

Evolution of European Community Law

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ABSTRACT

The development of European Community law has been a dynamic, revolutionary process that has influenced the European Union's EU legal system. This examination looks at the significant turning points and advancements in the history of European Community law from its beginning to the present. It examines the founding treaties, the function of the European Union Court of Justice, and the rise of EU authority. This research attempts to give a thorough knowledge of the development of European Community law and its influence on the integration and governance of the EU via the analysis of case law, legislative instruments, and institutional developments.

KEYWORDS

Court, European Community Law, European Union, Integration, Governance, Treaties.

I. INTRODUCTION

The European Community EC was officially established on April 18, 1951, by ministers from France, West Germany, Italy, Belgium, the Netherlands, and Luxembourg. The United Kingdom joined the EC in 1973. With the intention of bringing coal and steel production under global control, they signed the Treaty of Paris creating the European Coal and Steel Community ECSC. The two Treaties of Rome that established the European Economic Community EEC and the European Atomic Energy Community EURATOM were signed by the same six founding members in March 1957 [1], [2]. Because it sought to harmonise the economic policies of its member nations and establish a single market, the EEC was by far the most significant of the three communities. In order to achieve these goals, the EEC focused on assuring freedom of movement for people, goods, and services throughout the Community, developing shared agriculture and transportation policies, and making sure that competition inside the EEC wasnt hindered or skewed. Each community's constitution may be found in the Treaty that founded it. The three Communities have had common institutions since the 1965 Merger Treaty.

By signing the Treaty of Accession in Brussels in January 1972, four more European nations decided to join the EEC. Only the United Kingdom, Republic of Ireland, and Denmark assumed their positions as of January 1, 1973. Norway did not ratify the Treaty as a result of the Norwegian electorates decision to reject it in a national referendum. With the addition of Greece in 1981, there were nine countries. On January 1, 1986, Spain and Portugal joined, bringing the total to ten. When Germany was reunited in 1990, the former German Democratic Republics territory was added to the Community. The chiefs of state of the member nations agreed in 1985 to eliminate by the end of 1992 all obstacles to the development of a true common market. The Single European Act SEA, which was passed by the European Council in December 1985 and signed in February 1986, included this guarantee. National Parliaments were required to ratify the SEA the UK Parliament did so with the European Communities Amendment Act of 1986. The SEA included the following components when it went into effect in the Community on July 1st, 1987.

A declaration of the willingness of member states to transform relations as a whole among their States into a European Union an acknowledgment of the objective of progressive realisation of economic and monetary union an agreement to establish an internal or single market by 31 December 1992 the internal market was defined as an area without internal frontiers in which the free movement of goods, persons, services, and capital is ensured. The Austrian, Finnish, Icelandic, Norwegian, and Swedish members of the European Free Trade Association EFTA. Although these nations benefited from the single markets free-trade provisions, they did not join, and as a result, they had little influence over the regulations that applied to them [3]–[5]. To get around this problem, several of

the nations applied for EC membership. Austria, Finland, and Sweden were granted full EC membership as of January 1, 1995. At a meeting of the European Council convened in Amsterdam in June 1997, member states wrapped up talks on a new treaty. The terms of the Treaty of Amsterdam, which representatives of member states signed in October 1997, not only represented the Community's concerns on, for example, unemployment and public health, but also prepared the way for future Union expansion.

Freedom, Security and Justice

Although the UK was allowed to choose not to take part in any new measures implemented in respect to visas, asylum, and immigration, common action on these issues would be brought under Community laws and processes. Improved cooperation between police departments, customs offices, and other law enforcement organisations in member states to help in the discovery, investigation, and prevention of criminal crimes.

