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## **Maastricht as Turning Point**

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## Maastricht as Turning Point<sup>♦</sup>

Colette Mazzucelli<sup>\*</sup>

### Introduction

Fifteen years have passed since the Danish people rejected the Treaty on European Union (TEU), known also by the name of the city in the Netherlands where the European Council negotiated its final provisions, Maastricht. The text was, in my experience, a historical turning point that occurred in European integration as the Continent lost the framework orientation of bipolarity and the world lost the structural underpinnings of the Cold War. For this reason, it is essential to question the relevance of Maastricht in the present context. We must understand the genuine disconnect among system, state, and society in the dynamics the Treaty introduced. The original European Communities were organized to suppress those nationalist motives that led neighboring countries to conduct fratricidal wars. The European Union (EU) of the 21<sup>st</sup> century must contend increasingly with intra-state conflict beyond and near its borders as EU members and institutions define its role as a global actor.

### Maastricht as Turning Point – The Result of Simultaneous Transformations

The Europe of three Communities, European Coal and Steel Community (ECSC), European Economic Community (EEC) and European Atomic Energy Community (EURATOM), was established in a Cold War historical context. The European Union created at Maastricht was destined to evolve in a post-Cold War environment. Maastricht defines a turning point that is the result of simultaneous transformations – globalization and fragmentation. Each transformation defines the dynamics of institutionalized conflict as well as cooperation. In this context, an understanding of national histories is essential to explain the Maastricht crisis of identity. Moreover, each transformation challenges the ways we have traditionally conceived of state-society relations culturally and historically.

These reflections about the meaning of Maastricht occur on three levels and are rooted in a cultural and historical analysis. At the systemic level, Waltz's third image, these are reflections about the changes introduced by the unification of Germany, the demise of the former Soviet Union and Communist rule there, and the breakup of the former Yugoslavia. Systemic changes

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define the turning point as much as the policy changes introduced at Maastricht. At the state level, Waltz's second image, these are reflections about the challenges to the traditional authority of the state. Globalization and fragmentation impact in diverse ways on each of the states implicated in the integration process and Europe's system of governance. In this context, Maastricht was not a turning point in 'nation-building' as much as the latest step in time in the process of establishing a transnational experiment in world politics. At the individual level, Waltz's first image, the games national leaders can play present higher costs as well as risks.

The achievements at Maastricht are reflective, on the one hand, of the interest in particular Member States to project their domestic system of government onto the European project. We can take, for example, federalism, in the German case. On the other, Maastricht reflects the intention on the part of Member States to survive and better adjust in the 1980s and 1990s environment on the basis of 'qualified integration,' in Gueldry's analysis.<sup>1</sup>

In terms of mental maps, Maastricht was the last treaty in which Carolingian Europe serves as a reference point. At the elite and popular levels in each Member State, there was a European identity crisis experienced in its cultural, geographic and religious dimensions as enlargements loomed. In this context, we also reflect on Maastricht and the responses it has engendered as states adapt in quite different ways to the impact of Europeanization on state-society relations and comparative national-institutional settings.

During the Maastricht era through the present day, we have witnessed the transformation in the third pillar established by the Treaty on European Union, justice and home affairs. For a number of Member States, notably the Dutch, as states adapt to the changes introduced by Maastricht, their experience with 'misery in the third pillar' points to a necessity for enlarging the scope of Community competence in this policy area. This is a transfer of competences that can only take place with the approval of all the Member States.

The Maastricht era was a turning point in the national responses to the power of an idea in diverse political cultures. Ideationally, Maastricht "privileged a discourse emphasizing low deficits, low inflation, and declining debt."<sup>2</sup> Maastricht led scholars to think about "contextualising discourse",<sup>3</sup> in other words, to consider discourse "not only in terms of the other mediating factors that affect policy change, but also in terms of the rules that frame ideas and discourse in different political-institutional settings."<sup>4</sup>

The policy choices made by national leaders implicate Member States increasingly in the dynamics of integration, as explained by Putnam's metaphor of two-level games. There are at least two logics in competition, the logic of integration and the logic of diversity, in Hoffman's terminology. In this context, Economic and Monetary Union (EMU) is an example of upgrading the common interest among Member States in the newly created European Union as much as the chance to bind Germany monetarily to Europe and increase the leverage of weaker currency states, particularly France and Italy.

