development of those countries. The ratification of the Treaties was accomplished in However, Norwegian people rejected again the accession to the EU. The NO to the European Union won in a referendum with It was the second time that Norway refused to join the community. The Europe of the Fifteen was born. After a long and intricate negotiation, the member States governments reach an agreement in the European Council held in Amsterdam on June The Treaty of Amsterdam was born.

Chapter 7 : Confused After Maastricht Masters Open Day | LLM GUIDE

The Treaty of the European Union. The difficult ratification of the Treaty of Maastricht. The development of the European Union () and the new enlargement to the "Europe of the Fifteen" ().

Chapter 8 : Library Resource Finder: Table of Contents for: Europe after Maastricht : American and E

After years of austerity, the utopian vision of a united Europe appears to be in tatters. On the 25th anniversary of the Maastricht treaty, Youssef El-Gingihy delves into the impact of an.

Chapter 9 : European Union | Definition, Purpose, History, & Members | theinnatdunvilla.com

I. Introduction. In October , the German Federal Constitutional Court issued its Maastricht decision which both upheld the constitutionality of the Treaty of Maastricht and paved the way for Germany's participation in the future of European integration.