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# **WORKING DOCUMENT**

on the 70th Anniversary of the Schuman Declaration

Committee on Constitutional Affairs

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## THE 70TH ANNIVERSARY OF THE SCHUMAN DECLARATION: TOWARDS AN EVER CLOSER POLITICAL UNION

### The European Union at 70

The celebration of the 70th anniversary of the Schuman Declaration<sup>1</sup> comes when Europe faces its biggest threat since the end of the Second World War, with the coronavirus pandemic. This immediate, uncoordinated and even nationalistic response to it by some Member States showed that our common political and institutional fabric is not strong enough in dealing with systemic emergencies. The health, social, economic, ecological, and institutional update of the EU should be, as in 1950, commensurate to the current challenges. As in past crisis, it should be turned into an opportunity for advancing in the path of European political unity, as envisaged in the Ventotene Manifesto of 1941, and by the Schuman Declaration written less than ten years later.

**Acknowledging the historical dimension - Legacy of the Schuman Declaration.** In the past decades, the Schuman Declaration has entrenched a profound understanding amongst the people of Europe, that only European unity will safeguard a peaceful and prosperous future. We therefore first acknowledge the outstanding contribution of the Declaration to the creation of the *acquis* and to opening of a permanent process leading the citizens and States of Europe to progressive economic and political unification and to the creation of the EU – the most significant political undertaking in contemporary history. Europe has shown the world that this achievement has brought decades of peace and prosperity and that sovereign nation-states can form a democratic political union to overcome transnational challenges together in an increasingly interdependent and globalised world.

The first steps towards the creation of the EU were taken thanks to the pragmatic vision for the gradual establishment of a European Federation, - by a group of enlightened and passionate Europeans from different political backgrounds and civic movements. They paved the way for the gradual establishment of European institutions and policies and a unique and innovative framework for pooling and sharing political sovereignty in a continent that was still recovering from the rubble and devastation of the Second World War.

The principle of establishing a common polity based on common values, including solidarity is still a source of inspiration today. Concentrating the effort on joint actions in order to achieve a political union, as was the case 70 years ago with the coal and steel industry, is the only way to respond to the complex challenges we face, , including among others reactivating the economy after overcoming the coronavirus pandemic and implementing the European Green Deal for reversing the climate crisis .

The last 70 years since the Schuman Declaration have shown that social, humane and cultural aspects must be taken into account to a much greater extent when shaping the integration process. This includes the accession of the Union to the European Convention on Human Rights and the swift implementation of the European Pillar of Social Rights, a Green Deal as well as the Sustainable Development Goals.

Therefore, strengthening economic prosperity, social equity, and environmental sustainability will be important tools for the European Union to show its citizens that it is not only an abstract entity. This should be underpinned by the strengthening the foundational principles of our

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<sup>1</sup> [The Schuman Declaration – 9 May 1950 | European Union](#)

Union, such as the primacy of fundamental rights, representative democracy, the Rule of Law.

It is essential to recognise the highly ambitious political nature of the Schuman Declaration and to highlight its significance as a breaking point from the classic pattern of international relations<sup>2</sup>. Its importance today lies in its ability to prepare the ground for new stages of political integration and to anticipate the key issues of our times. It does this, for example, by highlighting the contribution of a unified Europe to world civilisation supporting a multilateral approach, and in particular to the development of Africa and a new relationship with Mediterranean countries, and through the explicit opening to all European countries respecting our common values wishing to join it. Of course, its crucial contribution to the history of European integration finds its best-known legacy in the goal of a European federation - as stated in the text of the Declaration - later translated in the Treaty of Rome of 1957 under the ideal of developing an “ever closer union”.

While underlining the key political features of the Schuman Declaration, we should also recognise<sup>3</sup> the personal views and convictions of the author. Robert Schuman’s commitment to a united Europe was rooted in the legacy of Hellenic philosophy, Roman law and Christian humanism, as well as his lived experience of anti-fascist resistance, and liberal democracy.

The idea of Europe as a political entity was therefore originally conceived as a moral necessity, essential to the common good of humanity, as expressed by Robert Schuman when he famously said that ‘Europe, before being a military alliance or an economic entity, must be a cultural community in the most elevated sense of this term’<sup>4</sup>. We shall continue to uphold the respect for human rights, a spirit of brotherhood among the people of Europe, goodwill and cosmopolitanism as founding elements of this European Union.

