KEY CHARACTERISTICS OF THE EUROPEAN UNION"S JUSTICE, HOME AFFAIRS, COMMON FOREIGN AND SECURITY POLICY PRIOR TO THE THEATY OF LISBON

Nikola DRAGUTINOVIC, PhD.
Faculty od Law, University of Kragujevac, (Serbia)
despotdragutinac@gmail.com

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Abstract:
At the height of the enthusiasm for European integration, in the late 1980s and early 1990s, economic integration was considered to be well advanced, while there was very little integration in the political sphere. The members of the European Union jealously guarded national competences in a number of political areas, especially in those considered to represent the core of national sovereignty – domestic and foreign policy. Hence the commitment to initiating political integration, for which, again, it was necessary to build an appropriate institutional framework. The Maastricht Treaty made an institutional breakthrough in that it divided all issues of European integration into three pillars. The first pillar included all common community policies, that is, those matters where Brussels has a strong and dominant influence. The second pillar was dedicated to foreign policy, and the third to internal policy. It was believed that this would encourage internal and external policies to develop like other common EU policies. In the meantime, a little over fifteen years have passed since Maastricht and the Lisbon Treaty (2006), and expectations have not been fully met. This was to be expected. Already when creating the three pillars, the "architects" designed the pillars differently. While within the first pillar, the main role, as a rule, is played by the common bodies of the Union, in the other two pillars everything is in the hands of national governments. There are only as many common policies as the representatives of the governments decide. That is why everything was different in the other two compared to the first pillar. National governments are the main proposers of measures, the Commission only participates as a secondary actor, while decisions are made by the Council of Ministers and they are mainly based on the consent regime.
Keywords: *Maastricht Treaty, Treaty od Lisbon, European Union, Security Policy, International Law*

1.1. Expanding cooperation in the field of justice and home affairs

Justice and home affairs are among the most important state issues, and EU member states have shown great reservations about any renunciation of competence in this area in favor of the Brussels body, so that only those segments in which all member states had an interest could be unified.

The question is when and how cooperation between EEA countries in the field of justice and home affairs would have developed at all, if some segments in this domain had not appeared as a bottleneck or obvious deficiency. Several phenomena are worth mentioning. First, the increased cross-border trade in goods, as a result of the customs

union, created queues and congestion at the borders of member states. Second, congestion also arose due to passenger traffic. Thirdly, there was no coordination in immigration and asylum policy, so third-country nationals used this to initiate procedures for obtaining citizenship, refugee status or asylum in several countries, which overwhelmed the relevant services in the EEA countries and led to multiple unnecessary procedures for seeking asylum, refugee status or displaced person status. Fourthly, international crime and terrorism were a growing problem, especially terrorism after the collapse of the left-wing "protest movements" of the late 1960s. It was only in the mid-1970s that member states began to cooperate in some fields, usually in the form of working groups. Thus, in 1970, the European Political and Judicial Cooperation Group was established, in 1975, the Trevi Group for the exchange of information on terrorists, international crime, and in particular, drug trafficking, and in 1978, a committee dealing with asylum issues. The exchange of information between member states on the issue of asylum, immigration, and refugees began in 1985.

Justice and home affairs constitute the so-called third pillar of the EU – the other two being the European Communities and the Common Foreign and Security Policy. The three pillars of the Union were introduced by the Maastricht Treaty and are different in character. While the first pillar, which concerns the various communities, is communitarian in nature, the other two pillars are purely intergovernmental forms of policy. The irony is that the second and third pillars are not particularly well-developed, and an indicator of this lagging behind is that they remain in the hands of intergovernmental, not shared, competences. In the first, communitarian pillar, the Commission has a monopoly on legislative initiative, the EP is consulted or co-decided, depending on the procedure, and the Council of Ministers makes definitive decisions. In the other two pillars, the practice has long been that the governments of the member states have the legislative initiative, the EP is only informed or consulted, the Commission is marginalized, the ECJ is completely excluded from dealing with issues in these two pillars, and the Council of Ministers decides. This division of competences has been subject to constant criticism. It was believed that excluding the EP from decision-making only deepened the “democratic deficit”, and that excluding the ECJ expanded the discretionary field of bureaucrats in the decision-making process. There is also the real problem of decision-making, because a

decision requires the consent of representatives of all countries, and this is not easy to achieve.

The accumulated problems influenced the expansion of cooperation in the field of justice and home affairs, and the key breakthrough was made by the Treaty of Maastricht, where the then Article K1 stated: "Member States shall regard the following areas as matters of common interest:"

a) asylum policy,

b) rules for crossing the EU's external borders,

c) immigration policy,

d) combating drug abuse,

e) combating fraud and embezzlement on an international scale,

f) judicial cooperation in civil matters,

g) judicial cooperation in criminal matters,

h) customs cooperation,

i) police cooperation in order to prevent terrorism, drug trafficking and other forms of international crime,

j) exchange of information in the above areas.

