TOGETHER IN EUROPE

Contents

Assoc. Prof. Alexander Nikolov, PhD
The Notion of Europe: A Trip to the Late Middle Ages (14th–15th centuries) 13

Assoc. Prof. Ivan Parvev, PhD
The Southeast in European Unification Projects of Modern Times 27

Prof. Milen Semkov, D.Sc.
The United European States..... 33

Boris Stoyanov, Ph.D.
Do All Roads Lead to Rome? 40

Radu CARP
State and Church in the European Union: towards a European Model.. 49

Assoc. Prof. Iskra Baeva, PhD
Integration Processes in Western and Eastern Europe — Intentions and Results..... 55

Assoc. Prof. Kostadin Grozev, PhD.
The Cold War, Helsinki andthe Prelude to United Europe 66

Prof. Dragomir Draganov, D.Sc.
The European and Euro-Atlantic Integration of New Democracies 73

Dr Yorgos Christidis
Greece in the European Union.A historical review 79

Assoc. Prof. Yulia Zaharieva, Ph.D.
About the European Spirit of Inventiveness on the Occasion of the Anniversary..... 95

Stanislav Kostov
Interaction between the EuropeanCourt of Justice and the National Courts 102

Dr. Atanas Semov
Establishment of the Principlesof Application of EU Law in the Practiceof the European Court of Justice 110

Vihar Georgiev
What Future for Comitology?..... 116

Do All Roads Lead to Rome?

Boris Stoyanov, Ph.D.

After 1945 European states took different roads of development — some voluntarily, others — by force. Part of them — France, the Federal Republic of Germany, Italy, Belgium, the Netherlands and Luxembourg — the six countries that came to be known as "Little Europe", undertook a daring historical phenomenon among the first and most sustainable results of which was the change in the meaning and implication of what may be the oldest political symbol of Europe. As a result of the Treaty of Rome signed in 1957, to the modern world Rome is no longer only an embodiment of the aspiration for power and might, grandeur and authority, spirituality and tradition, law and order. It has become the emblem of the desire for unity of European nations. The objective of the present article is to recall where in the period between 1945 and 1957 western Europeans sought their common Roma and how they approached it, in order to refute the ancient saying that all roads lead to Rome. At least when speaking of the integration from the second half of the 20th century.

Undoubtedly, in the second half of the 1940s Great Britain was the country with the greatest authority among the states in the Western Europe. Emerging as victor from the global conflict, unfamiliar with the humiliation of defeat, with freedom and democracy preserved and with international positions and enviably high level of domestic political stability, it won the sympathies of Europeans. Quite logically, most of them expected London to take the initiative for reorganizing the old continental order. Few could see united Europe without British participation, even less — without its leadership. For example, to the French it was the necessary counterbalance to a future resurrected Germany, while to the Germans it was a counterpoint to French hegemonistic claims. Clement Attlee's Labour cabinet, however, did not fulfil the hopes vested in it. With the exception of the suggestion to set up a Western union that would develop into a Euro-African bloc and would become an independent third world power, it did not undertake concrete measures for the unification of European democracies.[1]

True, official London was an active participant in the development of regional structures like the Western Union, the Organisation for European Economic Cooperation (OEEC), the Council of Europe and NATO, and contributed essentially to fostering intergovernmental cooperation in the western half of the continent. Whenever the problems of integration were placed on the agenda, however, the British cabinet with enviable consistency waived or openly opposed any initiative for the establishment of an economic or political federation. The reasons for that were many.

Above all, "integration" was an empty word on the Albion. Convinced in the power of the nation — state during the Second World War, the British did not realise the need and benefit of limiting national sovereignty. In their minds the unifying process threatened the autonomous development of the state and threw a shadow on its claims to greatness. They believed that the close alliance with weak and wrecked Europe would hinder the achievement of national priorities and would not lead to a permanent resolution of security problems. They expected it to degrade the status of the United Kingdom as a world power, which was anyway difficult to uphold in the new post-war conditions. Foreign Secretary E. Bevin frequently recalled that Great Britain was not simply a European state, but a real intercontinental power with global responsibilities that did not allow it to reduce its field of action to the Old Continent.[2]

To London, the preservation of the empire, the strengthening relations with the dominions and the consolidation of the 'special relationship' with the USA were of exceptional importance for the future of the country and its survival in the face of the communist threat. In this way, in the British geopolitical strategy of the three concentric circles that evolved in the 1940s, Western Europe was located in the outermost one. The neighbours across the Channel proved last in political

1 See more on the project for the establishing of Europe as a sort of *arbiter mundi,* maintained mostly by Foreign Secretary Ernest Bevin, in Stoyanov, B. „ Europe as a Third World Power, 1945–1948", Anamnesis II/1, 2007

2 Quoted after: Foot, P. "Britain, European Unity and NATO, 1947–1950", Heller, F. and J. Gillingham (eds.) The United States and the Integration of Europe (New York, 1996), pp. 61, 67–69

significance and reliability. And they quickly realized that. It was no chance that a French intellectual spoke of England as a ship anchored in European waters by force and always ready to sail in the open sea.[3] That is why in 1950 part of the West Europeans welcomed the initiative of Paris with gratification and saw in France the motor of unity.