### **Towards a full political union – Institutional relevance of the Schuman Declaration**

The ambitious goal of leading “to the realization of the first concrete foundation of a European federation” - as quoted from the Schuman Declaration - was followed in the history of European integration by the implementation of the ‘ever closer union’ principle between the citizens of Europe, which represents the main institutional achievement of the Schuman Declaration.

The same wording has been maintained throughout the decades of European integration and is enshrined in all basic texts of the European Union, notably since 1957 in the Treaty of Rome<sup>5</sup>, then in 1986 in the Single European Act<sup>6</sup> and in the preamble to the Maastricht Treaty of 1992<sup>7</sup>. The Maastricht Treaty also added a new qualification to ‘ever closer union’: ‘in which decisions are taken as openly as possible and as closely as possible to the citizen’ on the basis of the principle of subsidiarity for which the EU shall act to complete successfully the goals that the member states are not able to reach alone. The principle appears in both the preamble to the Treaty on European Union<sup>8</sup>, and in Article 1 thereof, as well as in the preamble to the

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<sup>2</sup> Gormley, K. *Introduction to the Law of the European Communities* 2<sup>nd</sup> ed, Kluwer Deventer, 1989.

<sup>3</sup> McCauliff, C.M. A., *Union in Europe: Constitutional philosophy and the Schuman declaration, May 9, 1950*. Columbia Journal of European Law, 2012

<sup>4</sup> Wilkens, Andreas (dir.), *Le Plan Schuman dans l’histoire. Intérêts nationaux et projet européen*, Coll. Organisation internationale et relations internationales, Bruylant, 2004.

<sup>5</sup> [xy0023 - EN - EUR-Lex](#)

<sup>6</sup> [xy0027 - EN - EUR-Lex](#)

<sup>7</sup> [xy0026 - EN - EUR-Lex](#)

<sup>8</sup> [12012M/TXT - EN - EUR-Lex](#)

Charter of Fundamental Rights<sup>9</sup>. All these goals have been accepted by the member States and are an essential element of the “acquis Communautaire”

The integration of this goal gives a constitutional framework to the ideal of defining the European architecture as a new mode of interaction between Member States and citizens, well beyond the usual limits of international law, whereby states claim absolute external sovereignty. In particular, the co-decision process between Parliament (chamber of the citizens) and Council (chamber of the States), now the ordinary legislative procedure of the Union since the European Constitution turned into the Treaty of Lisbon is the best and most finished example of the federal nature of the EU.

The principle of ever closer union, as noted by Jean Monnet, is a step towards the organisation of the world of tomorrow<sup>10</sup>, because it has paved the way for the establishment of an original and unprecedented European political system, a genuine institutional venture towards the supranational dimension.

From a public policy perspective, ever closer union is translated into the concept of European value added in terms of economic and social prosperity. A major contribution to this concept has come from the principle of the cost of non-Europe, as initially defined in the Cecchini report<sup>11</sup> in 1988 and now commonly understood as a way of showing the added value of the EU and the multiplier effect of an ever closer Union (from an institutional point of view).

Long before finding an echo – from the 1990s onwards – in the waves of reforms of the European institutional architecture, the principle of ever closer union found its best ally in the interpretation given by the European Court of Justice, whose action confirmed the existence of a new legal order with direct effects on Member States and citizens (e.g. the rulings in van Gend en Loos 1963<sup>12</sup> and Flaminio Costa v E.N.E.L. 1964<sup>13</sup>).

Alongside the Court, in its historical perspective, the European Parliament has been the driving force behind the principle of ever closer union. Since 1980 with the Crocodile Club initiative<sup>14</sup>, followed by the suggestions of the German and Italian foreign ministers, Genscher and Colombo in 1981<sup>15</sup>, Parliament has been at the centre of all projects aimed at strengthening

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<sup>9</sup> [12012P/TXT - EN - EUR-Lex](#)

<sup>10</sup> Wilkens, *Le Plan Schuman dans l'histoire. Intérêts nationaux et projet européen*.

<sup>11</sup> Entitled ‘Europe 1992 – The overall challenge’ or so-called Cecchini report, 1988.  
<http://aei.pitt.edu/3813/1/3813.pdf>

<sup>12</sup> [61962CJ0026 - EN - EUR-Lex](#)

<sup>13</sup> [61964CJ0006 - EN - EUR-Lex](#)

<sup>14</sup> Established also thanks to the new legitimacy of the first directly elected European Parliament, following 1979 elections.

