

# The Single European Act†

by John Leachery\*

## I. Introduction

Dreams of supranationality in Western Europe have faded in the face of an 'inter-governmental reality. The dream lives on, though, as an inter-governmental 'Community' and could not of itself provide sufficient political strength to achieve a true internal market.<sup>1</sup> This also is a common sentiment<sup>2</sup> accepted by all who wish the Community well, for at the heart of the Community system lies the goal of a true common market with all the accruing trade benefits.<sup>3</sup> Although a great deal has been achieved, there is still a long way to go.<sup>4</sup> It is

† The author has retained the highlights of that article.

\* Lecturer in Law, University of Birmingham, formerly Associate Professor of Law at the University of London, at Birmingham, where the article was written.

<sup>1</sup> Strictly speaking there are three communities, the European Coal and Steel Community, created by the Treaty of Paris in 1951, (Treaty establishing the European Coal and Steel Community, April 18, 1951, 205 T.I.C.T.S. 148 (1951)) signed as Treaties establishing the European Communities, Nos. 15 (1957) (hereinafter ECSC Treaty), the European Atomic Energy Community Treaty (No. 16) and the European Coal and Steel Community, March 25, 1952, 204 T.I.C.T.S. 157 (1952); hereinafter E.A.E.C. Treaty), and the European Economic Community, created by the Treaty of Rome in 1957 (Treaty Establishing the European Economic Community, done at Rome, March 25, 1957, 205 T.I.C.T.S. 16 (hereinafter E.E.C. Treaty). A single room and partitioned off assembly served all three communities from 1952 until in 1967 a Treaty established a single Council and a single Commission of the European Communities. For ease of reference I shall hereinafter refer to the communities as the "Community". Dr. Houbert, *The History of Economic of the European Communities*, 3 European Yearb. L. Rev. 27 (1964).

<sup>2</sup> Even though aspects of decision-making are intergovernmental in character, the concept is legally capable of being enforced and acting as a supranational character.

<sup>3</sup> This aim was recognized most recently at the following summit meetings: Brussels (1964), Frankfurt (1965) and London (1966), and Copenhagen (1967). See Leachery, *When Under: Considering the Internal Market*, 20th 1966 Ann. Trans. Soc. 100-101 (see, also, *What's in a Name?* (hereinafter *White Paper*)).

<sup>4</sup> The benefits of a large unified home market (approximately 120 million people), even greater in size than the United States, is considered essential if European manufacturers are to compete with those from Japan and the United States. See D. Gorman, *The European Economic Community Manual* (4th ed. 1967) for an analysis of the economic advantages of common markets. Similarly, regional economic cooperation under a market can be also provided, due to trade in a common market, 20.

<sup>5</sup> For example, a customs union has already been established. Individual laws have also already entered into domestic legal rights in national courts. The Commission has drafted its own legal policy-compliance mechanism. For an overview of the Community's achievements to date, see Leachery, *the 1966 European Economic Community, 20th 1966 Ann. Trans. Soc. 100-101*.

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**Communautés européennes**



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