

The European Union: An Analysis of Its Organs, Successes and Failures

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I. INTRODUCTION

The idea of a formalized system of European cooperation had been around for centuries. Since the fall of the Roman Empire in A.D. 476, leaders have dreamed of unifying Europe. Conquerors like Charlemagne, Napoleon, and Hitler tried and failed.¹ The European integration process was initiated in the 1950's largely as a consequence of negative experiences of the founding Member States during and in the immediate aftermath of the Second World War. Maintaining peace was a primary objective at the time. It was a long-term goal of States committed to European integration which was made clear by the 1950s when the six original members of the European Economic Community (EEC)² expressed their determination in the first recital of the preamble to the Treaty of Rome, 'to lay the foundations of an even closer union among the peoples.' This was reaffirmed in 1972 when members expressed their intention to convert 'their entire relationship into a European Union before the end of the decade.'³

The European Union represents one of the greatest experiments in political history. For the first time, nations have chosen to surrender aspects of their national sovereignty to a central body that has a responsibility to ensure that they act for the good not only of themselves but of other nations as well.⁴ When joining the Union, members sign up not only to the Body of EU Treaties, legislation, and norms (the so-called *acquis communautaire*),⁵ but also to a set of shared common values, based on democracy, human rights and principles of social justice.⁶ Currently, the European Union is a group of

twenty-seven European countries⁷ agreeing to work together to promote peace in Europe, promote respect for the languages and culture of all people, establish a strong European economy through the use of the same coin by all member States to do business together, etcetera. All member countries also share some important values and work together to make sure that all people are equal and their rights are respected.⁸

This Paper gives a general overview of the European Union (EU) with particular emphasis on its evolution, treaties and objectives. It also examines the major organs of the European Union and the composition of the said organs. The Paper also discusses the notable achievements as well as the failures of the Union..

II. EVOLUTION OF THE EUROPEAN UNION

The history of the European Union (EU) began shortly after World War II, following a strong revulsion against national rivalries and parochial loyalties. The idea of a united Europe became necessary as the basis for European strength and security and the best way of preventing another European war. In 1950, Robert Schuman, France's foreign minister, proposed that the coal and steel industries of France and West Germany be coordinated under a single supranational authority. Four other countries, Belgium, Luxembourg, The Netherlands, and Italy soon joined France and West Germany in forming the European Coal and Steel Community in 1952.⁹

This group of Western European States belonged to each of three treaty organisations; the European Coal and Steel Community (ECSC); the European Economic Community (EEC) - known informally as the Common Market, and the European Atomic Energy

¹ 'The European Union: Toward a 'United States of Europe'?' *Constitutional Rights Foundation* <<https://www.crf-usa.org/bill-of-rights-in-action/bria-21-4-c-the-european-union-toward-a-united-states-of-europe>> Accessed 05 September 2019

² Belgium, Germany, France, Italy, Luxembourg and The Netherlands

³ 'Arguments for the European Union', *Civitas* <<http://www.civitas.org.uk/eu-facts/eu-overview/arguments-for-the-european-union/>> Accessed 04 September 2019

⁴ *Ibid.*

⁵ The accumulated body of European Union (EU) law and obligations from 1958 to the present day. It comprises all the EU's treaties and laws (directives, regulations, decisions), declarations and resolutions, international agreements and the judgments of the Court of Justice – A Magen, 'The Acquis Communautaire as an Instrument of the EU External Influence' (2007) 9, *European Journal of Law Reform*

⁶ M Cini and N Borrigan, *European Union Politics* (3rd Ed. Oxford University Press 2010) p.3.

⁷ European members include Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, and Sweden On 23 June 2016 citizens of the United Kingdom (UK) voted to leave the European Union (EU). On 29 March 2017 the UK formally notified the European Council of its intention to leave the EU by triggering of Article 50 of the Lisbon Treaty – *European Union Website* <https://europa.eu/european-union/about-eu/easy-to-read_en?> Accessed 02 September 2019

⁸ *European Union* <https://europa.eu/european-union/about-eu/easy-to-read_en?> Accessed 02 September 2019

⁹ 'European Union: Organizational Structure' *The Columbia Electronic Encyclopedia* (6th ed. Columbia University Press 2012)

Community (Euratom). The EEC and the Euratom were established by the Treaty of Rome in 1958. Of the three treaties, the EEC worked on a large scale to promote the convergence of national economies into a single European economy and soon emerged as the most significant.¹⁰

The Brussels Treaty of 1965 made provision for the merger of the organisations into what came to be known as the European Community (EC) and later the European Union (EU). In 1965, under Charles de Gaulle, the French President, France vetoed Britain's initial application for membership in the Common Market. The EC expanded in 1973 giving room for Great Britain, Ireland, and Denmark to join the Community. Greece joined in 1981, and Spain and Portugal in 1986. With German reunification in 1990, the former East Germany also was absorbed into the Community.

Significantly, in 1967, the organisations were consolidated under a comprehensive governing body composed of representatives from the member nations. Since then, further modifications have resulted in the establishment of the EU institutions such as the European Parliament, the Council of the European Union, the European Commission and the Court of Justice of the European Union, the European Central Bank and the Court of Auditors.

III. OBJECTIVES OF THE EUROPEAN UNION

The EU's objectives are as contained in Article 3 of the Lisbon Treaty and include; the promotion of peace, its values and the well-being of its citizens; to offer its citizens an area of freedom, security and justice without internal frontiers, in which the free movement of persons is ensured in conjunction with appropriate measures with respect to external border controls, asylum, immigration and the prevention and combating of crime; establishment of an internal market; working for the sustainable development of Europe based on balanced economic growth and price stability with a social market economy that is highly competitive and aimed at full employment and social progress, a free single market and a high level protection and improvement of the quality of the environment; to combat social exclusion and discrimination and promote social justice and protection, equality between women and men, solidarity between generations and protection of the rights of the child.

The EU shall also promote economic, social and territorial cohesion, and solidarity among Member States and shall respect its rich cultural and linguistic diversity, and shall ensure that Europe's cultural heritage is safeguarded and enhanced. It shall establish an economic and monetary union whose currency is the euro. In its relations with the wider world, the EU shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the earth, solidarity and mutual respect among peoples, free

and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as strict observance and the development of international law, including respect for the principles of the United Nations Charter.¹¹

IV. THE EUROPEAN UNION TREATIES

The European Union (EU) is founded on a series of legal treaties that are approved voluntarily and democratically by all EU member countries. Therefore, if a policy area is not cited in a treaty, the Commission cannot propose a law in that area. A treaty is a binding agreement between EU member countries. It sets out the Union's objectives, the rules for EU institutions, how decisions are made and the relationship between the European Union and its member countries. Treaties are amended to make the EU more efficient and transparent, to prepare for new member countries and to introduce new areas of cooperation, such as the single currency. Under the treaties, EU institutions can adopt legislation, which the member countries then implement.¹²

The first treaty, which established the European Economic Community (EEC), which later became the European Union (EU), was signed in Rome on 25 March 1957. There have been five subsequent treaties – the Single European Act (1986), the Treaty of Maastricht (1992), the Treaty of Amsterdam (1997), the Treaty of Nice (2001) and the Treaty of Lisbon (2007).¹³

The Treaty of Rome which came into force on 1 January 1958 set up the European Economic Community (EEC) and European Atomic Energy Community (EAEC or Euratom). It established four institutions – a Commission, a Council of Ministers, a European Parliament and a European Court of Justice. It focused overwhelmingly on economic co-operation between member States, and tried to create closer co-operation on a range of economic and trade issues from agriculture to overseas aid, commerce to taxation. The treaty equally set out a wider political vision for 'an ever closer union' to 'eliminate the barriers which divide Europe.'

