

**International Collaboration
in Europe:
from co-existence over cooperation
to integration
leading to the EU free market**

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- 1) International collaboration
 - IGM vs SN
 - International power vs national sovereignty
 - co-existence
 - co-operation
 - harmonization
 - integration

- 2) EU Structure
 - before ToL
 - after ToL
 - comparison
 - binding EU powers

- 3) EU involvement

- 4) Free Movement of Goods

1. International/European collaboration

Internat collaborat

1. IGM vs SN →

2. Internat vs nat

3. co-existence

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5. harmonization

6. integration

7. phases of integr

EU involvement

Free movement of goods

1) Intergovernmentalism vs Supranationalism ⁽¹⁾

state-centric governance

- ◆ powers remain with MS
- ◆ does not effect sovereignty
- ◆ small secretariat
- ◆ representatives of the States
- ◆ consensus → veto
- ◆ accords are no more than international agreements
- ◆ without a court

◆ e.g.

- NATO
- WEU
- CoE
- OECD

multi-level governance

- ◆ own powers
- ◆ sovereignty moves from MS
- ◆ own institutions
- ◆ institutions do not represent MS
- ◆ decisions adopted by majority
- ◆ accords are made by treaties
- ◆ powers are exercised directly
- ◆ with a court

◆ e.g.

EU
(ECSC – EEC - EAEC)

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2) International vs National Law

- Monism
 - ◆ Unit of Law: rules of law may differ from origin
 - ◆ No transposition from International into National Law
 - ◆ In case of conflict: Internat. Rule has priority to National rules
 - ◆ Judges and Courts must know and apply both systems
 - ◆ e.g.: BE, FR, NL
- Dualism
 - ◆ separated systems: only the national system is important
 - ◆ International rules has to be converted into National rules
 - ◆ In case of conflict: National Rule has priority to International
 - ◆ Judges and Courts only have to know and apply the own national system
 - ◆ e.g.: DE, IT, UK

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3) co-existence ⁽²⁾

Theory developed and applied by Nikita Khrushchev in 1956. More recently, co-existence has been adopted by the broader diplomatic world, e.g. peaceful coexistence in the Middle east



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3) co-existence ⁽²⁾

type of relation between states

- with different political systems
- renunciation of war
- adoption of negotiations as a means of resolving disputes
- mutual understanding, and trust between states, as well as consideration of each other's interests;

supposes a rigorous respect for

- non-interference in the internal affairs of another state
- sovereignty and territorial integrity of all countries

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4) International co-operation ⁽³⁾

a joint operation of two or more countries that pursuit common goals or a mutual benefit instead of competing

EU co-operation:

- European Political Cooperation (EPC) 1970

synonym for *EU foreign policy coordination* until it was superseded by the Common Foreign and Security Policy in the Maastricht Treaty

- Strategic Forum for International Cooperation (SFIC) 1983



EU-Japan Centre
for Industrial Cooperation

日欧産業協力センター

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5) Harmonization ⁽⁴⁾

processes of creating

- common standards across the internal market
- through matching and blending
- brings about agreement or standardization
- it implies a high level of mutuality among the involved parties,
- regardless of different viewpoints



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6) Integration ⁽⁵⁾

process of political, legal, agricultural, industrial, economic, military, social, cultural, ect... unification, merge or fusion of states wholly or partially

Ascending order of the degree of integration: ⁽⁶⁾

- Free Trade Area
- Customs Union
- Common Market
- Economic Union
- Monetary Union
- Political Union

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- FTA →
- CusU →
- ComM
- EcoU
- MonU
- PolU

5) Integration

5.1) Free Trade Area

- no custom tariffs and no quantitative restrictions on trade
- every MS retains its own tariffs
- complex rules to prevent deflection of trade from 3rd countries
- eg: EFTA

5.2) Custom Union

- equalization of tariffs for trade (in & export) with non-members
- goods
- Article 28 TFEU (ex Article 23 TEC) :

The Union shall comprise a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports

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5) Integration

5.3) Common Market

- not only goods but also labour, service & capital are free to be traded between MS
- *Article 26 TFEU (ex Article 14 TEC)*
 1. *The Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market, in accordance with the relevant provisions of the Treaties.*
 2. *The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.*

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5) Integration

5.4) Economic Union

- eliminates restrictions on free movement
- harmonization of national economic policies

Article 3 (ex Article 2 TEU)