The common value at stake defined Maastricht as turning point: the commitment to the anti-inflationary policy of the *Bundesbank* as Europe sought to define its identity as a global actor. As areas of the Continent were fragmenting, in the breakup of the former Soviet Union and Yugoslav federation in eastern and southeastern Europe, integration was perceived increasingly as an integral part of the larger process of globalization. In our reflections on Maastricht as turning point, the question for us today is striking: is the commitment to a common value at Maastricht a point of no return for Sarkozy's France? Does the neo-Gaullist game by the French

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<sup>1</sup> Michel R. Gueldry, *France and European Integration Toward a Transnational Polity?* (Westport, CT and London: Praeger Publishers, 2001), pp. 1-14.

<sup>2</sup> Alberta Sbragia, 'Italy Pays for Europe,' in *Transforming Europe Europeanization and Domestic Change* Maria Green Cowles, James Caporaso and Thomas Risse, eds. (Ithaca and London: Cornell University Press, 2001) p. 93.

<sup>3</sup> Vivien A. Schmidt and Claudio M. Radaelli, 'Policy Change and Discourse in Europe: Conceptual and Methodological Issues,' *West European Politics*, Vol. 27, No. 2 (March 2004): 197.

<sup>4</sup> *Ibid*

leadership define itself fifteen years later by calling accepted norms that define the Maastricht agreement into question?

The Maastricht Treaty as both a response to elite politics and the quest for a permissive consensus requires us to examine the absence of popular acceptance then and now for integration in a number of Member States. In the 1990s, different governments attempted to sell the Euro to their populations with the argument that acceptance of a single currency would lead to no more war. Their reliance as elites was on the power of discourse. The Euro would impose a monetary culture on each of the Member States and define the identity of the European Union as a global actor in the financial system. Monetary culture would be imposed from outside each country with the imposition of external constraints on those original Member States, like Italy, which lacked the fiscal discipline to conform to the rules of the European house. The genuine disconnect, which is more evident as time passes, is apparent at the societal level. Although different Member States pursue the qualified integration that a two-speed Europe illustrates, the absence of a permissive consensus is increasingly confirmed. Only Ireland is constitutionally mandated to hold a popular referendum on the Lisbon Treaty. This is one referendum too many for those who believe the risk of a negative vote by a national population should be avoided at a cost. Significantly, the Irish economy is one that has gained most substantially from the Union's policies in the past decade.

The Maastricht Treaty's rejection by the Danish people in 1992 was followed by a close referendum outcome in which the French barely expressed their approval for the European Union. Although a referendum was not possible under the Basic Law in the Federal Republic of Germany, a positive vote by the majority of German citizens was unlikely. Maastricht as turning point illustrated the lack of a permissive consensus for integration, which had long been assumed in founding Member States. The gap between elite politics and popular consensus was as much a part of Maastricht as turning point as the absence of common interests across the spectrum of policy areas included in the three pillars of the Treaty establishing European Union. The limits of functionalist logic were apparent in that there were no parallel developments possible between EMU, which demonstrated the logic of integration, and the Common Foreign and Security Policy (CFSP), which underscored the logic of diversity. This is an essential point to grasp in that the Maastricht negotiations took place before successive enlargements to an EU of 15, 25 and 27, which would only make consensus in treaty reform more difficult over time.