The Single European Act (SEA or 'Single Act') was signed in 1986 and came into force in July 1987. It was the first attempt made by member states to amend the terms of the Treaty of Rome. The Act's main effect was to set a deadline for the creation of a full single market by 1992. It provided for a central banking system, a common currency to replace the national currencies (the euro), a legal definition of the EU, and a framework for expanding the EU's political role, particularly in the area of foreign and security policy. Under

¹¹ Art. 3 of the Lisbon Treaty – *Foreign Commonwealth Office* <www.fco.gov.uk> Accessed 18 September 2019

¹² *European Union* <https://europa.eu/european-union/law/treaties_en> Accessed 31 August 2019.

¹³ R Maclean, 'European Union Treaties' (2015) *Civitas Institute for the Study of Civil Society* <<https://www.civitas.org.uk/content/files/OS.7.Treaties.pdf>> Accessed 03 September 2019

¹⁰ D Prabir, *Comparative Politics* (Dorling Kindersley (India) Pvt. Ltd 2011) p.152.

the Act, restrictive practices in the areas of private enterprise, as well as in the public sector were swept away. The Act helped strengthen the EU Parliament and laid the basis for a European foreign policy.¹⁴

The Maastricht Treaty, which created a Treaty on European Union (or TEU), was signed in February 1992 and came into force in November 1993. It was designed to expand the scope of European integration, reform the EC's institutions and decision-making procedures, and bring about the Economic and Monetary Union (EMU). It propelled two broad processes, the widening of the European Community's responsibilities and the deepening of integration. The Treaty amended the provisions of the Treaty of Rome and hugely advanced the agenda set out under the Single European Act. It introduced a new model for the Community based around three 'pillars' covering economic relations, foreign policy, and justice and home affairs. Significantly, the Treaty gave the EU Parliament greater influence in decision making and also changed the organisation's name to the 'European Union' (EU).

The Amsterdam Treaty which revised the TEU laid down a good framework for the future accession of ten new member states, mainly from formerly communist Eastern Europe and absorbed the Schengen Convention into EU law, thereby creating open borders between 12 of the member states. The treaty also expanded the role of the Common Foreign and Security Policy (CFSP) by creating a High Representative to take overall responsibility for EU foreign affairs. Most significantly, however, it changed decision-making in the EU by expanding the number of decisions covered by Qualified Majority Voting (QMV).¹⁵

The Nice Treaty represented a further attempt to find a workable means of moving forward the process of European integration, although much of its text was concerned with reforming the decision-making of the EU. It extended QMV in the Council of the EU, changed the way in which the Commission President was to be elected, gave the President power to sack individual Commissioners, and set limits on the future numbers of Commissioners and Members of Parliament (MEPs). This treaty approved the setting up of another Inter-governmental Conference to draft an EU Constitution.

The Lisbon Treaty was drafted to replace the rejected EU Constitution. In 2003, the European Union produced a draft Constitutional Treaty designed to replace all the existing treaties as the sole legal document governing the Union's operation. However, following votes against it in referendums in France and The Netherlands in 2005, the Lisbon Treaty was drafted as a replacement. The new treaty was controversial because of its similarity to the failed EU Constitution. In 2008, the citizens of Ireland voted against the Treaty in a referendum and as a consequence, it was impossible for the Treaty to enter into force. It was subsequently ratified

following a second and successful referendum in Ireland, after which the Lisbon Treaty came into force in December 2009. The Lisbon Treaty formally established the EU as a legal entity under public international law and strengthened the role of the European Parliament. It also clarified the role of European bodies and institutions, made explicit the aims of the EU and adopted measures to achieve these goals. As such, it changed the way EU decisions are made and abolished the 'pillar structure' set out in the Maastricht Treaty. It expanded the areas in which the Commission can propose legislation and gave the EU greater legal independence to make new agreements. Moreover, the treaty made the EU Charter on Fundamental Rights a legally binding and enforceable instrument and expanded the competences of the EU in the fields of trade and other external commercial relations by providing it with exclusive competence to conduct the EU's Common Commercial Policy.¹⁶ Importantly, for the first time in the Union's history, the Lisbon treaty outlined a procedure for states to end their membership of the EU.¹⁷

V. THE ORGANIZATIONAL STRUCTURE OF THE EUROPEAN UNION¹⁸

The European Union is made up of multiple bodies and institutions. The term 'European Institutions' usually refers to four key EU organizations namely; the European Commission ('the Commission'), the European Parliament ('the Parliament' or 'EP'), The Council of the European Union ('the EU Council' 'the Council' or 'the Council of Ministers'), The Court of Justice ('the European Court of Justice', 'the European Court' or 'the ECJ').¹⁹ This analysis is in no particular order of importance or hierarchy.

5.1 European Commission (The Commission)

The European Commission is the EU's politically independent executive arm and the only body that may propose new legislation. It tables laws for adoption by the European Parliament and the Council of the EU and implements the decisions of these bodies. It has a wide range of functions within the EU system such as policy initiation, the monitoring of policy implementation, the management of European programme and external relations. Other functions of the Commission include protecting the interests of the EU and its citizens on issues that cannot be dealt with effectively at national level; setting EU spending priorities together with the Council and Parliament; drawing up annual budgets for approval by the Parliament and Council; supervising how the money is spent, under scrutiny by the Court of Auditors. Additionally, the Commission enforces EU laws together with the Court of Justice and ensures that EU laws are properly

¹⁶ A Sharma, 'The Entry Into Force of the Lisbon Treaty: The European Union in Retrospect and Prospect' (2012) 49 *Canadian Yearbook of International Law*, 265-290

¹⁷ *ibid*

¹⁸ Additional information can be derived from "The European Union" available at <https://www.britannica.com/topic/European-Union> accessed on 30th August, 2021.