4. The Union shall establish an economic and monetary union whose currency is the euro.

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5) Integration

5.5) Monetary Union

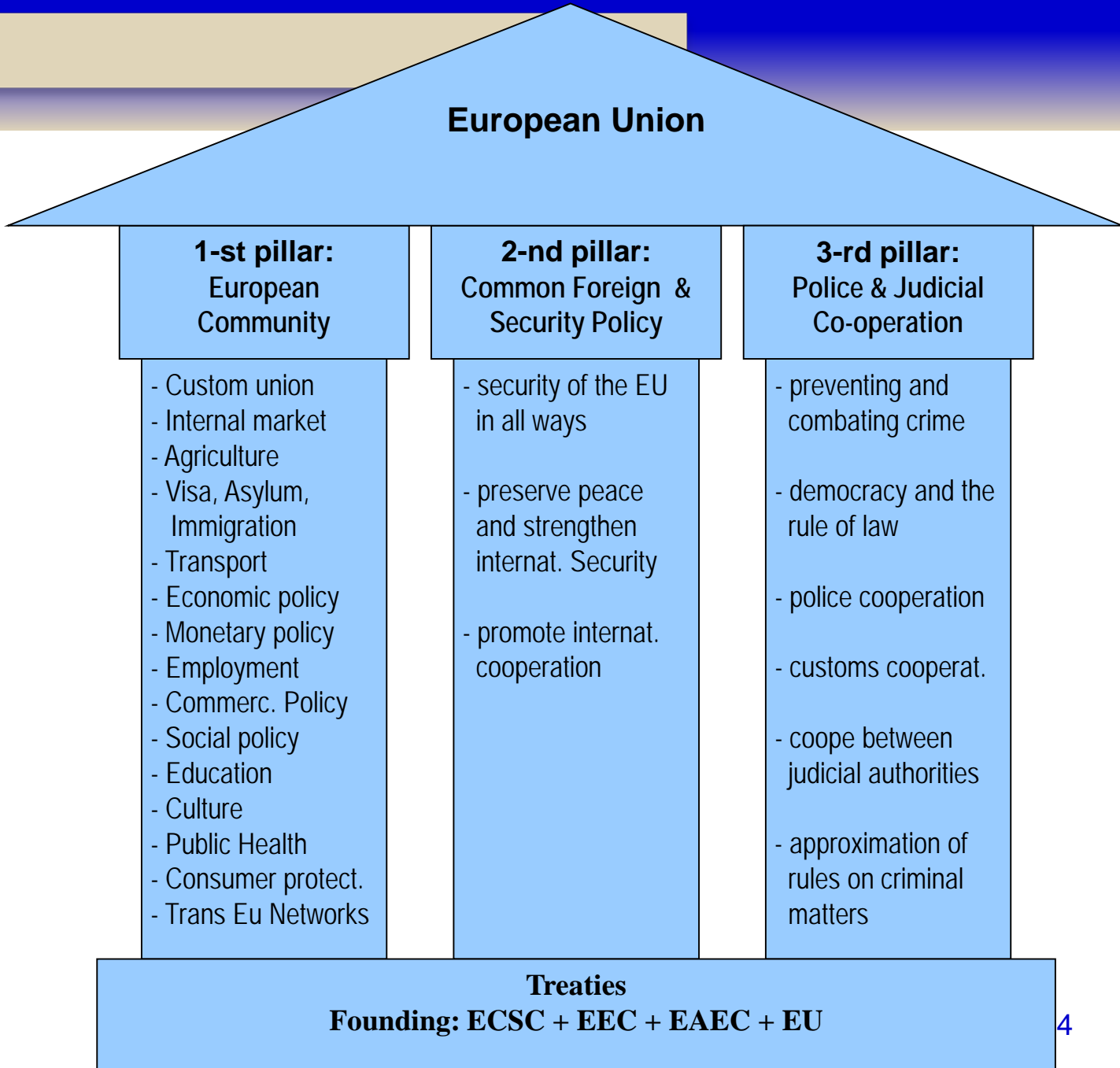
- combines EcoU with all aspects of monetary policy
- all currency units of MS are linked
- 1 single currency
- alignment of fiscal policy

