

Spinelli's legacy: the federal path

The 1984 Draft Treaty establishing the European Union, known as the "Spinelli Report" although drafted by six co-rapporteurs, has since shaped the path of European integration like no other document. It was the first text of a "European Constitution" drafted by a European institution. Its underlying ideas are, 30 years after its adoption by Parliament on 14 February 1984, still topical, not only because a great part of the EU constitutional architecture can be traced back to it, but also due to its relevance for the ever-lively discussions on the future direction of the European project.

The 1984 Draft Treaty: a federal blueprint

[Altiero Spinelli](#)'s vision of a federal system for the EU is described by many as a "[constitutional revolution](#)", in contrast to the gradual and sectoral integration favoured by others. It involved the transformation and integration of the nation states and a strong role of the European Parliament (EP) to achieve a true federal democracy. The [Draft Treaty establishing the European Union](#) was adopted by Parliament, in the belief that the EU constituent power – that is the power not only to modify the existing Treaties but also to propose new Treaties – should not be exercised by intergovernmental conferences. Rather, it should be entrusted to the people's representatives, in the European Parliament, along with the Member States' representatives.

The draft Treaty proposed a new, single, Treaty introducing for the first time the name "European Union". Consisting of 87 articles, it was conceived as a constitutional document containing only fundamental institutional provisions, whilst more detailed primary law should be regulated by "organic laws". It designed a true federal architecture for the EU with the European Commission as an executive politically accountable to the EP, and a bicameral parliamentary structure consisting of the EP and the Council, as a chamber representing the MS. Legislation would be adopted by co-decision and EU law would have precedence over national law and direct effect in the Member States (MS). One of the most innovative proposals was that Treaty revisions should be triggered from within the EU institutions and ratified by the MS.

Spinelli's legacy in the EU architecture

Although the 1984 Draft Treaty was not accepted by the Member States as the basis for negotiations on then-upcoming Treaty changes, many of its proposals [found expression](#) in the Single European Act, the Maastricht Treaty and finally in the Lisbon Treaty. The [draft Treaty](#) was the first to make the European Council an EU institution. It created Union citizenship, established the protection of fundamental rights and the obligation of MS to observe them, as well as democratic principles. The Draft also introduced the principle of subsidiarity, and anticipated the future "[passerelle](#)" clause allowing for the transition from unanimity to qualified majority decision-making. Moreover, the response to Spinelli's idea that new Treaties could not be legitimately drawn up by intergovernmental conferences was seen, for instance, in the [European Convention](#) involving *inter alia* the EP, national parliaments and civil society.

What future for the European Union?

The economic and financial crisis in the MS led many to seek a [new path](#) for the European project, with some arguing for deeper integration, whilst others pleading for a resuscitation of the nation states. Within the first group, there are those (like the [Spinelli Group](#)) in favour of a more radical federal reform of the EU, calling for constituent power for the EP to adopt a new Treaty. Conversely, others challenge the need for real federation and call for "pragmatic solutions", preserving MS identities whilst deepening the Internal Market. In this context, the think-tank Notre Europe proposes [fiscal federalism](#), building on a fiscal and banking Union. In both cases, the [democratic legitimacy](#) in a complex system of multi-level governance remains at the core of the discussion on the need for constitutional federalism for the EU.

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