¹⁹ *Cini and Borrigan*, (n.8)

¹⁴ *ibid* (n10)

¹⁵ *ibid*

applied in all the member countries, represents the EU internationally, speaks on behalf of all EU countries in international bodies, in particular, in areas of trade policy and humanitarian aid; negotiates international agreements for the EU.²⁰

For many observers, the Commission is a unique institution whose overall purpose is to represent the European perspective as a whole, rather than the perspectives of individual member states. It is on this strength that Cini and Borrigan opine that it is more productive to compare the Commission to national executives or to a government than to a secretariat. Although it is not quite a government, the Commission is much more than an international secretariat.²¹

The European Commission has both a political and an administrative dimension. The Commission also plays a major role in implementing and enforcing EU directives and regulations and it represents the EU in international negotiations. The Commission is made up of 28 Commissioners (one from each member state) including the President of the Commission. Political leadership is provided by the team of 28 Commissioners who are led by the Commission President. Each Commissioner is appointed in consultation with the member states and Parliament, and a new Commissioner is appointed every five years. Commissioners have policy responsibilities (portfolios), which normally involve oversight of one Commission department, otherwise known as Directorates-General (DGs). The day-to-day running of Commission business is performed by its staff (lawyers, economists, etcetera), organised into departments known as Directorates-General (DGs), each responsible for a specific policy area. Each Commissioner is supported by a personal staff, known as a 'cabinet'. The 'College of Commissioners' is composed of the President of the Commission, its six Vice-Presidents, including the First Vice-President, the High Representative of the Union for Foreign Affairs and Security Policy, and 21 Commissioners, each responsible for a portfolio.

The President of the Commission defines the policy direction for the Commission, and together with the Commissioners decide strategic objectives, and produce the annual work programme. Decisions are taken based on collective responsibility. In fact, Commissioners are collectively responsible for all decisions taken at the Commission. All Commissioners are equal in the decision-making process and equally accountable for decisions reached. The Vice-Presidents act on behalf of the President and coordinate work in their area of responsibility, together with several Commissioners.²²

5.2 The European Parliament (The Parliament)

The European Parliament (EP) was first established in 1952 as a Common Assembly of the European Coal and Steel Community (ECSC) and in 1962 as European Parliament. Its first direct elections was in 1979. The European Parliament is a directly-elected EU Body with legislative, supervisory, and budgetary responsibilities. It is the EU's law-making body and is elected directly by the population of EU voters once every 5 years. The last elections held recently between 23rd and 26th May 2019. Elected members of Parliament (MPs) took up their seats on 2nd July, 2019. Currently, the European Parliament has 751 seats which is the maximum number allowed by the EU Treaties.²³

Essentially, the Parliament has three main roles viz: legislative, supervisory and budgetary. Its major functions are to pass laws in conjunction with the Council of the EU and adopt or reject the EU budget. Although Parliament does not initiate legislation, it may ask the European Commission to do so. It is also responsible for holding the Commission politically accountable while members of Parliament may question Commissioners regarding various policies. The European Parliament also supervises the democratic scrutiny of all EU institutions, election of the Commission President and gives approval to the way EU budgets have been spent. It examines citizens' petitions and sets up inquiries and discusses monetary policy with the European Central Bank.²⁴

The composition of the European Parliament is such that members of Parliament are grouped by political affiliation, not by nationality. The number of members of Parliament for each country is roughly proportionate to its population. Therefore, no country can have fewer than 6 or more than 96 Members of Parliament in the European Parliament. The total number of MPs cannot exceed 751 (750 plus the President). The President represents Parliament to other EU institutions and the outside world and gives the final go-ahead to the EU budget.²⁵

Parliament's work is broken down into two main stages: Committees and Plenary Sessions. The Committees, consisting of 20 committees and 2 subcommittees, are responsible for preparing legislation. The Committees each handle a particular policy area and examine proposals for legislation, while MPs and political groups are free to put forward amendments or propose to reject a bill. Legislation is passed at Plenary Sessions when all the MPs gather in the chamber to give a final vote on the proposed legislation and the proposed amendments. This is normally held in Strasbourg for four days a month, although additional sessions are sometimes held in Brussels.²⁶

5.3 The Council of the European Union (The Council)

²³ *EMEPs European Parliament*
<<http://www.europarl.europa.eu/meps/en/home>> Accessed 07 September 2019

²⁴ *European Union*, <https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en> Accessed 03 September 2019

²⁵ *Ibid* (n21)

²⁶ *ibid*

²⁰ *ibid*

²¹ *ibid*

²² *ibid* at p. 125

The Council of the European Union is defined as the voice of EU member governments. It is also known informally as "the Council". Here, government ministers from each EU country here meet to discuss, amend and adopt laws, and coordinate policies. The ministers have the authority to commit their governments to the actions agreed on in the meetings. Together with the European Parliament, the Council is the main decision-making body of the EU. It negotiates and adopts EU laws, together with the European Parliament, based on proposals from the European Commission. It coordinates EU countries' policies and develops the EU's foreign & security policy, based on European Council guidelines. It also conclude agreements between the EU and other countries or international organizations and it also adopts the annual EU budget - jointly with the European Parliament.²⁷

There are no fixed members of the EU Council. Instead, the Council meets in 10 different configurations, each corresponding to the policy area being discussed. Depending on the configuration, each country sends their minister responsible for that policy area. For example, when the Council meeting on economic and financial affairs (the "Ecofin Council") is held, it is attended by each country's finance minister. The Foreign Affairs Council has a permanent chairperson - the EU High Representative for Foreign Affairs and Security Policy. All other Council meetings are chaired by the relevant minister of the country holding the rotating EU presidency. EU ministers meet in public when they discuss or vote on draft legislative acts. To be passed, decisions usually require a qualified majority: 55% of countries (with 27 current members, this means 15 countries) representing at least 65 % of total EU population. To block a decision, at least 4 countries are needed (representing at least 35% of total EU population) It must be stated that sensitive topics like foreign policy and taxation require a unanimous vote (all countries in favour).²⁸

The Composition of the Council consists of the Heads of State or government of all EU countries, the European Council President, and the European Commission President. It is convened and chaired by its President, who is elected by the European Council itself for a once-renewable two-and-a-half-year term. The President represents the EU to the outside world. The Council meets four times a year although the President can convene additional meetings to address urgent issues. The Council negotiates and adopts EU laws, together with the European Parliament, based on proposals from the European Commission. It concludes agreements between the EU and other countries or international organizations and jointly adopts the annual EU budget together with the European Parliament.²⁹

The Council is the agenda-setting body that defines the Union's strategic direction in terms of politics and policy. This it does by bringing together European Union leaders to set the Union's political agenda. It represents the highest level of political cooperation between EU countries. It also deals with complex or sensitive issues that cannot be resolved at lower levels of intergovernmental cooperation. Furthermore, it concludes agreements between the EU and other countries or international organisations and also sets the EU's common foreign and security policy taking into account EU strategic interests and defence implications. It is also the responsibility of the Council to nominate and appoint candidates to certain high profile EU level roles, such as the European Central Bank and the Commission.³⁰

5.4 The European Court of Justice

The European Court of Justice (ECJ) in Luxembourg is the major judicial body of the EU. Its role is to interpret EU laws and ensure it is applied in the same way in all EU countries. The Court also settles legal disputes between national governments and EU institutions. In certain circumstances, the Court could be used by individuals, companies or organisations to take action against an EU institution, if they feel it has somehow infringed their rights.