<sup>15</sup> [https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/511084a1-fac4-44e0-82b1-a7a101b2d913/Resourcess#5e817e60-b68a-41b4-9d75-6509220a94ee\\_en&overlay](https://www.cvce.eu/en/collections/unit-content/-/unit/02bb76df-d066-4c08-a58a-d4686a3e68ff/511084a1-fac4-44e0-82b1-a7a101b2d913/Resourcess#5e817e60-b68a-41b4-9d75-6509220a94ee_en&overlay)

Wishing to give fresh impetus to Europe integration, the Federal Republic of Germany and Italy put forward reform proposals that emphasised the political objective of European unification. On 6 January 1981, in Stuttgart, the German Foreign Minister, Hans-Dietrich Genscher made a speech in which he argued for greater political cooperation between the Ten. These ideas were reiterated by his Italian counterpart, Emilio Colombo, during an address he gave in Florence on 28 January 1981. The German and Italian Governments fleshed out these ideas, which resulted in the Genscher-Colombo Plan submitted to all the Member States on 6 November 1981 and to the European Parliament on 12 November 1981. Later on, a draft European Act led to the drafting of

political integration.

The most relevant contribution in this perspective is the famous Draft Treaty drawn up by Altiero Spinelli and adopted by Parliament in 1984<sup>16</sup>. It already contained important innovative issues on improving the democratic functioning of the Union that were to be translated in future EU Treaties and adopted later on: the move to qualified majority voting in the Council, the appointment by Parliament of the President of the Commission and the extension of co-decision, which, later, between 2002 and 2003, featured in the text drawn up by the European Convention<sup>17</sup>, that ended up being the Treaty of Lisbon of 2007.

The European Parliament also managed to incorporate the main points of its constitutional draft into the Maastricht Treaty, notably on the issues of citizenship, co-decision and participation in the election of the President of the Commission, that realized the transition from the Community to the European Union.

Also, for the first time, the Parliament was able to participate in this negotiation through the Preparatory International Conference and the first Conference with the National Parliaments that paved the way to the Convention format and that approved the Charter of Fundamental Rights and the draft Constitutional Treaty. The Treaty of Lisbon recognised a stronger role of the Parliament by reinforcing its legislative and budgetary powers, thus moving into a stronger parliamentarisation of the Union, granting more powers to the institution directly elected by the European citizens.

A look at the institutional legacy of the objective of ever closer union from today's perspective raises the question of what models of institutional action the EU can exploit in months to come, in line with the framework of the Lisbon Treaty, and beyond, in order to move towards a new stage of integration, in a world that is radically different from 2009 when that Treaty entered into force: the financial and Euro crisis, the accelerated climate change, the return of imperialistic Russia, the geopolitical rise of China, the Arab Spring and the migratory flows, the Brexit vote, the election of Trump in the US, and the coronavirus pandemic.

The gradual constitutional evolution of the European Union since Lisbon has indeed occurred by using of different tools to deepen integration without formal changes, given the well-known difficulty of progressing towards full political union with the current rules on amendments to and ratifications of the Treaties, as set out in Article 48 of the TEU<sup>18</sup>.

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a document adopted by the Stuttgart European Council in the form of the Solemn Declaration on European Union on 17-19 June 1983.

<sup>16</sup> [https://www.cvce.eu/en/obj/draft\\_treaty\\_establishing\\_the\\_european\\_union\\_14\\_february\\_1984-en-0c1f92e8-db44-4408-b569-c464cc1e73c9.html](https://www.cvce.eu/en/obj/draft_treaty_establishing_the_european_union_14_february_1984-en-0c1f92e8-db44-4408-b569-c464cc1e73c9.html)

<sup>17</sup> <http://european-convention.europa.eu/EN/DraftTreaty/DraftTreaty2352.html?lang=EN>

<sup>18</sup> It is worth recalling the suggestions made in the Penelope project in 2002 on how to overcome unanimity. On the issue of Treaty changes, the Penelope Projects provides an emergency mechanism for an eventual ratification failure. First, all Member States would ratify the Constitution under the requirement of unanimity; they would then approve a Solemn Declaration confirming their decision to continue to be part of the EU. Should a Member State fail to approve this declaration, it would leave the Union and conclude an agreement with the Union that would regulate its future relationship. Lastly, the new constitutional treaty would enter into force according to the conditions laid down in the agreement (specifically, with a three-quarters majority of the member states making the declaration). It would apply to states that, by making the declaration, wished to remain in the Union.

