



## SESSION I: THE FUTURE EUROPEAN UNION

- GENERAL PERSPECTIVES
- FEDERALISM OR NATIONAL SOVEREIGNTY

## THE HISTORY OF EUROPEAN INTEGRATION

The European Union is a supranational, autonomous (*sui generis*) entity created by international treaties among sovereign states. In its operation and historical development, it bears the hallmarks of federalism and intergovernmentalism. Its history is a series of negotiations and, as a consequence, compromises and reactions to crises (McCormick [2020](#), Bóka [2022](#), Gyurgyák [2018](#)).

Initially, the main driving force behind the idea of integration was the preservation of peace. Based on the ideas of the Frenchmen Jean Monnet and Robert Schuman, the European Coal and Steel Community (ECSC) was the first supranational institution to which national sovereignty was ceded. The [Treaty of Paris](#) (1951) laid the foundations for the structure that still defines the institutions of European integration today.

Paul-Henri Spaak led the process that resulted in signing the Treaties of Rome (1957), establishing the [European Atomic Energy Community](#) and the [European Economic Community](#). In the 1960s, intergovernmentalism prevailed, with French President Charles de Gaulle going so far as to boycott Council meetings (“empty chair” period). The crisis was resolved by the “[Luxembourg Compromise](#)” (1966). The Merger Treaty brought together the decision-making and executive bodies of the three communities (ECSC, EEC, Euratom). From the second half of the 1970s, federalist aspirations were strengthened under the leadership of Altiero Spinelli. There were three unsuccessful attempts to create a constitution for the Community (European Political Union [1953](#); Spinelli Draft [1984](#); Constitution for Europe [2004](#)). Under the presidency of Jacques Delors (1985–1995), integration deepened. In the three-pillar model of the [Treaty of Maastricht](#) (1992), the established common market guaranteed supranational, while the other two pillars created intergovernmental characteristics (Arató–Koller [2023](#); Dinan [2005](#)).

The [Treaty of Lisbon](#) (2009) was the first to provide for the division of competences between the EU and the Member States, setting out the types and limits of these competences and effectively codifying the case

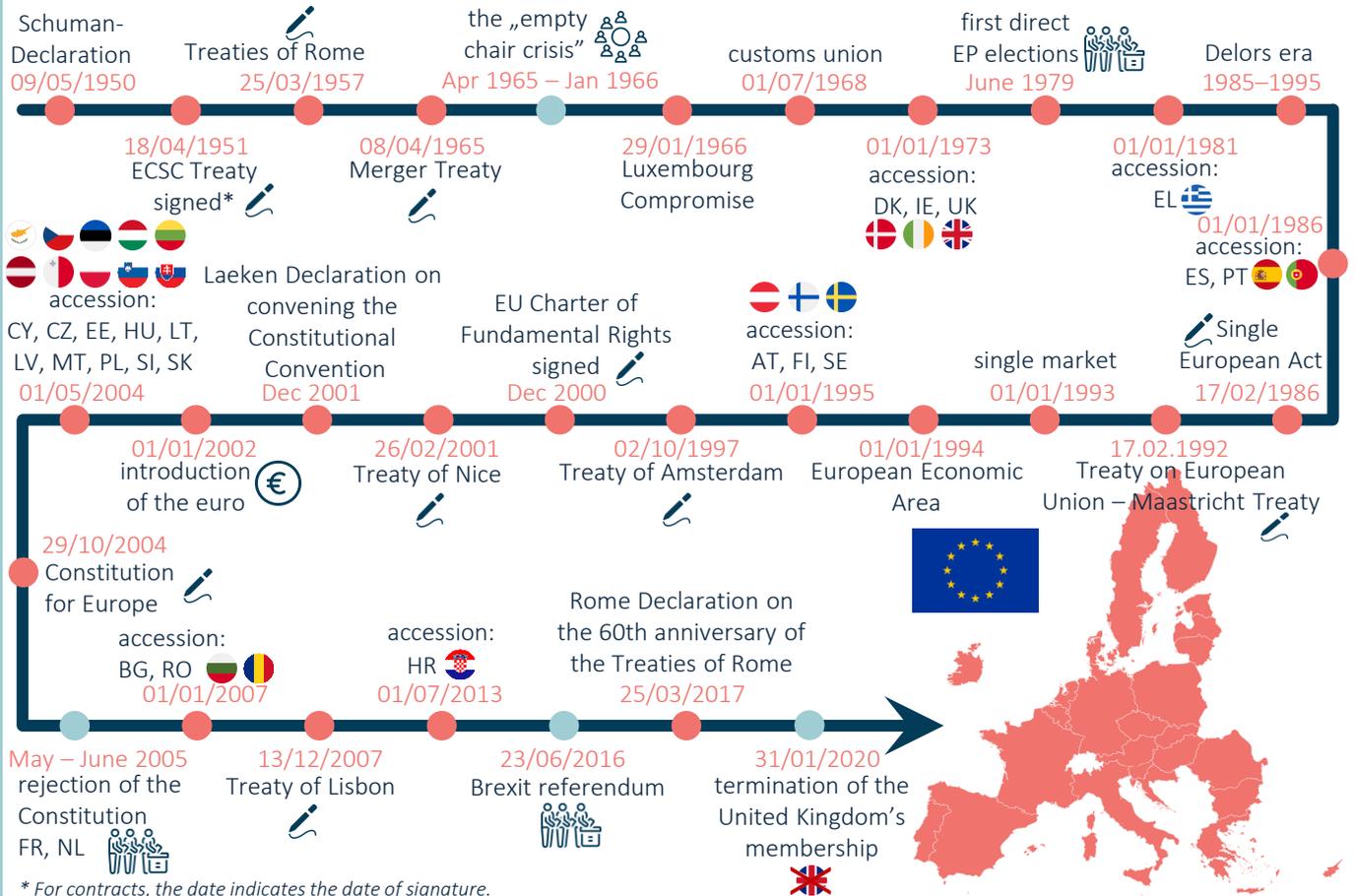
law of the Court of Justice of the European Union (CJEU). [TEU Article 5](#) stated that the EU’s competences are derived, i.e. delegated by the Member States to the EU in a limited way and on ad hoc basis. The principles of proportionality and subsidiarity were put into practice, acting as checks on the exercise of EU competences (Várnai–Papp [2016](#); Piris [2010](#)). The combined effect of the crises of the 2000s (such as the financial and migration crisis, Brexit or the COVID-19 epidemic), the associated social and political implications, the phenomena of democratic deficit and the crisis of European identity and legitimacy strengthened the position of nation-state sovereignty (Szapáry [2021](#); Fricz [2020](#); Gyurgyák [2019](#)).