Union Policies to Benefit Citizens

Establishing a treaty-based framework for creating a coordinated employment strategy and a coordination mechanism for creating employment policies at the community level. Specifying the promotion of a high level of employment as a community aim. Elimination of the UK's opt-out, agreed at Maastricht by the previous Conservative Prime Minister John Major, and inclusion of a reinforced Social Chapter that applies to all member states. The Community made achieving sustainable development in connection to environmental issues one of its goals. Ensuring that Community initiatives and policies reach a high standard of protection for people's health. Steps to strengthen consumer protection. A new treaty convention outlining binding rules for how to apply the subsidiarity and proportionality principles. According to the concept of subsidiarity, the Community should only intervene on issues that cannot be resolved successfully at the local member state level. In terms of Community concerns, member states and European institutions should act in a proportional i.e., not excessive manner in order to accomplish the desired goal [6], [7].

II. DISCUSSION

Co-decision methods are being modified, and their use is being expanded. Setting a limit of 700 for the membership of the European Parliament. Extending the areas in which the Council's actions may be adopted by qualified majority vote. Making reforms to the Commission, such as enhancing the President's ability to choose Commissioners. Extending the Court of Justice's authority in areas like protecting basic rights, for example. An unofficial aggregation of all treaties, including the European Union Treaty. The Treaty of Nice, which opened the door for the future expansion of the Community from 15 to 27 member states, was signed by the leaders of state and government of the EC in December 2000. Poland, Romania, the Czech Republic, Hungary, Bulgaria, Slovakia, Lithuania, Latvia, Slovenia, Estonia, Cyprus, and Malta were among the European nations who applied for membership. In order to accommodate the Community's growth, the Treaty made a number of significant modifications to the structure and functioning of EC institutions. They included: A new voting procedure for the European Union Council that would take effect on January 1, 2005.

New member states that have signed their accession treaties at the start of 2004 will have representation in the European Parliament for the period 2004–2009. Each member state would have fewer MEPs to represent them. The ECSC and the Committee of the Regions would both be given the same considerations. From January 1, 2005, the Commission will have a commissioner for each member state. One of the UK's two Commissioners would have to go. Ten new member nations signed the Treaty of Accession in Athens in April 2003. On May 1, 2004, Malta, Poland, the Czech Republic, Slovenia, Slovakia, Estonia, Hungary, Latvia, and Cyprus joined the EC. In January 2007, Bulgaria and Romania joined the Community. The Community is now negotiating with Croatia and Turkey, while the former Yugoslav Republic of Macedonia received candidate status in 2005.

European Community or European Union

Since the TEU was ratified, mentioning the European Union has gained popularity. The European Community, formerly known as the European Economic Community, the European Coal and Steel Community ECSC, the European Atomic Energy Community EURATOM, and the additional territories make up the European Union technically. Of justice, home affairs, and intergovernmental cooperation on foreign and security policy CFSP. The European Union has not taken the place of the European Community EC. One pillar of the European Union is the EC, along with the ECSC and EURATOM. Justice and home affairs, together with the CFSP, make up the other

two pillars. On the basis of intergovernmental cooperation, action must be made in relation to these two pillars. Although the Treaty of Amsterdam expands the Court of Justices authority in connection to Union action on immigration and refugee issues as well as cooperation on police and judicial problems, community law does not apply and the European Court of Justice does not have jurisdiction in these areas. It should be noted, however, that even while it is passing EC law, the Council see below now refers to itself as the Council of the European Union.

The Council of the European Union

One minister from each member state serves on the Council, and their selection is based on the topic at hand. Thus, the foreign ministers of each nation may attend Council sessions, but the transport ministers of each nation will be present, for example, if the common transport policy is being discussed. At least twice a year, head-of-state or head-of-government sessions of the European Council are held. For six months in a row, the President of the Council is chosen by each member state. Although the Council is the ECs top lawmaker, this authority is constrained by the fact that, in most cases, it can only pass laws in response to proposals made by the Commission. The Council has adopted the practise of unanimity for decisions when crucial national interests are at risk, even though only a small number of decisions need the consent of all member states as per the Luxembourg Accords.

