

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.¹ This also is a common sentiment² 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.³ Although a great deal has been achieved, there is still a long way to go.⁴ 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.

¹ 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, 205 T.I.R.T.S. 157 (1957)) (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.R.T.S. 3 (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". In Houbert, *The History of Economic of the European Communities*, 3 *European Yearb. L.* 33 (1964).

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

³ This aim was recognized most recently at the following summit meetings: Brussels (1964), Fontainebleau and Laeken (1966), and Copenhagen (1969). See Leachery, *When Under: Considering the Internal Market*, 20 *Am. J. Int. Law*, 1004 (1969), 21 *Am. J. Int. Law* 2 (1970) (hereinafter *White Paper*).

⁴ 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. G. Cairns, *The European Economic Community Manual* (1967) 40 (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, 42.

⁵ 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, *in* *Law, Economics, Science, 1970*, 1970 *ANNUAL REPORT ON ACTIVITIES OF THE EUROPEAN*

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The Ratification of the Maastricht Treaty Finn Laursen, Sophie Vanhoonacker, 2023-08-28 *International Encyclopedia of Public Policy and Administration Volume 4* Jay Shafritz, 2019-03-01 This is the fourth volume of a four volume encyclopaedia which combines public administration and policy and contains approximately 900 articles by over 300 specialists This Volume covers entries from R to Z It covers all of the core concepts terms and processes of applied behavioural science budgeting comparative public administration devel *The Politics of Ratification of EU Treaties* Carlos Closa, 2013-09-02 Since its inception the European Union EU has revised its foundational treaties several times resulting in national ratification processes involving different actors with varying success This book focuses on the politics of ratification of EU Treaties and reviews the processes of ratification of EU primary legislation Existing research and academic debate on EU constitutional politics have almost exclusively focussed on negotiation of new treaties and their institutional setting However this book explains how the result of ratification was achieved and analyses the strategy that actors pursue across Europe Ratification of the Treaty of Maastricht and the EU Constitution failed totally whilst other ratification can be considered partial failures such as the Irish Nice and Lisbon referendums As the EU Constitution has proved the ratification process may have deep effects unforeseen during the processes of negotiation In recent years ratification has produced some of the most intense debates on national membership of the EU and the EU itself The Politics of Ratification of EU Treaties will be of interest to students and researchers of European Studies European Union studies European Union Law and European Union Politics **European Access**, 1998 *The Cambridge History of Ireland: Volume 4, 1880 to the Present* Thomas Bartlett, 2018-04-26 This final volume in the Cambridge History of Ireland covers the period from the 1880s to the present Based on the most recent and innovative scholarship and research the many contributions from experts in their field offer detailed and fresh perspectives on key areas of Irish social economic religious political demographic institutional and cultural history By situating the Irish story or stories as for much of these decades two Irelands are in play in a variety of contexts Irish and Anglo Irish but also European Atlantic and latterly global The result is an insightful interpretation on the emergence and development of Ireland during these often turbulent decades Copiously illustrated with special features on images of the Troubles and on Irish art and sculpture in the twentieth century this volume will undoubtedly be hailed as a landmark publication by the most recent generation of historians of Ireland *The Max Planck Handbooks in European Public Law* Armin von Bogdandy, Peter M. Huber, Christoph Grabenwarter, 2023 The fourth volume of the Max Planck Handbooks in European Public Law series compares European constitutional jurisdiction in the perspective of the European legal space It examines the structures of the organization the appointment of judges the procedures and the methods of argumentation and interpretation their impact on state and society their legitimacy or their role in the division of powers and thus completes the picture following the country reports in Volume III This comparative perspective is supplemented by an

examination that illustrates the relationship to the ECJ the ECtHR and the Venice Commission as well as their constitutional function Finally the volume is devoted to the challenges currently facing constitutional jurisdiction in the European Legal Space The historical political and theoretical foundations as well as the basic doctrinal features of constitutional jurisdiction are presented in such a way that the discussion about its role and further development in this legal space is sustainably stimulated HMSO Monthly Catalogue Great Britain. Her Majesty's Stationery Office,1993 **The European**