While in London even in the summer of 1947 they stopped considering Germany as the main source of danger to the post-war world, the German fear and complex did not leave France for a second. What was more, it deepened with time. The lack of a reliable ally with whose help to maintain the *status quo* in Western Europe lay at its basis. To the obvious reluctance of Albion to "get closer" to the continent one should add the extreme concentration of the USA on the Soviet threat, as well as the loss of the countries from Eastern Europe, one which Paris had always relied against Berlin. On the other hand, France was faced with the inapplicability of its leading post-war strategy, formulated unequivocally by General De Gaulle — the Germans should receive the most severe punishment possible — and was concerned with the prospect of fast German restoration with the help of the Anglo-Saxon powers. Altogether, these concerns forced French politicians to resort to an unusual step — to offer mutual limitation of national sovereignty. Unusual, but only at first glance.

Obviously, in the 1948 — 1950 period French governments slowly became used to the idea of unification of European democracies and even with the need of supra-national authority. Within the framework of the OEEC, established in 1948, they began negotiations for the formation of a customs union first with Italy, and then with the Benelux countries. At the same time, they made an attempt to make the British Chancellor of the Exchequer Sir Stafford Cripps and his assistant Sir Edwin Plowden agree to support the establishment of a bilateral economic union. In the process of establishment of the Council of Europe they persistently upheld the view that the regional organization should have a definite supra-national political character.

These initiatives were entirely subordinate to the idea to use the economic potential and political will of Western Europe against Germany. But in the spring of 1950 it found itself faced with complete defeat. And when it seemed the cause was lost a radical change occurred. Prompted by Planning Commissioner Jean Monnet and his trusted assistants Pierre Uri, Paul Reuter and Etienne Hirsch, French politicians undertook to organize Western Europe together with the newly founded Federal Republic of Germany.

With Robert Schuman's declaration of May 9, 1950, Paris became the centre of integration processes and in this capacity enjoyed the right to point at the way for their development. To Schuman, Monnet, Bidault and their associates, this way was a way to a new political organization of Western Europe.

Although it concerned a limited but extremely important economic sphere, the plan for pooling heavy industries had exceptionally political objectives. One can see from the text of the declaration that it was called for to fulfil several important political tasks: to make the outbreak of a new war between France and the FRG impossible; to lead to the establishment of a supra-national administrative and governmental body — a High Authority to supervise abidance by the common interest of the two countries and the West European countries that joined them; and, finally, to lay the foundations of a future European federation. In fact, in addition to the thus proclaimed political objectives, the document harboured a desire to preserve and uphold on a long-term perspective specific French national interests and to guarantee the permanent restraint of Germany. More particularly: preserving the leading positions of Paris in democratic Europe; continuation, albeit in another form, of the limitations of West German sovereignty; provision of joint control over the industrial heart of Europe– Ruhr.

Bonn was well aware of the hidden intention of the French proposal. Nevertheless, the government of Konrad Adenauer accepted the invitation to become co-founded of the first European community. In the development of OEEC it saw the ideal opportunity to achieve its foreign political objectives quickly and the much desired political rehabilitation of the country. To the FRG, the "Schuman plan" was a necessary mechanism for a permanent involvement with the western world, to achieve equality with the other continental democracies and for ac-

3 Wurm, C. "The Making of the European Community. Britain, Western Europe and European Integration, 1945–1957: The View from the Continent", European Review of History, Vol. VI, № 2 (1990), p. 237

cord with France.

What was more important, each of the two countries, as did Italy, Belgium, the Netherlands and Luxembourg, saw in the declaration the distinctive features of an original method to resolve the dilemma of security. Through it integration was a political tool for changing the traditional notion of the existence of dependence between the rise of power of one country and the increase of risks to its neighbours, which maintained a climate of tension in international relations. Its objective was to establish a new practice of common strengthening within the framework of a supra-national organization, which would provide the states with the hitherto lacking transparency regarding the potential and intentions of its neighbours. In this way each of the political subjects had an idea of and directly benefited from the potential of the rest. It was confident that strategic goals are common, not mutually exclusive.