5.6) Political Union

- total integration between all MS
- each and every policy domain

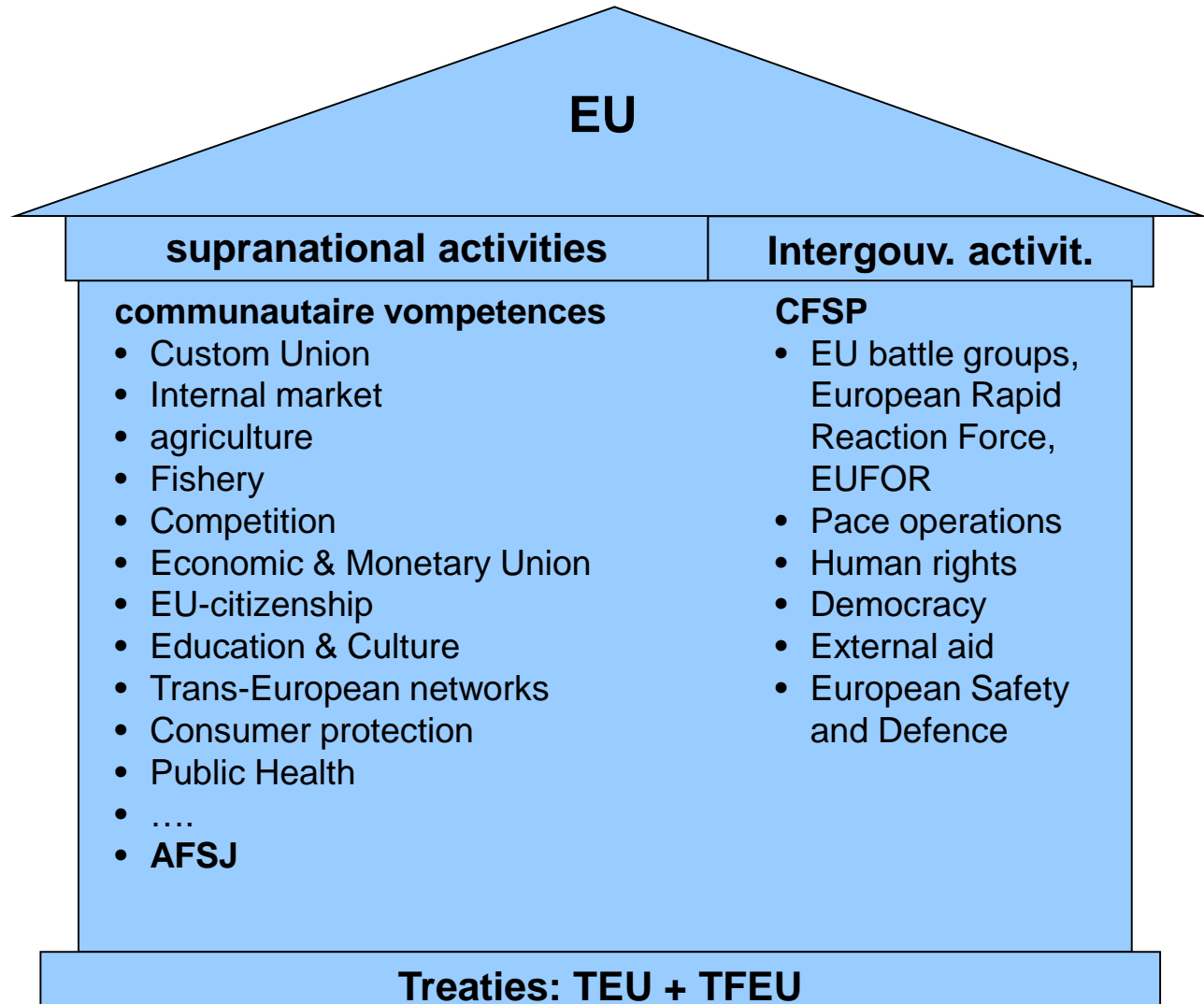
2. EU structure

4.1 EU Structure and Competences since ToM and before ToL



2. EU structure

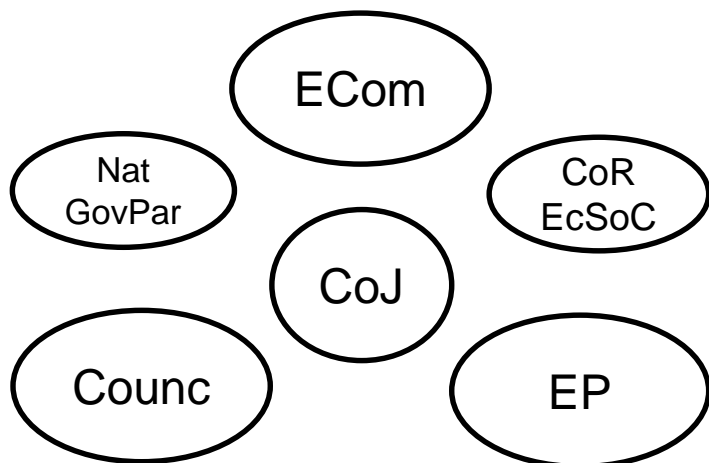
4.2 EU Structure and Competences after ToL