### **Integration until Maastricht: The Point of No Return?**

The founding of Europe's original community as a 'peace project' aimed to eliminate the possibility of war by pooling coal and steel through the establishment of institutions, particularly the High Authority. The European Coal and Steel Community was a break from centuries of history 'painted in blood' whose evolution in the 1950s was marked by a postwar environment characterized by the division of the Continent. Bipolar stability underlined the role of the United States as both a model for and protector of the Continent. The vision in those early years was of a United States of Europe, a federal system that could draw on the American experience. The governance system that developed in the years leading to Maastricht relied on integration through law. In its origins, this was rules-based system in which states remained attached to discretionary action. The institutions that were created foster negotiations among states to contain conflict and promote cooperation. As these institutions developed, their ability to promote choices for integration constrained state action only in specific policy areas.

In this context, the Maastricht agreement traces a strategic line, steps in time, from coal and steel to eliminate war in the 1950s to the single European market (SEM) in the 1980s and EMU in the 1990s to make integration an irreversible process of nation-state to Member State transformation. The initial reform of the original treaties agreed to in 1986, the Single European Act (SEA) relied on the bet that a functionalist approach was still relevant to the dynamics of

integration. Institutions and Member States had to work together to anchor a system of mutual interdependence that countered German structural power at the heart of the Continent. In this sense, functionalist integration aimed to serve community as well as national interests.

The single European market was identified as a project to revive the dynamics of integration by the Delors Commission with the support of the Heads of State and Government in the European Council. The choice of the single market project for the Community was a functionalist step in that its completion aimed to make further integration possible with the creation of Economic and Monetary Union. The Member State with the most to lose monetarily, Germany, articulated several interests in exchange for its consent to the exchange of the D-Mark for the Euro. In its domestic system, the *Länder* demanded the inclusion of subsidiarity as a principle of integration, which gave the regions a voice in a transnational polity.

Although Maastricht was for all Member States a turning point, for some, notably the Federal Republic of Germany, Maastricht was also conceived as a point of no return. The single European currency, the Euro, was understood, particularly by the German Chancellor Helmut Kohl, to provide the basis for a perpetual 'security community,' to use Deutsch's terminology. Integration was the only alternative to war, in his reasoning. In this context, Maastricht was meant to be the definitive response to what Calleo identifies as 'the German problem' reconsidered. The Union established was a pluralistic security community. In specific areas, like security and defense, sovereignty continued to matter. The Federal Constitutional Court decision in Germany that allowed Maastricht to come into force during autumn 1993 made clear that pluralism figures prominently legally and politically in the Union's governance system.

Europe's identity, as defined by Maastricht, involves a commitment to common projects that are transnational in nature. Exclusion from these projects exacted a price that was perceived as too high for a core group of Member States not to make the necessary domestic reforms to stay in the game. Yet, Maastricht also made the concept of a multi-speed Europe a reality. There were Member States that opted-out of EMU. This was true of the United Kingdom during the Maastricht negotiations. Denmark followed suit after its popular rejection of the Treaty on European Union in a 1992 referendum. Reasons of national sovereignty explain each case.

Bilateral tensions reflect traditional national preferences in economic and political approaches to integration, particularly President Sarkozy's determination to insist on greater political influence in monetary policy making. His insistence on this goal calls into question the agreement on the independence of the European Central Bank (ECB), articulated in the Treaty on European Union.<sup>5</sup> This is a cardinal principle of European monetary policy, which reflects the interests of the post World War II Federal Republic of Germany. In this stance, Sarkozy is rejecting a key part of the solution the French-German engine advanced to the other Member States to create the European Union in monetary affairs at the European Council in Maastricht.<sup>6</sup> By calling into question the Maastricht agreement on EMU, Sarkozy and the neo-Gaullist response illustrate the nature of qualified integration by states in their adaptation to Europeanization in this new century.

Since his election in May 2007, the French President has brandished nationalist credentials, including the negotiation goal achieved during the last hours of the Brussels European Council to delete the commitment to 'free and undistorted' competition from the EU Reform Treaty although 'full employment' and 'social objectives' remain as objectives. In light of subsequent insistence by British Prime Minister Tony Blair and European Commission President José Manuel Barroso, the competition objective was included in a protocol attached to the agreed treaty.<sup>7</sup>

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<sup>5</sup> Honor Mahony, 'Trichet concerned over EU treaty change,' *EUObserver.com*, 13.08.2007.