The ECJ gives rulings on cases brought before it by interpreting the law to ensure EU law is properly applied. When in doubt about the interpretation or validity of an EU law, National courts can ask the Court for clarification. The same mechanism can be used to determine whether a national law or practice is compatible with EU law. Also, the Court enforces the law against a national government for failing to comply with EU law. If the country is found to be at fault, it must put things right at once, or risk a second case being brought, which may result in a fine. The EU government, the Council of the EU, the European Commission or the European Parliament and even private individuals can ask the Court to annul an EU act that directly concerns them. The Court can equally be asked to annul an EU act which is believed to violate EU treaties or fundamental rights.³¹

The European Court of Justice is composed of three courts: The Court of Justice of the European Communities (created in 1952); the General Court, formerly known as Court of First Instance (Created in 1988) and the Civil Service Tribunal (created in 2004). These courts exercise the judicial functions of the European Union and aim to achieve greater political and economic integration among EU Member States.³²

The Court of Justice of the European Communities, together with the national courts, constitute the European Community's judiciary. The Court's main task is to interpret

²⁷ "Council of the European Union" available <https://www.upf.edu/web/eu-governance/the-council> accessed on 31st August, 2021.

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *European Union*, <https://europa.eu/european-union/about-eu/institutions-bodies/european-parliament_en> Accessed 03 September 2019

³¹ *Ibid*

³² 'European Union: Court of Justice of the European Union', *UNHCR* <<https://www.refworld.org/publisher/ECJ.html>> Accessed 19 September 2019

Community law uniformly. The Court enforces European Union law. In fact, in areas covered by EU law, the Court is the highest court in the European Union, outranking national supreme courts. The Court's judgments can affect both member states and individuals, and it is the referee between member states, institutions and individuals in disputes relating to EU law. The judgments of the Court of Justice of the European Communities together with the treaties, regulations, directives and decisions make up Community law. The General Court is the EU's trial court of general jurisdiction while the Civil Service Tribunal was established to resolve disputes between the EU and members of its civil service. Therefore, the Tribunal only considers labour disputes raised by EU civil servants against EU institutions.³³

The European Court of Justice consists of twenty eight judges, one from each of the Member States. Judges are appointed by the common consent of the governments of the Member States and serve for a term of six years, which may be renewed. The ECJ can sit as a full court, as a Grand Chamber of thirteen judges, or in smaller chambers of three to five judges. In most instances, the ECJ sits in smaller chambers. Larger chambers are reserved for special types of cases, such as when a Member State is a party to the litigation. The judges of the ECJ are assisted by eight Advocates-General who prepare advisory opinions with respect to cases that raise novel points of law. The opinions of the Advocates-General are not binding on the ECJ, but they are often influential.³⁴

5.5 *The European Court of Auditors' or 'ECA'*

The European Court of Auditors is the EU's independent external auditor. As the EU's independent external auditor, the European Court of Auditors (ECA) looks after the interests of EU taxpayers. It does not have legal powers, but works to improve the European Commission's management of the EU budget and reports on EU finances. It audits EU revenue & expenditure, to check EU funds are correctly raised, spent, achieve value for money and accounted for. It also checks any person or organization handling EU funds – including spot checks in EU institutions (especially the Commission), EU countries and countries receiving EU aid. It also writes up findings and recommendations in audit reports, for the European Commission and national governments, in addition to writing reports suspected fraud, corruption or other illegal activity to the European Anti-Fraud Office (OLAF). Finally, it produces an annual report for the European Parliament and Council of the EU, which the Parliament examines before deciding whether to approve the Commission's handling of the EU budget, amongst other duties. Court members are appointed by the Council, after

³³ 'Court of Justice of the European Union' *International Justice Resource Center* <<https://ijrcenter.org/regional-communities/court-of-justice-of-the-european-union/>> Accessed 19 September 2019

³⁴ 'European Union Law: EU Court System' *Illinois College of Law Library* <<https://libguides.law.illinois.edu/EU/court-system>> Accessed 19 September 2019

consulting the Parliament, for renewable 6-year terms. They choose one of their number as President for a 3-year term (also renewable).³⁵

5.6 *The European Economic and Social Committee (EESC)*

The European Economic and Social Committee (EESC) was established in 1957 with the aim of being an advisory body of nominated individuals representing groups of economic and social interest. The Nice Treaty (2000) refers to the EESC as bringing together representatives of the various economic and social components of organized civil society. The Lisbon Treaty (2009) extends the definition of EESC as composed of representatives of organizations of employers, of the employed, and of other parties representative of civil society, notably in socio-economic, civic, professional and cultural areas.³⁶

The EESC is an assembly of 344 members from the 27 EU Member States. It is composed of three groups appointed by the Council of Ministers on the basis of lists drawn up by national governments for a renewable five-year term: The EESC advises the Council, Commission and European Parliament, either at their request or on the Committee's own initiative; strives to encourage civil society to become more involved in EU policy-making; and bolsters the role of civil societies in non-EU countries aside from setting up advisory structures. It is usually consulted before decisions are taken on economic and social policies in the European Union.³⁷

5.7 *Additional EU Institutions and Bodies*

Other EU Bodies include The Committee of the Regions (CoR) which represents the opinions of the regions and local authorities; The European External Action Service (EEAS); The European Ombudsman which deals with complaints of maladministration against the European institutions; The European Central Bank (ECB) which takes responsibility for monetary and for foreign exchange; The European Investment Bank (EIB) responsible for financing public and private long-term investment; The European Personnel Selection Office which recruits staff for the EU Institutions and other Bodies; The European Administrative school which provides training in specific areas for members of EU staff; etcetera.³⁸

There are also other specialized agencies which include Community Fisheries Control Agency (CFCA); European Aviation Safety Agency (EASA); European Centre for Disease Prevention and Control (ECDC); European

³⁵ "European Court of Auditors" available at (ECA) https://europa.eu/european-union/about-eu/institutions-bodies/european-court-auditors_en, accessed 1 September 2021.

³⁶ European Economic and Social Committee (EESC) available at <https://www.age-platform.eu/european-economic-and-social-committee-eesc> available at 1 September 2021

³⁷ Ibid.

³⁸ The European Union; Institutions and bodies available at https://europa.eu/european-union/about-eu/institutions-bodies_en accessed on 1st September, 2021.