The Court of Justice of the European Union has a significant impact on EU law, and its judgements influence the development of integration (Arató–Koller [2019](#)). The specific characteristics of EU law are the primacy of the EU law, which was first established in [Costa vs. E.N.E.L.](#) case, and the direct application of the EU law (case of [Van Gend en Loos](#)). There are two different interpretations of the primacy of EU law. According to the autonomist view, a *sui generis* legal system has been created, while the other position, based on the constitutional mandates of the Member States, is that primacy is based on the mandate given to the EU to exercise sovereignty rights. Certain national supreme courts see the ultimate limits of EU law in national constitutional rules, and have expressed reservations about the primacy of EU law in their judgements. These reservations are related to the protection of fundamental rights (the German [Solange I.](#) and [II.](#) decisions), to EU acts ultra vires the scope of their competence (the German [PSPP](#) decision) and the protection of national constitutional identities ([Polish](#) and [Hungarian](#) decisions) (Kende et al. [2022](#); Károlyi [2023](#)). The judgments handed down in the early 2020s indicate that some of the higher courts have moved to a practical defence of sovereignty and, in this sense, the decisions can be interpreted in the context of federalism versus sovereignty (Blutman [2022](#)). ♦



## THE MAIN STAGES IN THE HISTORY OF INTEGRATION

● accelerating integration    ● slowing integration



\* For contracts, the date indicates the date of signature.

## EU AND NATIONAL COMPETENCES

### Exclusive competences

- ✓ Customs union
- ✓ Competition rules for the functioning of the internal market
- ✓ Monetary policy (in the Euro Area)
- ✓ Conservation of marine biological resources
- ✓ Common trade policy
- ✓ Conclusion of an international agreement in specific cases

### Shared competences

- ✓ Internal market
- ✓ Specific aspects of social policy
- ✓ Economic, social and territorial cohesion
- ✓ Agriculture and fisheries\*
- ✓ Environment
- ✓ Consumer protection
- ✓ Transport
- ✓ Trans-European networks
- ✓ Energy
- ✓ An area based on freedom, security and justice
- ✓ Certain public health safety issues
- ✓ R&D and space research
- ✓ Development cooperation and humanitarian aid

### Coordination of economic and employment policies

- ✓ Economic policy \*\*
- ✓ Employment policy

### Common foreign and security policy

### Supporting, coordinating and complementary measures

- ✓ Human health protection
- ✓ Industry
- ✓ Culture
- ✓ Tourism
- ✓ Education, vocational training, youth and sport
- ✓ Civil protection
- ✓ Administrative cooperation

\* Except for the conservation of marine biological resources    \*\* Special provisions may apply to Member States whose currency is the euro.

## SOURCES

1 [History of the EU](#); Pascale Fontaine (2017): [Europe in 12 lessons](#), EU | 2 [TFEU](#) Article 2–6; Horváth–Ódor (2010): [The treaty reform of the European Union. The Union after Lisbon](#). HVG-Orac