Among these tools, it is important to mention interinstitutional agreements (Article 295 of the TFEU), enhanced cooperation (Article 20 of the TEU and Articles 326 to 334 of the TFEU), the passerelle clauses (Article 48.7 TEU) and the indirect right of initiative, with the Commission having to justify why it does not follow a proposal for legislative initiatives (Article 225 of the TFEU), which remains largely unused and could form the basis for a genuine right of initiative, both used until now only a few times.

## **The present scenario in 2020**

Much has been achieved but much remains to be done to realise the vision of an ever closer political Union. This has become an even more urgent necessity in the context of the climate crisis and the coronavirus pandemic. Political integration has progressed over time in terms of institutional power of the Union, democratic accountability, and competencies, although it has been also marked by structural difficulties (lower social European sentiment compared to national identity, perceived remoteness and bureaucratism of the institutions, long resistance to political unification in some countries elites, etc.) , setbacks, starting with the failure of the planned Defence Community in 1954, or the painful withdrawal of the United Kingdom, and political contingencies (unfinished EMU, proliferation in the Treaties of unanimity requirements, intergovernmental clauses, and prohibitions of harmonization). All of this forces us to recall the original roots of European integration, thus rediscovering its fundamental values and objectives, centred around the foundation of the European Union, the Copenhagen Criteria as relevant today as ever.

Despite the common challenges facing us, the objective of relaunching the Union, making it more political, transparent, social, ecological, efficient and stronger in the world, is still contested by some important political actors.

A new fundamental scenario and a new sense of insecurity clearly show that the Lisbon institutional framework (not to mention the EU's current resources), is not capable of resolving core challenges that face the Union today, among them being geopolitical security, joint action in the field of public health and climate policy, as well as safeguarding Europe's position in an unstable world.

The long-term impact of the financial crisis and the new challenges we face place us in a very different scenario from that of the European Convention almost 20 years ago. We need to deepen European integration, in particular to achieve a recognition of new emerging needs: coordinated and effective crisis management , environmental sustainability, right to decent healthcare, data and privacy protection , access to education and especially to technological and digital skills, basic rights in the fight against poverty and the inequalities in the EU Internal Market, portability of rights, and the whole social dimension, just as more effective European tools to protect fundamental rights and the rule of law at EU level and in the Member states.

EU needs to enhance its capability to act, as far too often, the Union's current polity is failing to provide swift political solutions to impending challenges. This was evident in the Euro crisis, in the failure to manage the migration crisis, and at the beginning of the coronavirus pandemic. In the eyes of many citizens the European institutions risk their legitimacy if they fail to deliver solutions in adequate time. National governments act as agents of national electorates and not necessarily in the interest of European common good. Hence, the European Parliament should



be empowered to develop and implement transnational European solutions that are in the interest of the entire Union.

Brexit, too, obliges us to open up new scenarios for the institutional governance of the Union, particularly in view of the need to establish a more efficient and therefore more democratic way of legislating and to develop different levels of decision-making. Within this framework and in view of the need for a clearer definition of competences, forms of differentiated integration may also be needed, but differentiation must, in any case, guarantee an inclusive approach, confirm the principle of equality, and under no circumstance undermine EU citizenship and respect the coherence of the EU legal order.

The legacy of the 2014-2019 political cycle shows how the Council's governance of the long polycrisis that affected the EU has entrenched the lack of solidarity and transparency and created new divisions and multiple fault lines: North-South, East-West, EU institutions-Member States.

However, instead of putting policies to the directly elected representatives of the European people, the European Council has in the past made continuous use of art. 15 TEU, effectively limiting the correct functioning of the EU legislative process.

In the face of these current challenges, European unity and a stronger political, is not a choice, but an urgent necessity. Thus, the historic task of building a federal parliamentary union, as envisioned in the Schuman Declaration<sup>19</sup>, is more valid than ever, as is the need to underline the constitutive intertwining between the EU and its Member States and by developing genuine multi-level democratic governance.

### **Fulfilling the Schuman Promise: A Path for European Unity**

When the Union turns 70, an in-depth debate on the revision of the Treaties – after almost 20 years of the last exercise – cannot be delayed: it is time to start taking stock of the state of the Union, as the EU's constitutional structure has not been fully constructed. The guiding principle in this goal should be focused on the assumption that more Europe is the only solution for the challenges of globalisation as well as for an enhanced ownership of citizens in the European project. We need to equip the Union with sufficient tools, both in terms of its policy catalogue and funding, to overcome these challenges.