Environmental Agency (EEA); European Maritime Safety Agency (EMSA); European Fundamental Rights Agency; European Defence Agency (EDA); The European Data Protection Supervisor (EDPS), etcetera.³⁹

VI. ACHIEVEMENTS OF THE EUROPEAN UNION

While there is no way of knowing how Europe would have fared without the EU in place, there is no denying that the last six decades have been a time of unprecedented peace and prosperity for a continent with a long history of bloodshed.⁴⁰ Europe was in a terrible condition in 1946 after two bloody wars fought in just one generation. More disturbing was the fact that some European countries had been at war with each other consistently for centuries, accounting for many strained relationships. The formation of the European Union made it possible for Member States to cooperate with each other for the peace and security of the region. The EU creates an allied front against outside aggression, thus accounting for peace in Europe in the past 60 years. The Union will go down in history as one of Europe's most creative experiments in community building.⁴¹

Certain achievements of the European Union are analyzed herein, with no emphasis on their order, but as chosen by the authors. One of the major achievements of the European Union is the creation of the world's biggest single markets; 'the European Single Market'. The European single market is the most ambitious part of the whole 'European project'. The single market refers to the EU as one territory without any internal borders or other regulatory obstacles to the free movement of goods and services. It aims to break down all barriers to trading across the 500 million-person area by ensuring the 'four freedoms' (free movement of goods, people, services and capital) from one EU member country to another. A functioning single market therefore stimulates competition and trade, improves efficiency, raises quality, and helps cut prices. It eliminates tariffs and reduces costs and administrative burdens by applying one set of rules across all member states.⁴² Being part of the single market gives Member States unfettered business access to 500 million consumers and companies to purchase goods and services from across the continent. This arrangement has fuelled economic growth and made the everyday life of European businesses and consumers easier. The creation of a single

market by the 28 different EU Member States gives them more scale to use when negotiating international trade deals.⁴³

Closely related to the single market arrangement is the EU's Customs Union which ensures all EU Member States charge the same import duties to non-members to allow free trade between them.⁴⁴ This arrangement has offered a number of benefits to the EU Member States, such as better economic integration and political cooperation between nations and the creation of a common market, monetary union, and fiscal union.

The creation of the Schengen Area, a zone of passport-free, borderless travel that covers over 500 million people, is another remarkable achievement for the EU especially as some non-EU countries, Iceland, Norway, Switzerland and Liechtenstein, are members. In an increasingly interdependent world, the opening up of borders among the Schengen member States was an innovative approach to aspects of migration. This 'neighborhood' arrangement allowed for a softening of the borders within the European Union and made travel easier for citizens of EU member States and even for tourists, thereby boosting tourism and economic growth in the region.⁴⁵ EU membership has been largely responsible for creation of more jobs and higher wages across Europe. The EU has provided over 500 million people the freedom to live, study or work anywhere within EU's 28 Member States. Presently, about 14 million EU citizens live in a different country.⁴⁶ This Schengen agreement still holds sway despite the refugee crisis and terrorist attacks of the past years. Even with the uncertainty of the ongoing Brexit circumstances, there are more employment opportunities, better wages, and a higher-skill workforce available in Europe today because of the EU.

The EU has been heralded for its role in banishing the death penalty. The coming together of members to form the European Union played a key role in ending capital punishment in Europe. In addition to the right to life guaranteed by Article 2 of the European Convention on Human Rights ('the Convention'), the Convention was updated with a new Protocol No. 6 signed on 28 April 1983,⁴⁷ which abolished the death penalty. Countries desirous of joining the EU can only be admitted after ending the death penalty. In *Soering v. the United Kingdom*,⁴⁸ the Court found a violation because of the UK authorities' intention to send the applicant to the United States where there was a risk that

³⁹ Ibid.

⁴⁰ '6 Things the EU Has Achieved, 60 Years on From its Founding Treaty' World Economic Forum <<https://www.weforum.org/agenda/2017/03/6-things-the-eu-has-achieved-60-years-on-from-its-founding-treaty-7609e02c-01bb-4763-8cbf-716d2287a647/>> Accessed 19 September 2019

⁴¹ *ibid*

⁴² 'EU Single Market: What is it and Why Should We Care if the UK Leaves it?' *The Independent* <<https://www.independent.co.uk/news/uk/politics/single-market-brexiteu-trade-deals-what-is-uk-leave-european-union-why-a8557176.html>> Accessed 20 September 2019

⁴³ The European Single Market, European Commission <https://ec.europa.eu/growth/single-market_en> Accessed 20 September 2019

⁴⁴ A customs union is a type of free trade agreement (FTA) which involves the removal of tariff barriers between members, together with the acceptance of a common (unified) external tariff (CET) against non-members – *Customs Union* <https://www.economicsonline.co.uk/Global_economics/Customs_unions.html> Accessed 20 September 2019

⁴⁵ *ibid*

⁴⁶ *ibid*

⁴⁷ It came into force on 1 March 1985

⁴⁸ Judgment of 7 July 1989, Application No. 14038/88

he would spend several years on ‘death row’, pending his execution. Also in *Öcalan v. Turkey*,⁴⁹ the Court concluded that the application of the death penalty delivered following an unfair trial would be in breach of Article 3 of the Convention and held that the use of the death penalty in peacetime was unacceptable. Furthermore, in *Al-Saadoon and Mufdhi v. the United Kingdom*,⁵⁰ the Court concluded for the first time that the death penalty was inhuman or degrading treatment irrespective of the circumstances in which it was delivered or applied, and a clear violation of Article 3. These cases reiterate the EU’s position on death penalty and represent a distinctive achievement of the continent. Abolition of death penalty is an explicit and absolute condition to becoming a Member of the European Union and also a prerequisite for membership to the Council of Europe. Therefore, reintroduction of the death penalty by any member State would be contrary to the fundamental values and obligations underlying both Organisations.⁵¹

Additionally, the formation of the European Union has meant consistency in the protection of human rights. The EU has a mandate to protect all vulnerable groups and minorities on the continent. It works to protect the rights of the oppressed while ensuring that every person receives the same vote, equal rights and a chance to pursue whatever opportunities they desire. Equal treatment for all in the EU means equality for all citizens regardless of gender, nationality, culture, disability, profession, or sexual preference.⁵²

The Union was a powerful driving force in securing international agreement on climate change.⁵³ With its 28-member population advantage, the EU was able to speak with a united voice to ratify the Paris Agreement on climate change. To show its commitment to the Agreement, the EU has established the first major carbon market and agreed ambitious emission reduction, energy efficiency, and renewable energy targets through its climate-energy packages, first for 2020 and now for 2030.⁵⁴

⁴⁹ Judgment of 12 May 2005, Application No. 46221/99

⁵⁰ Judgment of 2 March 2010, Application No. 61498/08

⁵¹ ‘Statement on the Death Penalty’ *Delegation of the European Union to the Council of Europe* <https://eeas.europa.eu/delegations/council-europe/52324/statement-death-penalty_en> Accessed 21 September 2019