A simple majority vote or a qualified majority vote QMV may be used to make other choices. In the latter scenario, each nation has a specific number of votes for example, Spain, Poland, Romania, Belgium, Czech Republic, Greece, Hungary, Portugal, France, Germany, Italy, UK each have 29 votes Austria, Sweden, Bulgaria, Denmark, Ireland, Lithuania, Slovakia, Finland, have seven votes Cyprus, Estonia, Latvia, Luxembourg, Slovenia, and the United Kingdom each have four votes and Malta has three. A qualified majority is reached when 255 votes are cast in favour and a majority of member states in rare situations, a two-thirds majority concur. A member state may request verification that the 62% of the ECs population represented by the yes votes is accurate. To assist the EC, reach the 1992 deadline for the development of the single internal market, the SEA expanded the rules for QMV to the majority of single-market proposals.

The Commission

One representative from each member state makes up the 27-member Commission, which has its headquarters in Brussels. One is the President and five are Vice Presidents out of the 27 members of the Commission. By unanimous consent of the 27 member nations, commissioners are selected for a term of five years. Commissioners are required to operate entirely independently in the interests of the EC once they have been nominated. Each Commissioner has a Cabinet, which is made up of six or more people who are chosen by the Commissioner and answerable to him. Members of the Cabinet are crucial in developing ideas that the Commission will consider. To coordinate efforts and be ready for Commission sessions, the Chefs de Cabinet have frequent meetings. The Directorates-General, which make up the majority of the Commission, are each led by a Director-General and answerable to a Commissioner. Directorates, which are further subdivided into Divisions, make up each Directorate-General. There are also several specialty services available, including a legal service. The Commission is crucial to the European Commission's legislative process. It develops proposed legislation to be presented to the Council, formulates Community policy, and has some limited legislative authority of its own, such as control over government subsidies and competition policy. The Commission is also in charge of putting Community law into effect and ensuring that member states uphold their duties under treaties.

The Congress

MEPs have been directly elected by the people of member states since 1979. Every five years, elections are conducted. 732 MEPs were chosen in the June 2004 elections: 99 from Germany, 78 from each of France, Italy, and the UK 54 from Spain and Poland 24 each from Belgium, Greece, Portugal, Hungary, and the Czech Republic 19 from Sweden 14 from each of Denmark, Finland, and Slovakia 13 from Ireland and Lithuania 9 from Latvia 7 from Slovenia 6 from Cyprus, Estonia, and Luxembourg and 5 from Malta. On January 1, 2007, Romania and Bulgaria became members of the European Parliament, bringing the total number of MEPs to 785. Bulgaria has 18 MEPs, whereas Romania has 35. MEPs often vote and sit in accordance with political, not national, allegiances. The plenary sessions of the European Parliament take place in Strasbourg, while committee meetings are conducted in Brussels.

Despite its name, the European Parliament does not have legislative authority rather, it is an advice or consultative body. It may provide advice and views, it can keep an eye on the Commission and the Councils operations, and it has the authority to fire the whole Commission. The Council and the Commission contact it before making certain decisions. Under the TEU, its regulatory authority was increased, enabling it to form Committees of Inquiry to look into violations of or poor management of Community law implementation. Additionally, it has the authority to choose an ombudsman to look into allegations of poor administration. It contributes significantly to the creation of the Community budget and has the authority to reject the whole budget. The SEA increased the European Parliaments influence in legislative.

Court of Justice ECJ

There are 27 judges on the Court of Justice, one from each of the member states, and it is located in Luxembourg. They are supported by a number of Advocates-General, whose job it is to provide the court a fair assessment of the case. The governments of the member states must unanimously agree to designate judges for six-year periods that may be extended. Within the EC, the Court of Justice has judicial authority. Its purview extends to the following areas. Provisional judgements. Any tribunal in a member state may request the court to provide a preliminary judgement regarding the interpretation of the treaties or Community legislation made under the treaties under Art. 234 formerly Art. 177 of the Treaty of Rome. A judgement from the Court of Justice must be obtained if such a matter is presented in a court against whose decision there is no further right of appeal. Article 234 references to the Court of Justice are not appeals in the traditional sense. While the European Court decides the issue of European law, national court processes are put on hold.