A number of initiatives from the first half of the 1950s had the objective to consolidate and expand the foundation of the political experiment. The successful start of the black pool in 1952 provoked the appearance of another ten plans for sectorial integration by the Monnet method. Thus included the initiatives for a common market in agriculture, transport and health care. At the same time, the heated discussion on the rearmament of FRG after the Korean War led to the ambitious proposal for the establishment of a European army, administrated by the European Defence Community (EDC). The need of a clear political framework, which would cover all varied undertakings, gave birth to the idea of a European Political Community (EPC).

Most of the projects quoted came from France. But it was precisely France that proved the main obstacle before their implementation. The refusal of Paris to ratify the EDC treaty at the end of August 1954 was particularly painful. Having achieved its strategic objectives on providing access to Ruhr and consolidating confidence and stability in Western Europe, France refused to be the motor of the accelerating integration process. Not so much from fear that it would lead to the appearance of a federative state, as from concern that the time was approaching when it would no longer control it and would be forced to cede the leading position to the FRG. As a Canadian diplomatic document stated the French became afraid that "The box designed to be a container for

Germany has now become a trap through which France and the rest of Western Europe would fall under German domination".[4]

The reluctance of Great Britain and the inconsistency of France in relation to the European project prevented London and Paris from rising as a New Rome in post-war Europe. Besides being devoid of a centre, in the middle of the 1950s "Little Europe" seemed to have been left without a way before itself. The political integration followed until then had no more opportunity. One of its objectives — the federation — was pronounced only declaratively and in most of the cases upheld hypocritically. To the chagrin of federalists, it was present in political rhetoric only as a distant dream on which known and unknown politicians exercised. There was no national government to include it among the leading priorities of its policy. A fact that it is not difficult to explain — at that historical moment, the unification process was perceived primarily as a means to consolidate the foundations of the nation — state in the highly competitive and globalizing world. The second goal — the resolution of the German issue within the framework of the Western bloc, was achieved with ease outside the supra-national experiment. The accession of the FRG to the Western European Union in 1954 and particularly to NATO in May 1955 finally placed that country in the camp of the free world and made turning back from the already achieved remarkable French — German rapprochement and reconciliation unthinkable. Along with this the political ambitions of the proud Europeans were squashed by the fiasco of the Suez Crisis in 1956. The events in the Middle East unequivocally showed the decline of the Europocentric world. Within several weeks they finally established the new distribution of powers, showing which the new masters of the world were and considerably restricting the field of action of recent ones. That was how West Europeans were forced to seek another way to unity. It was discovered on time in the mechanism of economic integration. Remaining in the shadow of the attempt at supra-national settlement of political problems throughout the entire first post-war

4 Letter from Permanent Representative to North Atlantic Council to Under — Secretary of State for External Affairs on NATO, the EDC and Armament Control (Paris, 19 August 1954), http://www.international.gc.ca/department/history/dcer/details-en.asp?intRefid=464

decade, it developed in parallel at much slower rates, but also with a far more promising perspective. The latter was due to the perception of the notion of power changing in Western Europe at that time. It no longer featured a desire to achieve military and political supremacy, but the acquisition of purely economic power.

If by the fall of 1954 attention was not so markedly concentrated on political integration, today the common market in Europe would have dated from more than 50 years. The first opportunity for its establishment was opened within the framework of the OEEC. Under powerful American pressure 16 European democracies were called to develop a customs union that would be followed by overall merging of their economies. However, the efforts of Washington to lend economic meaning to integration, a suggestion clearly expressed by Paul G. Hoffman in 1949, who said that "The substance of such integration would be the formation of a single large market within which quantitative restrictions on the movement of goods, monetary barriers to the flow of payments and eventually all tariffs are permanently swept away",[5] proved futile. With the exception of the establishment of the not particularly beneficial Group for the investigation of the customs union and the futile attempt to form an economic union between France, Italy and the Benelux countries (Fritalux/Finebel), the OEEC did not become a regional bloc. It only assisted the initial steps of liberalization of trade and settlement of the system of payment in the western part of the continent. This was followed by the downfall of the "Stikker", "Pella", "Buron" and "Beyen" plans, each of which, with some amendments, could have become the beginning of the European Economic Community (EEC).