⁵² *Ibid*

⁵³ The central theme of the Paris Agreement is to strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2 degrees Celsius above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5 degrees Celsius. Additionally, the agreement aims to strengthen the ability of countries to deal with the impacts of climate change. To reach these ambitious goals, appropriate financial flows, a new technology framework and an enhanced capacity building framework will be put in place, thus supporting action by developing countries and the most vulnerable countries, in line with their own national objectives. The Agreement also provides for enhanced transparency of action and support through a more robust transparency framework – ‘The Paris Agreement’ *United Nations Climate Change* <<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>> Accessed 23 September 2019

⁵⁴ *Ibid*

In view of its numerous contributions to the advancement of peace and reconciliation, democracy and human rights in Europe, the EU won the Nobel Peace Prize in 2012. No doubt, the stabilising part played by the EU has helped to transform most of Europe from a continent of war to a continent of peace. The EU has also made astounding contributions to ‘fraternity between nations’ in its creation of a distinctive form of international economic law, a contribution that may have caught the attention of the Norwegian Nobel Committee.⁵⁵

Furthermore, the economic benefits of the European Union extend to the rest of the world. For instance, smaller nations can take advantage of better market access since they can make just one deal in order to trade with 28 countries instead of separate contracts with each one. China and the United States of America can trade with Europe as equal partners while Europe benefits from a bigger scale and better pricing options. This advantage makes it possible to add more value to each trade, increase job opportunities, develop new international relationships, and have access to more opportunities.⁵⁶

The enlargement of the EU prepared Europe to embrace the benefits and tackle the challenges of globalisation. An enlarged EU also carries more weight when addressing issues of global importance such as climate change or the international financial crisis. The current size of the EU made the Union a stronger international player, in both economic and political terms. The enlargement process has helped build and consolidate democracy after the demise of the communist regimes. It has strengthened European security, by providing a crucial anchor of stability in periods of conflicts and upheavals within and around Europe. Furthermore, the enlargement has greatly boosted the economies of Member States and improved living standards. It has equally brought greater economic prosperity for all EU citizens and made Europe a stronger player in the world economy. Specifically, the EU is currently the largest integrated economic area in the world, accounting for more than 30% of the world’s GDP (Gross Domestic Products) and more than 17% of world trade. The enlarged EU is now better positioned to address current and future challenges.⁵⁷

VII. FAILURES OF THE EUROPEAN UNION

In spite of the many recorded achievements of the EU, there are some weaknesses identified in the EU system. For example, while the single market and customs union have been heralded as one of the major achievements of the Union owing to the fact that it has provided over 500 million people

⁵⁵ W Phelan, ‘The European Union’s Next Nobel Prize’

⁵⁶ *Ibid* (n45)

⁵⁷ ‘Five years of an enlarged EU – Economic Achievements and Challenges’ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, the Committee of the Regions and the European Central Bank SEC 2009 177 <<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52009DC0079>> Accessed 18 September 2019

the freedom to live, study or work anywhere within the EU countries, it has been hugely criticised as being responsible for the loss of UK membership (Brexit).⁵⁸ The main reason why the UK voted to leave was, in their words, to ‘take back control of our borders, money and laws while protecting our economy, security and Union.’

Another major criticism of the European Union has been the absence of economic and monetary integration which was revealed by the economic crisis of 2008. The inability of the Union to manage the economic crises of 2008 led to resulting recession and increased unemployment in many countries of the European Union. By 2011, Greece, Ireland, and subsequently Portugal were forced to accept international rescue packages. All three countries and some other EU nations were forced to adopt significant austerity⁵⁹ budgets, especially those countries with the largest debts (the so-called ‘periphery’). The 2015 negotiations over Greece’s economic difficulties and huge debt profile produced divisions in the European Union, most notably between Germany and France as France unsuccessfully favored a less hardline approach. The divisions reinforced national political agendas and undermined the sense of common European purpose and integration.

Also, the Schengen agreement signed in 1992 which largely abolished internal border checks brought about new challenges that strained relations among Member States. In fact, freedom of movement within the EU States has made the borders more porous and susceptible to abuse of terror and other criminal activities. In 2015, as individual countries struggled to cope with upsurge in refugee migration from the Middle East and parts of Africa, the process received heavy criticism from members. This remains a problem to date as Europe continues to witness an unprecedented refugee migration and the attendant risks of death at the Mediterranean. Thousands of migrants attempt to cross the Mediterranean to Europe every year. Those who make the journey often travel in poorly maintained and overcrowded vessels, and many have died en route. According to UN refugee agency (UNHCR), an average of six people died each day trying to cross the Mediterranean in 2018. The estimated 2,275 people who died or went missing last year equates to one death for every 14 arrivals in Italy.⁶⁰ Turkey, which is hosting more than 3.6 million Syrians who have fled the country’s civil war, warned it would ‘be forced to open the

gates’ if it did not receive ‘logistical support’ to establish a refugee ‘safe zone’ in Syria.⁶¹

It has also been argued that while the removal of trade barriers between members has encouraged trade between them, it is also capable of reducing trade between members and non-members. One of the major disadvantages of the customs union is the loss of sovereignty as members of this singular arrangement are obliged to negotiate collectively with non-members, or organisations like the World Trade Organisation (WTO), as a single group (bloc) of countries. While this is essential to maintain the customs union, it means that members are not free to negotiate individual trade deals in their own national interest.⁶²

The EU’s failure to attract the continent’s most prosperous countries to play a full part in the Union is also seen as a ‘catastrophe’. For instance, Norway and Switzerland’s refusal to join the EU, Denmark and Sweden’s failure to drop their currencies for the single euro currency and Britain’s Brexit reality have been repeatedly criticised. With the looming loss of the UK, the Netherlands has sought other allies to fight for a smaller EU budget and a more deregulated single market. With these stark realities, the EU has also been criticised for lacking the ability to inspire these countries to join the Union and being incapable of staying attractive enough to sustain the interest of UK.⁶³

There are also criticisms that the cost of EU membership is greater than the benefits to be received. For instance, in 2018 the United Kingdom made an estimated gross contribution (after the rebate) of £13.2 billion. The UK received £4.3 billion of public sector receipts from the EU, so the UK’s net public sector contribution to the EU was an estimated £8.9 billion.⁶⁴ These type of contributions become challenging when considering how hard it is to reform the way that the EU spends money.

