

# 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

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† The author has retained the highlights of that article.

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<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.R.T.S. 148 (1951)) signed as Treaties establishing the European Communities, Nos. 15 (1957) (hereinafter ECSC Treaty), the European Atomic Energy Community Treaty (Treaty establishing the European Coal and Steel Community, March 25, 1952, 204 T.I.R.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, 204 T.I.R.T.S. 9 (hereinafter E.E.C. Treaty). A single room and partition very readily served all three communities from 1952 until in 1967 a Treaty constituted 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". See Houbert, *The History of Economic of the European Communities*, 3 *European Yearb. L.* 33 (1964).

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

<sup>3</sup> This aim was recognized most recently at the following summit meetings: Brussels (1964), Fontainebleau and Laeken (1964), and Copenhagen (1965). See Leachery, *When Under: Considering the Internal Market*, 20 *Am. J. Int. Law*, 1004 (1966) (see, also, Houbert, *supra* note 1, at 31 (1964) (hereinafter *When Under*)).

<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 G. Gorman, *The European Economic Community Manual* (1964) (1965) for an analysis of the economic advantages of economic union. Similarly, regional economic cooperation under a market can be also provided, due to trade in a common market. *Id.*

<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 Community has abolished its own trade policy completely through nations. For an overview of the Community's achievements to date, see Leachery, *supra* note 1, at 1004 (1966), 1005 (1966), 1006 (1966), 1007 (1966), 1008 (1966), 1009 (1966), 1010 (1966), 1011 (1966), 1012 (1966), 1013 (1966), 1014 (1966), 1015 (1966), 1016 (1966), 1017 (1966), 1018 (1966), 1019 (1966), 1020 (1966), 1021 (1966), 1022 (1966), 1023 (1966), 1024 (1966), 1025 (1966), 1026 (1966), 1027 (1966), 1028 (1966), 1029 (1966), 1030 (1966), 1031 (1966), 1032 (1966), 1033 (1966), 1034 (1966), 1035 (1966), 1036 (1966), 1037 (1966), 1038 (1966), 1039 (1966), 1040 (1966), 1041 (1966), 1042 (1966), 1043 (1966), 1044 (1966), 1045 (1966), 1046 (1966), 1047 (1966), 1048 (1966), 1049 (1966), 1050 (1966), 1051 (1966), 1052 (1966), 1053 (1966), 1054 (1966), 1055 (1966), 1056 (1966), 1057 (1966), 1058 (1966), 1059 (1966), 1060 (1966), 1061 (1966), 1062 (1966), 1063 (1966), 1064 (1966), 1065 (1966), 1066 (1966), 1067 (1966), 1068 (1966), 1069 (1966), 1070 (1966), 1071 (1966), 1072 (1966), 1073 (1966), 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