2. EU structure

4.3

Comparison of
inhabitants to votes
in **EP** & **Council**



| | | | | | | | |
|-----------------|------|-------|----|-------|-------|----|------|
| België | 10,2 | 2,1% | 22 | 3,0% | 15,7 | 12 | 3,5% |
| Bulgarije | 7,6 | 1,6% | 17 | 2,3% | 11,7 | 10 | 2,9% |
| Cyprus | 0,8 | 0,2% | 6 | 0,8% | 1,2 | 4 | 1,2% |
| Denemarken | 5,3 | 1,1% | 13 | 1,8% | 8,2 | 7 | 2,0% |
| Duitsland | 82,1 | 17,2% | 99 | 13,5% | 126,3 | 29 | 8,4% |
| Estland | 1,5 | 0,3% | 6 | 0,8% | 2,3 | 4 | 1,2% |
| Finland | 5,1 | 1,1% | 13 | 1,8% | 7,8 | 7 | 2,0% |
| Frankrijk | 58,7 | 12,3% | 72 | 9,8% | 90,3 | 29 | 8,4% |
| Griekenland | 10,5 | 2,2% | 22 | 3,0% | 16,2 | 12 | 3,5% |
| Hongarijē | 9,8 | 2,0% | 22 | 3,0% | 15,1 | 12 | 3,5% |
| Ierland | 3,7 | 0,8% | 12 | 1,6% | 5,7 | 7 | 2,0% |
| Italie | 57,6 | 12,0% | 72 | 9,8% | 88,6 | 29 | 8,4% |
| Letland | 2,5 | 0,5% | 8 | 1,1% | 3,8 | 4 | 1,2% |
| Litouwen | 3,7 | 0,8% | 12 | 1,6% | 5,7 | 7 | 2,0% |
| Luxemburg | 0,4 | 0,1% | 6 | 0,8% | 0,6 | 4 | 1,2% |
| Malta | 0,4 | 0,1% | 5 | 0,7% | 0,6 | 3 | 0,9% |
| Nederland | 15,7 | 3,3% | 25 | 3,4% | 24,2 | 13 | 3,8% |
| Oostenrijk | 8,1 | 1,7% | 17 | 2,3% | 12,5 | 10 | 2,9% |
| Polen | 38,7 | 8,1% | 50 | 6,8% | 59,5 | 27 | 7,8% |
| Portugal | 10,0 | 2,1% | 22 | 3,0% | 15,4 | 12 | 3,5% |
| Roemeniē | 21,5 | 4,5% | 33 | 4,5% | 33,1 | 14 | 4,1% |
| Sloveniē | 2,0 | 0,4% | 7 | 1,0% | 3,1 | 4 | 1,2% |
| Slowakijē | 5,4 | 1,1% | 13 | 1,8% | 8,3 | 7 | 2,0% |
| Spanje | 39,3 | 8,2% | 50 | 6,8% | 60,5 | 27 | 7,8% |
| Tsjechiē | 9,9 | 2,1% | 22 | 3,0% | 15,2 | 12 | 3,5% |
| Ver. Koninkrijk | 59,1 | 12,4% | 72 | 9,8% | 90,9 | 29 | 8,4% |
| Zweden | 8,8 | 1,8% | 18 | 2,4% | 13,5 | 10 | 2,9% |

2. EU structure

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of Goods

4.4 Law making process - binding power of EU rules

characteristics of Regulation – Directive – Decision - Advice

(Règlements – Directives – Décisions)

(Verordnungen – Richtlinien - Beschlüsse/Entscheidungen)

| | obligatory means | obligatory goals |
|-----|---------------------|---------------------|
| Reg | | |
| Dir | | |
| Dec | | |
| Adv | | |

3. EU involvement in policy areas

Exclusively EU

- ◆ External trade
- ◆ Competition
- ◆ Agriculture
- ◆ Fisheries
- ◆ Euro

Strong EU involvement

- ◆ Environment
- ◆ Internal market
- ◆ Tabaco control
- ◆ Transport
- ◆ Research & development
- ◆ Occupational health and safety