In May 1950, Dutch Foreign Minister Stikker presented a project for the gradual eradication of all barriers stopping the free movement of raw materials and goods between European democracies. It featured an approach similar to that of Monnet at which waiver of quotas and customs duties would occur sector by sector, as well as a similar objective — the establishment of an integrated European market. Unlike the

5 Statement by the ECA Administrator Paul G. Hoffman on European Economy at the 75-th Council Meeting (October 31, 1949), http://www.eu-history.leidenuniv.nl/index. php3?m=10&c=50

concept of the Frenchman, however, the Dutch first diplomat did not have the intention to give into the hands of a supra-national authority the management of the process, seeing the OEEC Council, i.e. the governments, in this role. According to him, they had to establish a special fund which would encourage the individual branches of production to become part of the "integration' more quickly, promising them generous subsidies for modernization and rationalization. After Stikker, the Italian government came out with its own initiative for deepening European economic cooperation. Known as the Pella Plan, it insisted on multilateral negotiations, to be followed by a reduction of at least 15% for internal European duties for a period of three years. Finally, France offered the establishment of a European investment bank, an idea which subsequently proved an essential part of the Buron Plan for a common market. In comparison to the previous ones, the latter required a more radical approach in the sense of initial sharper reduction of customs duties and much faster adoption of a common external tariff.

The 1952 project of the Dutch Minister Johan Beyen deserves special attention. It provided for a linear reduction of duties in "Little Europe" within a strictly defined period and under the supervision of a supra-national authority, as a result of which an economic union with a common external tariff would emerge. Rejected initially, in 1953 the plan became the basis of the discussions for the establishment of an integrated market in the projected EPC. In the course of discussions, the conditions for liberalization not only of trade, but of services as well, for eradication of obstacles before the free movement of capital and people, for coordination of monetary and social policy were added to it. A true common market which, however, fell victim to the unapproved political project for Europe.

The failures on the way of common economic integration could, in turn, also discourage the six and make them give up further participation in the integration experiment. This would probably have happened if it were not for the deep conviction that while political problems could be resolved by the methods of traditional diplomacy, prosperity was possible only in a supra-national community. It was considered a solid guarantee for accelerated and permanent achievement of economic

stability and security, an insurmountable obstacle before the resurrection of the economic nationalism of the 1930s and an important condition to stop erosion of the market and for sustainable development. That was why in 1955 the states from "Little Europe" stood entirely on the way to economic integration. In spite of the many difficulties stemming from the discomfort of combining the strategies of sectorial and general integration, and from the growing French claims for overall social harmonization, for preferential treatment of the French colonies and state-by-stage adaptation of French dirigisme to the conditions of free trade in Europe, they followed it persistently. Thus from the idea of *Relance européenne*, the Euratom Plan and the Benelux Memorandum, through the Messina Conference, the Spaak Committee, the Venice Conference and the Brussels Conference on March 25, 1957, they successfully arrived at their Rome. Where the way of political integration failed to lead them.

With a different delay, in some cases of half a century, the rest of the European states also travelled this difficult road. Satisfaction with successes, however, is restrained. For today European live not only with the feeling that they are richer and more secure than their predecessors, but also with the presentiment that what has been achieved is only a prelude to an even greater ordeal — the return to the abandoned way of political integration. We are contemporaries of a choice which history persistently imposes on us. A choice in favour of a political project on the success of which it depends whether the generation after 50 years will enjoy the privilege to celebrate a centenary jubilee of the inception of its common European Fatherland.

State and Church in the European Union: towards a European Model

Radu CARP

The law related to Church and State in the European Union is named by Gerhard Robbers "civil ecclesiastical law"[1] a translation of the German term *Staatkirchenrecht*. The law systems of the EU Member States are diverse because they mirror the diversity of the national cultures and identities. New Member States as Romania and Bulgaria add specific historical and legal experiences in this area, as well as new needs concerning regulation on religion and preservation of religious beliefs. These countries bring specific experience for the European Union: state interference in and against religion, the role of religion in the transition process and the support of the religions to the European integration effort of the State, issues related to the property restitution had particular significance in both countries.

We must not ignore also the contribution made by Islam and Judaism to European culture. Both religions are important in the EU Member States today and they receive special consideration from the part of Church–State law. In Romania and in Bulgaria these religions were an very important factor of social life in the past and they are still taken into consideration in designing the current public law rules.

The differences between Church–State systems in Europe are a consequence of the 1054 Orthodox–Catholic schism, the Reformation and the wars of religion of the 16th and 17th centuries. Some States (Spain, Portugal) remained untouched by these later events, but the Reformation prevailed in other countries and sometimes established a system limited to the existence of a State Church (the Scandinavian states). Countries like Romania, Bulgaria or Greece succeeded to keep the Orthodox faith as the majoritarian Church, although other religions, such as Catholicism and Islam, played an important role in the process of designing the modern state.

1 Gerhard ROBBERS (ed.), State and Church in the European Union, Nomos, Baden-Baden, 2005, p. 577.