<sup>6</sup> Lucia Kubosova, 'Sarkozy: Political pressure on ECB bears fruit,' *EUObserver.com*, 07.09.2007.

<sup>7</sup> Barysch, <http://centreforeuropeanreform.blogspot.com/2007/06/what-summit-says-about-eu.html>

There are different interpretations of President Sarkozy's action, including one that he felt compelled to placate a domestic populace that is caught up in a national debate about the 'liberal' nature of the rejected constitutional treaty. There were voices raised in France for a second referendum on the Reform Treaty if employment and social concerns were not sufficiently addressed. Another understanding of Sarkozy's position during Council negotiations with other Heads of State and Government is that he wants to continue pushing for a longstanding French interest focused on more protectionist EU policies. The elimination of the treaty clause can be interpreted to allow for a European competition policy that is protective of 'national champions.'<sup>8</sup>

### **Maastricht and the Limits of Political Union – A Point to Which the Union Returns Fifteen Years Later**

In terms of scope, there was a fundamental imbalance that defined Maastricht's Union. Political union, which was the objective of a second set of negotiations, was not clearly defined by the Member States. The discretion of older nation-states, their sensitivities regarding institutional questions as well as those of security and defense trumped the rules of integration. The impetus for political union derived in part from German demands. Germany's political leaders believed that EMU required a political counterweight. Chancellor Kohl and President Mitterrand attempted to forward an agenda for political union during a period when French-German influence was able to function constructively within the Community of Twelve. The Delors Commission also tried to play its cards during the political union negotiations. The fates of French-German influence and the Delors Commission after the 1991 Maastricht agreement was achieved are important to understand in historical context because of the relevance each reference has for the present context.

#### **1. The French-German Engine during the Maastricht Era: From Driving Force to Improbable Core**

As Guérot has explained, it was necessary for France and Germany to dispute each other in Council negotiations. In this way, the tendency to assert fixed positions with which the other Member States did not identify was avoided. The driving force exercised by French-German bilateralism operated most efficiently when denying exclusivity to maintain its legitimacy.<sup>9</sup> In this context, French-German disputes were healthy for the engine to function well by engendering a leadership dynamic, which thrived only without dominating the other European Member States in a dysfunctional way.<sup>10</sup>

The enlargements that occurred after the end of the Cold War changed the fundamental nature of the European Community. France and Germany were no longer the two large, very different, Member States, whose role at the center was that of a magnet of attraction around which the other Member States' interests eventually converged. The major part of the 1990s saw the decline of their bilateral dynamism. Fundamental differences existed between France, which was committed to equality with Germany in monetary affairs, and Germany, which was determined not to sacrifice price stability or risk inflation for the sake of the deadlines imposed to achieve monetary union. The years 1996-97 saw the beginnings of tensions in the relationship with the minimalist reforms agreed at the Amsterdam European Council overshadowed by

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<sup>8</sup> Ibid

<sup>9</sup> Martin Koopmann, 'A Driving Force Despite Everything,' *Notre Europe*, Studies and Research No 36, Paris: Notre Europe, 2004, pp. 1-22.

<sup>10</sup> Ulrike Guérot, 'Frankreich und Deutschland – Lokomotive ohne Anhänger?', in *Neues Europa – alte EU*. Johannes Varwick and Wilhelm Knelangen, eds. Opladen: Leske + Budrich, 2004, pp. 285-298.