Weak EU involvement

- ◆ Social policy
- ◆ Foreign policy
- ◆ Defence
- ◆ Health care
- ◆ Spatial planning

(almost) Exclusively member states

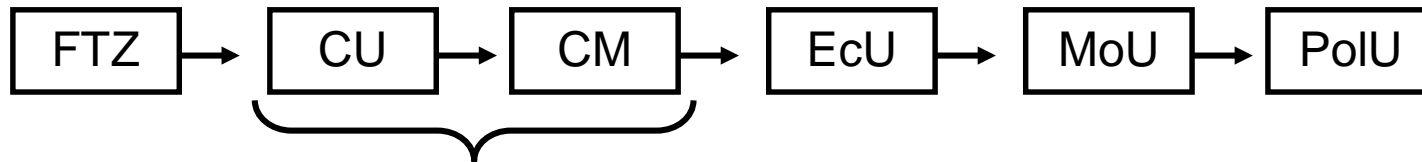
- ◆ Primary and secondary education
- ◆ Housing
- ◆ Culture
- ◆ Crime on the streets

4. Free Movement of Goods

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EU is based up on customs-union:

- Common Customs Tariffs for trade with third countries (TFEU 28)
 - ♦ typical for a CU
 - ♦ is missed in a FTZ
 - ♦ once & product is imported, it can circulate free in the whole EU
- Prohibition of all im- & export tariffs or taxes with a similar effect between member countries (TFEU 30 en 110)

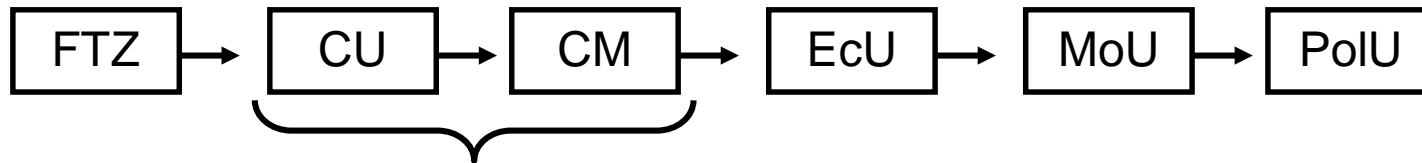


1 Intra Community Barriers

1. Free Movement of Goods
2. Free Movement of Persons
(employee/ settle)
3. Free Movement of Services
4. Free Movement of Capital

- 1.1 Tariff barriers
 - art 30 TFEU: in- & export
 - art 110: tax without distinction
- 1.2 Non-Tariff Barriers
 - art 34 TFEU: prohibition to restrict import
 - art 35: export
 - art 36: exceptions
 - CoJ: Rule of Reason
 - no discrimination
 - not only econ motives
 - not yet harmonized
 - most suitable

2 Common Customs Tariff (CCT): extra community trade



① Intra Community Barriers

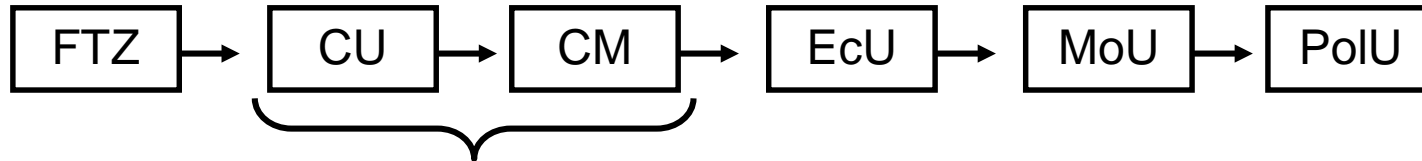
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2.1 employees

- art 45 TFEU: prohibition to restrict
- art 45, 3: exceptions
- CoJ: RoR (Ramrath '91)

2.2 permanent residence

- art 49 TFEU: rights & prohibition to restrict
- art 52: exceptions
- CoJ: RoR
 - no discrimination
 - not only econ motives
 - not yet harmonized
 - most suitable



① Intra Community Barriers

1. Free Movement of Goods
2. Free Movement of Persons
(employee/ settle)
3. Free Movement of Services
4. Free Movement of Capital



- art 56 + 57 TFEU: prohibition to restrict
- art 62 (51-54): exceptions
- CoJ: RoR
 - no discrimination
 - not only econ motives
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Sources

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