VIII. RESTRUCTURING OF THE EUROPEAN UNION

As enunciated by the European Commission, the term restructuring refers to change, reorganisation and adjustments made at company level and at the micro level. It also addresses economic change at different levels, example in trade patterns, sectorial development, employment development and relationships, etcetera. They are trends that are often referred to as ‘structural’ economic, employment and social change.⁶⁵ They are in fact necessary for the survival of

⁵⁸ It is an abbreviation for the term ‘British exit’, similar to “Grexit” that was used for many years to refer to the possibility of Greece leaving the Eurozone. Brexit refers to Britain’s withdrawal from the European Union (EU) following a referendum on its EU membership on June 23 2016 – *The Economic Times* (Bennett, Coleman & Co. Ltd 2019)

⁵⁹ Reducing government debts through drastic cuts in spending along with tax increases

⁶⁰ *The Irish Times* January 29 2019 <<https://www.irishtimes.com/news/world/europe/six-people-died-every-day-crossing-the-mediterranean-in-2018-1.3775105>> Accessed 21 September 2019

⁶¹ *BBC News* 19 September 2019 <<https://www.bbc.com/news/world-europe-49752380>> Accessed 23 September 2019

⁶² *Customs Union* <https://www.economicsonline.co.uk/Global_economics/Customs_unions.html> Accessed 20 September 2019

⁶³ ‘EU Failure to Entice Rich Nations is ‘Catastrophe’ *Financial Times* <<https://www.ft.com/content/b6a067f0-7009-11e9-bf5c-6eeb837566c5>> Accessed 27 September 2019

⁶⁴ M Keep, ‘The UK’s Contribution to EU Budget’ *House of Commons Library* Number CBP 7886, 24 June 2019

⁶⁵ E Voss and A Dornelas, ‘Anticipation and Management of Restructuring in the European Union’ (2011)

organisations, especially one as outstanding as the European Union.

Since its inception, the EU has witnessed a plethora of treaties. Treaties have been amended to make the EU more efficient and transparent, to prepare for new member countries and to introduce new areas of cooperation. It has been argued that the original objectives of the 1950's are no longer relevant hence the need for restructuring to ensure the realities of the twenty first century are captured or projected. Certainly, the prospect of war between West European member States of the European Union seems extremely unlikely now, demonstrating, one might argue, the success of the integration project.⁶⁶

The debate concerning the future of the EU has been in full swing ever since Emmanuel Macron's (2017) Sorbonne, Paris speech. New threats to internal and external security in Europe require a stronger EU. In addition, Brexit is putting a strain on EU finances. This pressure for reform was used to establish new priorities in the EU budget. In May 2019, the European Commission presented the Multiannual Financial Framework (MFF) 2021-2027, a seven-year budget for the European Union taking into account the consequences of Brexit and the new needs that have arisen after several changes in the resource distribution. The MFF, also called financial perspective, is EU's long-term budget which sets the amount that match the EU priorities. The MFF financial framework ensures the orderly evolution of the expenses of the Union within the limits of its own resources over the given period.⁶⁷

Another strategy adopted by the EU has been centred on insolvency law. On June 26, 2019, the *Official Journal of the European Union* published a Directive of the European Parliament and of the Council of the European Union aimed at harmonising Member States' restructuring and insolvency laws. The Directive was approved by the Parliament and the Council on March 28, 2019 and June 6, 2019 respectively, and entered into force on July 16, 2019. The objective of the Directive is to foster 'free movement of capital and freedom of establishment' by harmonising and establishing substantive minimum standards of insolvency laws in EU member States. It is the European Commission's effort aimed at rescuing viable businesses. Therefore, the Directive requires Member States to ensure that preventive restructuring frameworks are available for debtors who are in financial difficulty and likely to fall into insolvency, with a view to preventing the insolvency and ensuring the viability of the debtor. Member States are to enact laws and regulations providing debtors and creditors with minimum rights and remedies in preventive

restructuring procedures. Article 34 of the Directive requires Member States to adopt and publish compliant laws and regulations by July 17, 2021.⁶⁸

IX. RECOMMENDATIONS

This Paper proposes the following recommendations;

1. Need to Restructure the Schengen Space Area: After decades of success in which a Schengen area functioned without any hard external borders, the Europe migrant (refugee) crisis has brought to the fore the vulnerabilities of the internal border system of the EU. Although the Union is currently working on concrete measures to safeguard Europe's security (through a new European Border and Coast Guard agency, an upgraded Schengen information system, systematic checks against relevant databases on all persons crossing the external borders, a new entry-exit system for non-EU nationals, the European travel information and authorisation system (ETIAS), etcetera),⁶⁹ the proposed rules are yet to be formally adopted by Parliament and the Council.

There is an urgent call for caution in the free movement policy of Schengen-member States. Member States must design a workable strategy to harden the outer borders of the European Union so as to avoid an uncontrolled migration flow that would continue to impact negatively on EU States. To strengthen its external borders, it is recommended that the EU develops more realisable external border management policies. This could be patterned after the Dublin Convention I and II⁷⁰ which

⁶⁸ P Potter, D Slim and J Park, 'The European Union Restructuring Directive' (2011) <<https://www.pillsburylaw.com/en/news-and-insights/european-union-restructuring-directive.html>> Accessed 01 September 2019

⁶⁹ 'Strengthening the EU's External Borders' *European Council* <<https://www.consilium.europa.eu/en/policies/migratory-pressures/strengthening-external-borders/>> Accessed 23 September 2019

⁷⁰ The Dublin Convention 1990 is a Convention determining the State responsible for examining applications for asylum lodged in one of the member states of the European communities. It is the first binding legal instrument in force in the European Union in the field of asylum, confirming the will of Member States to ensure protection for those in need, by sharing the responsibility of examining an asylum application. The third paragraph of the preamble of the Convention states that it is intended as a back-up measure to enable checks on persons at internal borders to be abolished. The Convention sets out the criteria that determine which Member State is responsible for examining an asylum application in a hierarchical order. However, Dublin 11 Regulation replaces the 1990 Dublin Convention which set the criteria relating to a country responsible for processing an asylum application. All EU Member States shall apply the Regulation, including Norway, Iceland, Switzerland and Liechtenstein. The objective of Dublin 11 Regulation is to identify as quickly as possible the Member State responsible for examining an asylum application, and to prevent abuse of asylum procedures. This Regulation establishes the principle that only one Member State is responsible for examining an asylum application. The objective is to avoid asylum seekers from being sent from one country to another, and also to prevent abuse of the system by the submission of several applications for asylum by one person. C Marinho and M Heinonen stress that the Convention is an important instrument for the Member States' authorities in processing asylum applications, by providing legal prerequisites for the exchange of information about applicants. In this respect it certainly contributes to fighting abuses of asylum procedures and situations of multiple asylum applications, even in a preventive way. Moreover, it has established practical cooperation

<<https://library.fiu.edu/c.php?g=159940&p=1048732>> Accessed 31 July 2019.