Therefore, cooperation is basically located in four areas – immigration, asylum, police and judicial cooperation, and in some of the above issues it takes place partly in the relevant bodies of the Union, which are all intergovernmental in nature, but it also takes place in other ways – regionally and through global organizations (UN, OSCE, Interpol). Also, some parts of the policies were born from informal meetings of officials of the member states, which means that reality and need stood behind them.[1]

The common policies of the third pillar cover many different issues, but the most important are securing the EU's external borders, immigration and asylum issues, combating crime and terrorism, and judicial cooperation. The Maastricht Treaty provided for three instruments for implementing the common policy in the third pillar – common positions, actions and conventions. According to the Maastricht text, the third pillar was not the responsibility of the ECJ, but of the judicial systems of the member states. The decision-making process on third pillar issues is five-tiered. At the lowest level, working groups are formed, above them are the "control groups", the K.4 Committee, COREPER

and, finally, the Council of Ministers for Justice and Home Affairs. The Council of Ministers is the highest body in this area and it decides by consensus. COREPER supervises cooperation and prepares meetings of the Council of Ministers. The K.4 Committee coordinates activities and assists in decision-making.

By the Treaty of Amsterdam of 1997, a number of issues from the third pillar were transferred to the first pillar, with effect from immediately or at the latest in five years, i.e. by 2002. These issues include:

- standards and procedures for carrying out checks at the external borders of the Union,
- rules on entry visas for third-country nationals,
- measures applicable to travel by third-country nationals within the Union,
- the question of asylum,
- the fight against organised crime,
- minimum standards for the reception of asylum seekers, conditions for obtaining and losing refugee status for third-country nationals,
- a system of cost-sharing for displaced persons,
- conditions for obtaining long-term visas and residence permits,
- measures to combat illegal entry and residence in the Union,
- conditions under which third-country nationals may move from place to place within the Union.

One of the innovations of the Amsterdam Treaty is the "framework decisions", the idea of which is to standardize provisions and interpretations in the criminal laws of the member states. Decisions on individual matters are framework in that they state the objective and leave it to the member states to find the means to achieve the objective. By the same document, the Community's contractual powers were extended to the area of aid to underdeveloped countries.[2]

1.2. The emergence of agencies

Since a large part of the competences of the third pillar were transferred to the first pillar, the third pillar has been officially called Police and Judicial Cooperation in Criminal Matters since the Treaty of Amsterdam. But, although the third pillar is so sparse in terms

of competences, a whole series of institutions were established in the next ten years. These institutions are usually characterized by specialization in only one field of work.

The first step was the creation of Europol. The Union's police force was initiated in 1991 and established in 1995. Europol only became operational in 1999, although it currently has only a few hundred employees. It is based in The Hague. As a parallel to Europol, Eurojust was also established to coordinate the work of national prosecutors in criminal matters, including a more efficient exchange of information and documents between national prosecutors' offices and courts. Eurojust was founded in 2002 and is also based in The Hague.

The European College, also known by its French acronym CEPOL, is an agency for training senior police officers. It was founded in 2001 in Copenhagen-Bromby. Senior police officers have been given a channel for cooperation in combating international crime through the Police Chief's Task Force, established in 2001. For officers dealing with external border crossings, the Common Unit for External Border Practitioners was established in Brussels in 2002. Some other agencies have also been established, for example, the Centre for Information, Discussion and Exchange of Data on Border Crossing and Immigration (CIREFI), the Centre for the Exchange of Information on Asylum (CIREA), and the European Drugs Unit (EDU).[3]

1.3. Treaty of Nice

The Treaty of Nice again amended Article 133 of the Treaty establishing the European Community. The amendments made empowered the Community to conclude international agreements in the field of trade in services and the commercial aspects of intellectual property. However, the Community's contractual powers in these areas are not unlimited. Article 133(6) of the Treaty provides that the Community may not conclude international agreements which contain provisions which fall outside the internal competence of the Community, in particular where such agreements lead to the approximation of the laws of the Member States in an area in which the Treaty excludes such approximation.

Following the logic of the Amsterdam Treaty, the Treaty of Nice further emphasized the need for cooperation between EU member states in "judicial cooperation in criminal

matters" regarding the extradition of defendants, harmonization of rules, prevention of conflicts of jurisdiction between Union bodies from different countries, etc. By the same treaty, the issues of asylum, civil law, movement of third-country nationals within the territory of the Union, border control and combating illegal immigration and return to the country of origin were transferred from a consensus decision-making regime to majority decision-making. This was done by losing the right of member states to veto "enhanced cooperation" in the aforementioned areas.