French-German struggles on EMU and the employment chapter.<sup>11</sup> Observers of European affairs in more recent years noted Germany's lack of 'engagement and input,' the progressive emphasis on the intergovernmental approach in its integration policy and an excessive reliance on France 'without getting that much in return that could benefit Europe.'<sup>12</sup> Subsequently, during the years 1997 through 2002, a paralysis set into the French-German relationship.<sup>13</sup> After 2001 its nature changed to a dysfunctional rapport in which the engine was increasing perceived by other Member States as 'a locomotive without cars,' with France and Germany more focused on their own bilateral dynamics than the larger integration process.<sup>14</sup>

The election of Nicolas Sarkozy as President of France was perceived as one of the keys to move beyond the reflection period and general impasse after the French and Dutch rejections of the European Constitutional Treaty in 2005. The referenda outcomes initiated a period of prolonged crisis in the European Union. Although President Sarkozy demonstrated a strong will to contribute to agreement mediating effectively with the Poles at the Brussels European Council in late June 2007,<sup>15</sup> differences between French and German interests indicate a difficulty to revive the bilateral dynamism in European integration. The Brussels European Council agreement confirmed the increasing weight of the larger Member States in these negotiations, which is an evolution that matches Sarkozy's call for an axis of influence exerted by the big Six (France, Germany, the United Kingdom, Italy, Spain and Poland) in an enlarged Union.

Mr. Sarkozy's early actions as president indicate that he is not likely to privilege extensively the advancement of French interests in the context of traditional bilateral cooperation with its German neighbor. This leaves an improbable core as the successor to the French-German engine. The cultivation of multiple bilateral contacts with larger Member States is on Sarkozy's European agenda. It remains to be seen if multiple relationships of this kind can provide creative and effective shared leadership in external relations as the Union enlarges to more than 27 Member States.<sup>16</sup>

## 2. The European Commission in the Wake of Negotiations on Political Union

The period since Maastricht has seen a relative decline in the position of the Commission vis-à-vis the Council and Parliament. The concern exists at present that, if the Lisbon Treaty takes effect, the Commission's role may be reduced to that of a Secretariat of the Council. In recent discussions with President Barroso, a group of academics and practitioners at St. Antony's College, Oxford University, assessed the ways in which the Lisbon Treaty is likely to introduce a new power hierarchy in the Union. This may lead Member States in the EU27, which are increasingly predisposed to work in *ad hoc* groupings during negotiations, to circumvent the European institutions in favor of their own intergovernmental actions.<sup>17</sup> In fact, the Lisbon Treaty confirms that the pillar structure introduced by Maastricht was meant to be eliminated in time.

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<sup>11</sup> Colette Mazzucelli, Ulrike Guérot and Almut Metz, 'Cooperative Hegemon, Missing Engine or Improbable Core? Explaining French-German Influence in European Treaty Reform,' in *Leadership in the big bangs of European integration* Derek Beach and Colette Mazzucelli, eds. (Houndmills: Palgrave Macmillan, 2007), p. 164.

<sup>12</sup> Judy Dempsey, 'In a New Turn for Kohl, He's Favored Once More,' *International Herald Tribune*, April 5, 2005, p. 2.

<sup>13</sup> Koopmann, p. 19.

<sup>14</sup> Guérot, pp. 285-298.

<sup>15</sup> Katinka Barysch, 'What the summit says about the EU,' Brussels: Centre for European Policy, June 26, 2007, <http://centreforeuropeanreform.blogspot.com/2007/06/what-summit-says-about-eu.html>

<sup>16</sup> Colette Mazzucelli, 'The Potential for New 'Focal Points' in the European Union's Negotiation Dynamics: Implications of a 'Trio Council Presidency',' Presentation during the International Symposium, *Whither the EU's Shared Leadership? (Re)Assessing the Value of the European Union Council Presidency*, St Antony's College, University of Oxford, 10-11 October 2007.

<sup>17</sup> Honor Mahoney, 'Barroso worried commission could take a hit in new EU treaty,' *EUObserver.com*, 9.10.2007.

