

# Sophia Tannis: The European Transfer

**One direction integration**

Period: 1951 - 1991

**Main features:** common institutions and rules as the result of a gradual transfer of sovereignty while member states retained a power of veto

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**Jean Monnet:** "to ensure that in their shared field the new institutions were thoroughly democratic, and in this direction, the pragmatic method we had selected would lead to a decision validated by the people's vote"

**Multi-directional integration**

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Period: 1992 - 2010

**Main features:** The Maastricht Compromise (voluntary coordination and aspirational constraints), the enhanced cooperation and the politics of opt-out



**Giuliano Amato:** "The EU is increasingly taking the shape of what I call the 'Aristocracies of the new times, in other words the shape of those organizations that have been moving the border between international agencies and conventional ones by adopting the organizational patterns of both"

**The supremacy of someone over someone else**

Period: 2008 - 2012

**Main features:** The European Council has become the new centre of political gravity in EU. Emotions marking José Manuel Barroso, 2012 and the financial Stability Directive established a leader-follower dynamic among Member States.



**José Manuel Barroso:** "An important decision to jump for a popular referendum on the labour was the inevitable result of a crisis in the absence of emergency instruments. It is a 'Market Law' which does not believe that they were in control of the people of Greece"

**Amadeu Bonaventura:** "We were supposed to be partners on the same level, not just not"

**The supremacy of rules over citizens and politics**

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Period: 2012 - today

**Main features:** governance of rules founded on the submission of non-binding legal acts for fiscal and budgetary policies without any discretionary decisions by political institutions.



**The sovereignty curve**

Sovereignty resides in every public action and policy as the exercise of executive powers by institutions open to the participation of citizens to the decision-making processes



**A Constitutional agreement for the EU**

**European Constitution**  
**Charter of Fundamental Rights**  
**Institutional Regulation**

The Constitution should enshrine the founding principles of the Union, a list of the European institutions, the basic options of powers to them, rules on the relations between the EU and member states as well as those ones related to the main aspect of the functioning of the European institutions.

The Constitution should establish a reorganization of the European institutions for a better functioning, more clarity in the distribution of roles and responsibilities.

**New legislative branch**

From the Council a negotiating table among governments → To the European Senate a deliberated assembly (party controlled chamber)



**Romano Prodi-Schöppe:** "I defined as a systemic engagement by different party-making entities to take joint decisions permanently, on conclusion to an intrinsically social even self-constructive process"

**The executive branch**

The President of the EU for leading the executive branch as the head of the European government.

The European government will take the form of a Council of Ministers whose members will be proposed by the President to the legislature and subject to the confidence vote of both Chambers.

The legislature has the power to shape legislation and hold the government to account by using an assessment of the responsibility of the executive.

**J. S. MW:** "to watch and control the Government to show the light of publicity on its acts"

**A new constitutional order for the EU**



The President of the European Republic  
The Executive Branch  
The Legislature  
The Judiciary

**Why would an adequate future-oriented constitutional model not work for Europe? (Armin von Bogdandy)**

On May 18th 2014, Benjamin Frankfurter published for the first time a segmented book with the words "JOIN, or DIE"



A Constitution has the power of a positive narrative of yesterday and tomorrow for connecting the Union's past to its future

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THE EUROPEAN INTEGRATION AND NATIONAL INTERESTS: FROM AN INTERGOVERNMENTAL MODEL TO A CONSTITUTIONAL AGREEMENT

Author: Matteo Laruffa

"The national interest in European Union law and governance"

HAS Centre for Social Sciences

3-4 July 2014

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**The supremacy of someone over someone else**

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**José Manuel Barroso:** "An important decision to jump for a popular referendum on the future was the inevitable result of a crisis in the sense of emergency to discuss it as if 'Market Law' Strategy alone believed that they were in control of the people of Europe"

**Alexandra Barakova:** "We were supposed to be partners on 'No same level, but with roof'"

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The President of the European Parliament  
The President of the European Court of Justice  
The President of the European Court of Auditors

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## Multi-directional integration

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**Giuliano Amato:** *“The EU is increasingly taking the shape of what I call the hermaphrodite of the new times, in other words the shape of those organizations that have been blurring the border between international agencies and constitutional ones by adopting the organizational patterns of both”*

# *The supremacy of rules over citizens and politics*

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**Main features:** governance of rules founded on the adoption of new binding legal acts for fiscal and budgetary policies without any discretionary decisions by political institutions

### *The political problem*

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A de facto limit to the political rights of citizens (the right of citizens to contribute and take part to the decision-making process of institutions).

Example: the European Semester and the effect of this policy cycle on the budgets of member states

### *The institutional problem*

The absence of institutions with a European mandate responsible for the competences that member states cannot exercise any more creates an **erosion of sovereignty** more than a transfer of sovereignty

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### *The economic and social problem*

The current governance delegates the most important policy making decisions to automatic mechanisms which do not provide for an involvement of citizens or democratic institutions.

The European governance is **insensitive to the problems of citizens**.



Amartya Sen: "*public discussion is a vehicle of social change and economic progress*"

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