⁶⁶ M Cini and N Borrigan, *European Union Politics* (3rd Ed. Oxford University Press 2010)

⁶⁷ B Busch and J Matthes, 'On the Future of the European Union: Normative Derivation and Restructuring Potential in the New Multiannual Financial Framework' IW Policy Paper 10/2018

are crucial documents on structuring border management, preferably Dublin II Convention which presents very clear procedures⁷¹ on how to deal with the phenomenon of 'asylum shopping'.⁷²

According to Magone, what the EU needs is a mix of its 'normative Europe approach with that of the realist school by continuing to be the main supporter of the United Nations, but at the same time recognising that it has its own interests globally and needs to protect them. This would certainly contribute to more stability and security on the European Union borders.⁷³ He further proposed that Europe could develop on what is tagged the 'double strategy' aimed at reducing the causes for migration in third world countries, and providing an orderly legal migration to Europe from these countries. In this respect, the European Commission planned to raise up to €62 billion to invest in third world countries, especially those in Africa, and cushion the effect of the migrant crisis.⁷⁴

2. Reinforcing the EU 'Single Market' Policy: This policy which was once breathtaking in its ambition to eliminate all internal EU barriers for goods, services, capital and people, has failed to keep up with the economies it was trying to shape. This is because the EU single market remains fragmented by complex and heterogeneous rules at the EU and national levels, thus affecting trade, capital, including foreign direct investment, and labour mobility. If the EU must create the desired prosperity, it needs to reinvigorate the single market policy by removing barriers to external trade through multilateral trade negotiations. This would help stimulate cross-border activities, help bring substantial growth and employment gains within Europe.⁷⁵

Additionally, all new agendas for the single market should be formulated in such a way as to enhance social justice, ensure market integrity, foster innovation, all of which will enable the single market to have an edge over other major global economies.⁷⁶ Access for Small and

Medium-Sized Enterprises (SMEs) must be improved and entrepreneurship developed by concrete policy initiatives. Citizens must also be empowered to play a full part in the single market by strengthening their ability and confidence to buy goods and services across borders.⁷⁷

3. Repatriation of EU Powers or Competences to Members: There is need for urgent EU reforms especially in the area of repatriation of EU powers back to the nation states. This is because some EU Member States feel they are being forced to adopt policies they do not like, while others feel they have to unfairly subsidise for citizens of other nations with whom they have nothing in common. The EU could counteract this effect by repatriating many of its powers over legal rights, criminal justice and social and employment legislation back to Member States otherwise risk imploding in an uncontrolled way.⁷⁸
4. Revamping EU's Economic Model: Finally, with the Brexit reality, the EU must 'behold its face in the mirror' as it can no longer simply ignore its precarious existence. Although the Brexit issue is worrisome to some EU key players and promoters of a united Europe, Elliot argues that the EU's biggest problem is that its economic model has aged alongside its population. Europe has plenty of world-class companies but, unlike the United States of America, many of them, like Volkswagen and Siemens, were set up many decades ago and are incapable of competing with companies like Google, Facebook or Amazon in the emerging technologies of the fourth Industrial Revolution.⁷⁹ In view of this current reality, it is recommended that the EU reviews its economic growth model and develops closer economic integration that would foster economic growth to meet the twenty first century market realities. Such a change would make Europe's enterprises competitive, and help Europeans afford the highest standards of living in the world.⁸⁰

X. CONCLUSION

The European Union provides the first example of a truly supranational body where the ambitions of nations are curbed by a need to co-operate in order to succeed. It successfully formulated policies including institutions, financial programmes and projects for the region. This helped to bring incredible political stability to Europe thereby removing the chance of a repeat of World War II within its boundaries.⁸¹ Additionally, the EU regional system has contributed in raising citizens' living standards, launched a single European currency (the euro), and progressively built a

between the administrations in charge and permits an increase in knowledge of other asylum procedures. - C Marinho and M Heinonen, 'Dublin after Schengen: Allocating Responsibility for Examining Asylum Applications in Practice' <http://aei.pitt.edu/800/1/scop98_3_1.pdf> accessed 29 September 2019.

⁷¹ J Magone, 'One Step Back, Two Steps Forward. Restructuring the Schengen-Space and the EU Neighbourhood Policy in a Turbulent World', Paper Presented at the General Conference of the European Consortium for Political Research (ECPR), Charles University, Prague, 7-10 September 2016 <<https://ecpr.eu/Filestore/PaperProposal/793662ee-2d96-4a98-940e-89d372c28452.pdf>> accessed 22 September 2019

⁷² Duhaime's Law Dictionary defines asylum shopping as 'the practice by an individual given asylum by one state as a refugee, to then use that status to attempt to migrate to another country.' - <<http://www.duhaime.org/LegalDictionary/A/AsylumShopping.aspx>> Accessed 29 September 2019

⁷³ *ibid*

⁷⁴ *ibid* n18

⁷⁵ J Fournier, 'Reinforcing the EU Single Market' (2014) OECD Economic Department Working Papers 1159 (OECD Publishing 2014)

⁷⁶ 'Why Europe's Single Market is at Risk' *The Economist* <<https://www.economist.com/leaders/2019/09/12/why-europes-single-market-is-at-risk>> Accessed 23 September 2019

⁷⁷ C Ploae, 'The Revitalisation of the EU's Single Market' (2010) 36 *The Romanian Economic Journal*

⁷⁸ M Tupy, 'The European Union: A Critical Assessment' (2016) *CATO Institute* <<https://www.cato.org/publications/economic-development-bulletin/european-union-critical-assessment>> Accessed 23 September 2019

⁷⁹ *ibid*

⁸⁰ 'Golden Growth: Restoring the Lustre of the European Economic Model' *The World Bank* <<https://www.worldbank.org/en/region/eca/publication/golden-growth>> Accessed 28 September 2019

⁸¹ *Ibid* (n3)

single Europe-wide free market for goods, services, people, and capital, among others.

However, despite the laudable accomplishments of the EU, especially in key areas of intervention, the single market policy, the Europe refugee crises, the Schengen agreement and its attendant 'open border' consequences have been identified as the unfortunate costs of EU membership. Many Europeans feel a general sense of dissatisfaction over EU's failure to address low economic growth, high unemployment, the Covid 19 Pandemic, mass immigration, and rising debt.⁸² These challenges have elicited widespread agitations among Member States and fuelled UK's decision in 2016 to leave the European Union.

Although the recent EU restructuring frameworks on the Multiannual Financial Framework (MFF) 2021-2027 financial perspective and the 2019 Directive of the European Parliament and the Council of the European Union on harmonisation of insolvency laws are necessary for the revival of the EU, this Paper postulates the need for urgent reforms to meet the realities of the twenty first century. For example, the EU must strengthen its external borders by restructuring the Schengen space area through tighter border control rules. It must also reinvigorate the fragmented single market policy, return more powers to Member States to build trust in the Union, and revamp its economic growth model to meet today's twenty first century market realities.

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⁸² *Ibid*