In 1991 developments in the former Yugoslavia demonstrated that violence was a likely reality on the periphery of Europe's new Union. The Balkans provided an example of nationalism triumphant. Maastricht as a turning point asked Community Member States and institutions to confront nationalist neighbors. This was a task that posed considerable difficulty for Europe alone and for which its Brussels institutions were ill-suited. Integration as a point of no return, represented by the creation of EMU, was not sufficiently relevant to address the conflict dynamics in a region emerging out of the past. Yugoslavia's internal tensions overshadowed the rest of the Continent's evolution at the close of the 20<sup>th</sup> century much as its problems had dominated the international agenda to trigger World War I.

### **The Maastricht Era in Perspective**

The Maastricht era is a reference point to this day. Prospective enlargements impacted on the ambition of political union by accentuating divergent interests among the Twelve. Decisions on institutional questions were minimal at best, which led to successive intergovernmental conferences that culminated in the Amsterdam and Nice European Councils. Whereas Amsterdam postponed institutional reforms, the Nice Treaty included a number of controversial decisions, particularly with regard to voting rights in the Council. There was considerable dissatisfaction among the Member States with the content of the Nice Treaty as well as the style of negotiation by the French Presidency that led to the agreement. The logic of diversity underscored a lack of strategic realism, as explained in Weidenfeld's analysis.

Maastricht as turning point revealed that, in the creation of a Common Foreign and Security Policy, the Member States were not able to move beyond lowest common denominator positions. The Treaty on European Union was an attempt by some Member States to forge a security and defense policy that gave the Union some leeway vis-à-vis the dominance of the United States in NATO. The former Yugoslavia was CFSP's first real test during the Maastricht era. Despite the attempts of Delors to increase the Commission's scope of action, the Member States were unwilling to allow institutional initiative in this new policy area. Throughout the Maastricht era, the Union proved unable to address conflict in the Balkans without the active participation of the United States.

The present global environment calls for a series of reality checks. As Jack Janes explains, in leadership terms the US requires less ideology and more strategy whereas the EU must be able to take more action with less reliance of the articulation of principles. The challenges throughout the world at present mean that transatlantic relations are no longer just about Germany, Europe, and America. The question to address is what can the two Unions deliver in terms of security for our world today? The present Union urgently needs leaders who are able to address those essential questions Delors answered in the 1990s: Why Europe? Why Europe with the US? Why Europe on the world stage?

After eight years in which George W. Bush has done more to unite Europe than the Europeans, there is a necessity to return to multilateralism. Persistent challenges in external relations at the dawn of the new century with Kosovo, Iran, Serbia, Russia, and other countries in the world provided the impetus for the Union to return to institutional questions as the point to address initially in the European Constitutional Treaty. After that text's rejection in France and the Netherlands, institutional questions remained on the agenda that resulted in the Lisbon Treaty. The prospect of a fundamental change in the institutional set-up of the Union with the introduction of a permanent President of the European Council comes at a time in which certain Member States still have a 1990s conception of a core Europe. This core focuses on the historical reference point of the Holy Roman Empire. In this context, the debate about Turkish accession takes place less in terms of strategic, as opposed to cultural, arguments. The evolution since Maastricht illustrates the ways in which the Council, the forum that represents the interests of the Member States, has come to dominate the institutional triangle. The role of the Council

Secretariat is an increasingly prominent one, often sidelining the European Commission, in successive treaty reforms.<sup>18</sup>

Maastricht as turning point reminds us that EMU continues to demand significant adaptations by Member States in an era of globalization. Although EMU aimed to make integration a point of no return, national adaptations lead at times to elite and popular doubts regarding what was believed to be a permissive consensus. Political union is the point to which Europe returns in attempts to profile its identity as a global actor. In question still is whether the institutional reforms introduced in the post-Maastricht era can respond to a demand for shared leadership, which is both anti-hegemonic and non-majoritarian. The experience of integration in terms of conflict and cooperation reveals that such leadership was a cornerstone of the original Community Europe.

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<sup>18</sup> Derek Beach, *The Dynamics of European Integration: Why and When EU Institutions Matter* (Houndmills: Palgrave Macmillan, 2005).