Integration, Vol. 1 Panagiotis Liargovas,Christos Papageorgiou,2024-01-17 This two volume textbook teaches about the uniqueness and the difficulty of the European unification project It describes as clearly as possible what Robert Schuman declared in 1950 that Europe will not be made all at once Navigating the nexus of four academic fields political science institutional analysis economics and history the book serves as a reference work for accurate exhaustive and well researched information on the creation and functioning of the European Union Supported by numerous photographs diagrams maps and sources volume 1 sets out in a concise and readable way the European historical origins the important steps in the creation of the European Union and the treaties and historical events that have marked its course so far Providing a comprehensive picture of the unification process and the functioning of this sui generis edifice of a united Europe the book will serve as an essential textbook for undergraduate and graduate students studying the subject of European integration as well as a useful resource for a broader audience interested in the European integration process The Law of the Future and the Future of Law Sam Muller,Stavros Zouridis,Morly Frishman,Laura Kistemaker,2011-06-21 The Law of the Future and the Future of Law is a unique collection of think pieces in which a wide variety of experts share their thoughts on how they envision the future of law By asking the question What do you see as the most significant challenges for the development of the law What developments are we likely to see in the coming two to three decades What do those developments mean for national legal systems as a whole the Hague Institute for the Internationalisation of Law HiiL has canvassed the views of a large number of renowned experts in particular areas of law This volume was prepared as part of the Law of the Future Joint Action Programme and as the basis of the Law of the Future Conference on 23 and 24 June 2011 The Law of the Future Joint Action Programme is based on the premise that prospective thinking about law is not only desirable but also required in order to ensure that law and legal systems do not become obsolete ineffective or unjust The aim is to set a world standard in thinking ahead to guide decision makers today For more information visit www.lawofthefuture.org *European Environmental Policy* Mikael Skou Andersen,Duncan Liefferink,1997 This major new literary study offers a fresh view of the significance of the famous group of fourteenth century poems Pearl Cleanness Patience and Sir Gawain and the Green Knight It is a comprehensive study which puts the poems themselves firmly at its centre though it is always alert to relevant aspects of their literary and cultural context John Anderson builds his discussions of the poems ideas on an examination of the anonymous poet s superb Shakespeare like language He finds that the great fourteenth century struggle between religious

and secular forces for control of men's minds underlies all the poems This title is the first in the new Manchester Medieval Literature series which makes readability a priority Accordingly despite its wide range of reference and the radicalism of some of its leading ideas this book is written in a jargon free style designed to appeal to specialist non specialist and student readers alike **International Law Reports: Volume 93** E. Lauterpacht, C. J. Greenwood, 1993 **The**

Intergovernmental Conference on Political Union Finn Laursen, Sophie Vanhoonacker, 2023-12-11 The radical changes taking place in the international scene during the late 1980s have presented the European Communities with important new challenges The twelve Member States agreed that the only way to respond effectively to this new situation was to speed up the European integration process and in December 1990 two Intergovernmental Conferences were inaugurated focusing respectively on the development of an Economic and Monetary Union and a Political Union It was the difficult task of the Luxembourg and Dutch Presidencies to channel the often very diverging positions of the different actors in the process into one coherent set of amendments to the Treaties forming the European Communities This publication examines the positions which the different Member States the Commission and the European Parliament have been defending in the Intergovernmental Conference on Political Union and more particularly with regard to one of the most sensitive topics under discussion namely the development of a Common Foreign and Security Policy CFSP The introduction places the debate on the development of a Political Union and a CFSP in an historical perspective and gives an overview of the progression of the negotiations The concluding chapter presents a general framework for better understanding of the course and results of the negotiations and a critical evaluation of the outcome The annexes reproduce the main proposals on the development of a CFSP submitted to the Conference **The 1975 Referendum on Europe - Volume 2** Mark Baimbridge, Philip Whyman, Andrew Mullen, 2016-10-31 Provides an analysis of the relationship between the UK and the EU treating the key overarching issues in the 1975 referendum and looking ahead to the prospect eventually of further referendums on the subjects of EMU and a European constitution **Ratificación del Acta Única Europea** Communautés européennes, 1993 *Legal Frameworks for the Built Environment* Jean Badman, Laurie Grimmet, 2013-12-16 Law is a complex subject and has major impacts on the built environment and all those working in it Law is seen as one of the strongest interdisciplinary links between the various professions it is essential to have a clear understanding of how both statute and common law as well as the legislative frameworks statutory controls policy and procedures affect all the roles areas throughout the built environment This book will provide students with a broad understanding of the law and its applications from disputes to land use **Journalism Worthy of the Name** Herdís Thorgeirsdóttir, 2005-06-01 The subject of this study is freedom within the press the nature and limits of the protection afforded to the journalistic imparting process which has been a neglected area of research The analysis draws on the classical defenders of freedom of speech Milton and Mill to show that at the dawn of the 21st century the intertwined alliance between big business and public authorities resulting in the widespread phenomena of self

censorship within the media constitutes an almost insurmountable obstacle. Instead of enlightening the public and inspiring the individual, the press may be contributing to an inert public and individual cowardice antithetical to the objectives of human dignity and democracy. The core of the problem is that *prima facie* the infringement of freedom within the media is not exercised on legal premises and cannot therefore be solved within the legal framework. The operation of the press in society is conditioned by three types of regulation: legal regulation, market regulation, and self-regulation. Legal regulation does not adequately presuppose the impact of the latter as it is based on the assumption that press freedom is mainly a negative liberty. The book explores the affirmative side of Article 10 of the European Convention on Human Rights to guarantee press freedom that is not merely illusory but practical and effective. Convention jurisprudence has not only influenced the domestic courts of the Contracting Parties but also the legislators of the Member States. In an era of globalization, dominant media operators wield power in their own domestic markets to impede national regulators in adopting interventionist media policies to secure journalistic freedoms. The Convention jurisprudence represents a kind of European *ius commune* which is here set in the context of an analysis reflecting the problems and values at issue and offering recommendations to alleviate a situation which threatens democratic ideals and public spirited journalism.