When the matter is brought back before a national court, the decision is applied to the specifics of the case. Hostile acts directed towards member nations. In the event that a member state violates a treaty or piece of community law, the Commission or another member state may initiate legal action against that member state. If a case is proven, the court will issue an order mandating that the member state take the appropriate actions to abide with the ECJs ruling. The TEU grants the ECJ the authority to impose financial fines, while in the past the ECJ had to depend on political pressure to ensure compliance. Attacks against institutions in the community. Institutions within the Community may be sued by other institutions, member states, or, in certain cases, business entities and private persons. A declaration that the Council or the Commission failed to act in accordance with the treaties may be obtained through such proceedings. Damages caused by the unlawful actions of Community institutions and their employees may also be recovered, and the Commissions penalties may be reviewed.

The court also hears cases involving the ECs employees. To assist reduce the Court of Justices burden, the SEA called for the establishment of a Court of First Instance CFI. The CFI was established in 1989, and its members are chosen by consensus of the governments of the member nations for six-year periods. It typically consists of three or five judge divisions. Members of the court may be invited to serve as Advocates-General in this instance, they are not permitted to take part in the discussions held by the court before to the decision. The CFIs competence is limited to conflicts between the EC and its workers, challenges to the application of EC competition laws, and lawsuits filed by enterprises against the Commission in accordance with the ECSC Treaty. The Court of Justice will hear appeals against CFI rulings, but only on legal grounds.

Other Institutions

The Auditors Court The financial ombudsman for the Community is the Court of Auditors, which has its headquarters in Luxembourg. Its responsibility is to examine the Communitys financial management, provide reports on it, and keep an eye on how the budget is being carried out. As of January 1, 2007, it has 27 members, one from each member state, who are chosen every six years by the Council after consulting the European Parliament. In the sake of efficiency, the Court has been permitted to establish chambers of a few members from May 1, 2004. The ESC is the Economic and Social Committee. The ESC is made up of delegates from all member states who represent a range of economic and social interests, including those of companies, employees, trade associations, consumers, environmentalists, farmers, and others. The Council and Commission consult with it as an advisory body before making decisions on new laws and other issues. At the beginning of 2007, the ESCs membership increased from 317 to 344.

The Regional Committees The TEU formed this advisory committee. Representatives from each member state are included, chosen from regional and local organisations. To ensure that regional interests are taken into account, the

Committee is consulted on draught legislation in sectors including education, culture, and public health. From January 1, 2007, the Committees membership grew from 317 to 344. EIB, or the European Investment Bank The bank of the Community is the EIB, which has its headquarters in Luxembourg. To fund capital investment projects, it makes loans. The TEU conceived of this stance. The European Commission Ombudsman is tasked with receiving and handling complaints from people of member states about improper conduct by any Community institution or organisation, with the exception of the European Court of Justice. The EC Ombudsman is selected by the European Parliament for a five-year term in office. There is no time restriction on filing complaints with the EC Ombudsman, which means that anyone who have been wronged may do so directly. MEPs may also file complaints with the EC Ombudsman, and he may even launch an inquiry on his own. The EC Ombudsman, like his British counterpart, is unable to penalise organisations found to have engaged in bad management. To get a suitable treatment, he or she must depend on unfavourable publicity and political pressure. The European Parliament must receive both an annual report from him or her as well as reports in each instance of administrative error [8]–[10].

III. CONCLUSION

The legal environment of the European Union has been shaped by the dynamic and transformative process of the development of European Community law. It has made it easier for Member States to integrate, encouraged political and economic cooperation, and defended individual rights. European Community law will continue to change and advance as the EU does, reacting to fresh possibilities and difficulties as it pursues ever-closer union. The European Community (EC) was an economic organization founded in 1957 by six European member nations, consisting of three communities that were subsequently superseded by the European Union (EU) in 1993. The European Community dealt with policy and governance collectively across all member nations.

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