In order to move forward, the approach suggested by Parliament insists on concentrating on the parts of the current Lisbon Treaty that still need to be fully exploited – as outlined in the Bresso-Brok report of 2017<sup>20</sup> – as well as on readjusting the current institutional architecture, in particular to the political goal of strengthening the role of Parliament and to update the distributions of competences – as outlined in the Verhofstadt report of 2017<sup>21</sup> and the Jáuregui report of 2019<sup>22</sup>.

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<sup>19</sup> And as previously outlined in 1941 in the Ventotene Manifesto as well as in 1948 at The Hague Congress.

<sup>20</sup> [European Parliament resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty](#). OJ C 252, 18.7.2018, p. 215.

<sup>21</sup> [European Parliament resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union](#). OJ C 252, 18.7.2018, p. 201.

<sup>22</sup> [European Parliament resolution of 13 February 2019 on the state of the debate on the future of Europe](#). Texts

Parliament must confirm these commitments and call for a reform of the EU's constitutional framework that strengthens the 'quality and quantity' of European democracy, first by strengthening Parliament's role and then by transferring executive authority to the Commission, which must be strengthened as the EU government. In this respect, a more coherent and effective decision-making process can also be promoted by taking the following steps:

- making the appointment and composition of the Commission more representative of electoral outcomes;
- working on issues such as the lead candidate system and transnational lists, taking into account existing deadlines and working with all interinstitutional, political and legislative tools available ;
- standardizing a new European electoral law in line with Parliament's suggestions
- following the Treaty provisions on limiting the practice of having one Commissioner from every Member State;
- rebalancing the role of the European Council, in line with the Treaty provisions.
- Enhance participatory democracy as in the Art. 11 TEU to empower the role of the citizens.

At the same time, this will require that Parliament step up its powers of control over the authority of the Commission and be placed on an equal footing with the Council in all legislative matters as well as in the fiscal and economic fields, the two institutions thereby acting together as the legislative and budgetary branch of the European Union. The Council, as one of the two legislators, must align its working methods with the standards of transparency as required under the Treaties.

The protection of the rule of law must also be emphasised as a cornerstone of European integration. Respect for fundamental values is key to an effective, prosperous, equitable, acceptable and credible EU. In the same vein, improving the transparency and openness of the institutions is the best way of bringing the EU closer to the citizens and strengthening its legitimacy. A fully functioning European Mechanism for Democracy and the Rule of Law, composed by independent experts that would monitor regularly Human Rights and RoL situation in each Member-State, would play an important role.

The ultimate aim is an EU with a truly parliamentary democracy, including a right of legislative initiative, the end of unanimity, the move to qualified majority voting in the Council in key policy areas such as foreign affairs, climate, natural disasters and health emergencies, taxation and social policy, stricter political control over the application of the rule of law, and a new fundamental role for Parliament in the establishment of new EU resources to back the long term issuance of Union bonds in order to finance the reactivation of the economy after the pandemic and the ecological transition. In addition, there is a need to constitutionalize the new policies: Social Pillar, Health Union, Green Deal, EU dimension of education and culture.

In the long term, this same democratic perspective must also have an impact on future enlargements. In particular, a number of institutional reforms designed to make the functioning of the enlarged European Union more efficient, more transparent and more democratic are absolutely necessary to ensure the success of the EU enlargement policy.

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adopted, P8\_TA(2019)0098.



To complement these reforms, citizens should be given a renewed opportunity to have a robust debate on the future of Europe so as to shape the Union that we want to live in together. A focus should lie on a bottom-up approach to engaging directly with citizens in a meaningful dialogue. In the long run, a permanent mechanism for engaging with the citizens in contemplating the future of Europe should be envisaged. This would allow citizens to regain ownership over the European project, and to get involved in the debates. This would be facilitated by the increase of the role of the European Parliament in the EU's decision-making processes. The involvement of the EU's citizens and their ownership of the European project are the best means to improve their trust in the project, whose effect would also be to decrease the appeal of eurosceptic movements.

In conclusion, the above-mentioned political objective of shifting the EU's attention to the challenges ahead must have a constitutional impact. It must produce a major rebalancing in favour of Parliament's prerogatives, in line with the parliamentary tradition of the large majority of Member States and as a means of finally achieving a genuine European political system based on European parties as well as on participatory democracy. These ambitions must be debated at the proposed Conference on the Future of Europe, where a broad and effective participation of European citizens is foreseen also taking into account Parliament's position as expressed in its resolution of 15 January 2020<sup>23</sup> and founded on its leading role.

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<sup>23</sup> [European Parliament resolution on the European Parliament's position on the Conference on the Future of Europe](#). Texts adopted, P9\_TA(2020)0010.