Bowker's Law Books and Serials in Print, 1998 **International Handbook on the Economics of Integration: General issues and**

regional groups Miroslav N. Jovanović, 2011-01-01. *International Handbook of Economic Integration* edited by Miroslav Jovanović provides timely and rich academic contributions to considerations of the widest array of integration related issues. European integration has been providing an inspiration to a number of academics and researchers. The Handbook is a recognition of the dynamic and strong solidarity of the European integration. At the same time, the European Union often provided an example for integration schemes throughout the world which spread enormously since the mid 1990s. Leading experts from all continents contributed to this Handbook which will be a valuable input into academic and policy making discussions and actions. Jos Manuel Barroso, President of the European Commission, Miroslav Jovanović's publication represents a rich contribution to the complex issue of regional integration: its benefits, its shortcomings, and its relationship with multilateral trade opening. It sheds light over an issue which is the subject of intense discussions in trade circles. Pascal Lamy, Director General of the WTO, has written on trade agreements as a mechanism to integrate the markets of two or more countries, often inspired by the European example. In recent years, attention has increasingly focused on the importance of economic geography as a determinant of industrial location. This book combines the two strands of analysis, bringing together leading experts in the fields of economic geography and international trade. The result is an outstanding compilation of papers that illuminate how policies and economic forces affect the location of economic activity in an integrated Europe. Bernard Hoekman, Director, The World Bank, US: The open multilateral trading system is a tremendous success of the past half century and has contributed greatly to the world's unprecedented rate of economic growth. Over the

past two decades however preferential trading arrangements have proliferated raising questions as to how compatible they are with the open multilateral system and what policies might be adopted to improve outcomes The essays in this volume detail the emergence of PTAS and provide comprehensive and up to date analyses of the state of play of preferential arrangements in all regions of the world The volume will provide a useful reference for all those wanting to understand existing preferential arrangements and their role in the international economy today Anne O Krueger Johns Hopkins University and Stanford University US Economic integration is a complex and multifaceted giant with a myriad aspects ranging from regional and global concentration and dispersal of economic activity to social and political consequences for individuals and communities in developed and developing countries alike This landmark three volume collection of chapters by leading authors drawn from many fields is a worthy and timely contribution to the analysis of a phenomenon with profound implications for the future world economy and its governance James Zhan Director Investment Enterprise Division UNCTAD With this Handbook Miroslav Jovanovi has provided readers with both an excellent stand alone original reference book as well as the first volume in a comprehensive three volume set This introduction into a rich and expanding academic and practical world of international economic integration also provides a theoretical and analytical framework to the reader presenting select analytical studies and encouraging further research International Handbook on the Economics of Integration Volume I covers two broad themes general integration issues and regional integration groups The first part discusses topics that range from an overview of the regional integration deals registered with the World Trade Organization to multilateralism and regionalism hub and spoke integration networks limits to integration rules of origin and globalization The second part of the Han **The European Community as a Publisher** ,1995 **Euro-Politics** Alberta Sbragia,2010-12-01 Europe 1992 the market integration of the twelve European Community EC member states has attracted widespread attention as an economic project of enormous importance But though journalists and scholars have focused much attention on the economic aspects of Europe 1992 the program s impact on the governance of the EC has been largely ignored even though the creation of a single market is intimately linked to changes in governance With each member state having a very different institutional structure the variation within the EC is far greater than that found in federations such as the United States Though this variety adds to the complexity of consensus building among the members it allows effective representation of diverse national interests and needs thus making the EC a very strong competitive force To negotiate effectively with this new Community international policymakers will need a greater understanding of how the EC will operate in the wake of the Maastricht Summit Euro Politics examines various aspects of the institutional dynamics of the EC and offers important insight into policy making within the Community David Cameron discusses the origin of the 1992 program and examines the role of the nation state in the Community Guy Peters surveys the political and executive institutions while Martin Shapiro discusses the European Court of Justice and the evolution of judicial review within the Community John

Woolley examines the European Monetary System and the movement toward the EuroFed Gary Marks studies the importance of the Regional Funds for both the EC and selected member states and Peter Lange discusses the Social Charter and its implications for both employers and unions Alberta Sbragia concludes with an analysis of institutional dynamics and policymaking with the Community in light of the new questions they raise for traditional notions of governance

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