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# DESIGNING THE EUROPEAN UNION

From Paris to Lisbon

*Edited by*  
*Finn Laursen*



# Designing the European Union

From Paris to Lisbon

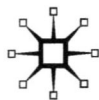
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# Preface

After taking up the position of Professor of International Politics at the University of Southern Denmark, Odense, in 1999, I started offering a course on EU Treaty Reforms. I discovered that there was no good textbook for such a course, but, of course, a syllabus could be put together with selected book chapters and articles, especially for the more recent reforms. When I moved to Canada in 2006 to take up a position as Canada Research Chair in European Union Studies (Tier I) at Dalhousie University in Halifax, Nova Scotia, I kept offering this course. It had to be adapted due to developments in Europe, including the French and Dutch rejection of the Constitutional Treaty in 2005 and subsequent efforts to adopt the so-called Reform Treaty, which eventually became the Treaty of Lisbon. I kept feeling the need for a book that would have a chapter on each of the 'constitutive' treaties of the EU, starting with the Treaty of Paris, which established the European Coal and Steel Community (ECSC) in 1951, and including all the subsequent treaties. Financial support from the EU's Jean Monnet Programme became the vehicle that allowed me to get the project going.

A number of scholars have studied the various treaties over the years, at the beginning especially historians and lawyers. Eventually political scientists became interested, especially after the Single European Act (SEA) of 1986, which institutionalised the Intergovernmental Conference (IGC) as the main negotiation forum for a treaty reform. When, subsequently, the Treaty of Maastricht established the EU in 1993 and this treaty was reformed several times in the following years, treaty reform consolidated its place on the research and teaching agendas of political scientists.

In the spirit of the Jean Monnet Programme, the team put together for this project was interdisciplinary. Ann-Christina Knudsen and Desmond Dinan are historians, Jacques Ziller a lawyer and the remaining authors are political scientists. But even political scientists offer different perspectives on treaty reforms, including the questions of who are the main actors, what kind of interests they have and how they go about influencing the outcomes, including the choice of institutions.



This will leave food for thought for the readers, including teachers and students, who can hopefully continue these debates.

Finn Laursen  
Halifax, March 2012

# Acknowledgements

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I also want to thank Acting Dean of Dalhousie's Faculty of Arts and Social Sciences, Dr. Jure Gantar, for his encouragement and support, as well as the secretary of the EU Centre of Excellence (EUCE) at Dalhousie, Tatiana Neklioudova, who helped with the logistics in connection with the meeting. My assistants Karen Snaterse and Sarah Hucsko (now Sarah Dunphy) helped putting the application together and during the conference. I thank them both for their help. Finally I want to thank my students who turned up at the gathering and contributed to the discussion.

Finn Laursen

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# 1

## Introduction: On the Study of EU Treaties and Treaty Reforms

*Finn Laursen*

This book deals with the study of EU treaty making and treaty reforms, which have constituted important elements in the history of European integration. Whether the original treaties, which formed the first European Communities in the 1950s, or later reform treaties, they have mostly been negotiated by states in what has become known as inter-governmental conferences (IGCs). The founding treaties formalised the use of IGCs in treaty reforms, and they started becoming more important and formalised from the negotiation of the Single European Act (SEA) in the mid-1980s.

The focus will be on the formal treaty making or reform process. But arguably the treaties have also changed over time due to interpretations by the decision-making institutions set up by the treaties. Some changes in the scope of common policies have taken place through normal decision-making mechanisms, involving the Commission, the Council and increasingly also the European Parliament, for example, on the basis of Article 235 of the original European Economic Community (EEC) Treaty and later versions of the article, now Article 352 TFEU after the entry into force of the Lisbon Treaty.<sup>1</sup> The development of a common environmental policy from the early 1970s is an example of how flexibility in the founding treaties could be used. The founding treaties did not explicitly mention the environment. Only in the SEA in 1987 did the environment get a formal treaty chapter. Also some institutional reforms have taken place without the use of IGCs, like the decision in the 1970s to have the European Parliament elected directly (see for instance Herman and Hagger 1980). Some of the decisions by the European Court of Justice (ECJ) have also had profound effects on the institutional structure and policy scope of the EU, especially the early decisions about supremacy of community law and its direct effect (see for instance Hix 2005).