1.4. Signing of the Schengen agreement

One of the most important results in achieving the goal of free movement of people within the EU was achieved with the signing of the Schengen Agreement in June 1985, which came into force in 1990. At the time of its creation, the Schengen Agreement was not an act of the Union but only of some of the member states – Belgium, France, the Netherlands, Luxembourg and Germany were the first signatories. They were later joined by the member states Austria, Denmark, Finland, Greece, Italy, Portugal, Spain and Sweden, as well as the non-members Iceland and Norway. The agreement concerns the abolition of internal border controls between the vast majority of EU15 countries. In order for the agreement to be applicable, it was necessary for the signatories to accept the same standards for the visa regime, asylum procedure, prevention of illegal immigration, police and judicial cooperation. It was also necessary to establish a single information system for visas, asylum, immigration, etc. This was the Schengen Information System. It was not, of course, easy to reconcile all these issues, because the member states had different standards and interests. Some countries had better relations with one, and some with other countries in the world. Things went so far that in the first round, the countries from the south (Greece, Italy, Portugal, Spain) were not even supposed to participate in the Schengen Agreement. They only joined in the period 1990-1992. A single visa form was introduced only in 1995.

Before this agreement, these controls were abolished in three zones (within the UK-Ireland zone, the Benelux and between some Scandinavian countries). Norway and Iceland joined the Schengen Agreement, and the new members that joined the Union in 2004 were believed to find it much more difficult to join the Schengen Agreement than the

eurozone. This turned out to be wrong, because by mid-2008, more countries had joined the Schengen Agreement than the eurozone.

Since the Schengen Agreement abolished external border controls, the control mechanism has shifted to external borders. The consequence of the liberalization of movement within the Agreement area was, paradoxically, the deliberalization of the movement regime at external borders, which gave rise to the vision of the EU as a “Fortress Europe”. The more the Schengen Agreement area expanded, the stronger this impression became. For ordinary citizens, it was a psychological and physical obstacle. For criminal groups, it was an additional obstacle. Due to the increased activity of these groups, the member states also took additional actions to combat drug, arms and human trafficking, money laundering, terrorism and other illegal activities, especially those with an international dimension. The issues regulated by the Schengen Agreement were not originally subject to the EU Treaty, and were only included in the current Acquis after its signing. This happened only with the Treaty of Amsterdam in 1997.[4]

Some progress has also been made in the area of asylum and refugee admission, although it is not such that it can be used with the Schengen Agreement. Member States have adopted a procedure for exchanging information, partial standardization of the procedure for accepting refugees and defining their rights, and some minor developments have been made in asylum policy, family reunification, etc. For the asylum procedure, residence permit and refugee status, it has been adopted that persons seeking one of these statuses in the Union can do so only in the first Union country they arrive in. For example, someone cannot land in Rome and seek asylum or refugee status in Germany. They can only do so in Italy or leave the Union countries and try somewhere else. It is also impossible for the same person to seek asylum in more than one Union country. When a request is accepted/rejected in one country, this also applies to all other Union countries. The Union has signed readmission agreements with almost all European and some other countries, according to which the Union countries can deport to their home countries all citizens who are rejected in the Union for refugee or asylum status or if they are staying in one of the Union countries without permission. Defining political asylum seekers remains a major problem in asylum policy. Countries have different interests and different standards, as a result of which they often view asylum issues differently.

2. Foreign and security policy

Regarding the Union's foreign policy, there are a number of debates that are not characteristic of the foreign policies of nation states. In earlier periods, discussions were held about whether the Union's foreign policy is sui generis or a mixture of the foreign policies of the member states. In more recent discussions, some authors have tried to redefine foreign policy, so that it would seem that the Union has one. It follows that all the international relations of the Union would be foreign policy - trade policy, foreign aid, enlargement. It is not in dispute that it is desirable for all of them to be coordinated, in order to avoid giving contradictory signals and unnecessarily wasting resources. But foreign policy cannot be all of that, but only what its name suggests - a set of political rules, instruments and programs of the Union in its relations with various countries and international organizations. The Union's foreign policy can only be what the member states agree on, and not a policy pursued by individual members, a group of members, or the majority of members. It is understood that foreign policy can be encouraging, neutral, or punitive, and that the Union can be successful or unsuccessful in its implementation.

For almost decades, the EEC did not have a more unified and independent foreign policy. This was influenced, on the one hand, by internal factors, primarily the great differences between the member states and the reluctance to give up influence in this domain in favor of Brussels, and, on the other hand, by the Cold War, which left the Union's foreign and security policy with little choice between the United States and the Soviet Union. The EEC countries had economic and political regimes consistent with the United States, so it is logical that during the Cold War they were on that side, not the Soviet side. Since the United States dictated policy, the EEC and its members did not stand out much except in individual moments when they launched some of their own policies, such as Germany with its "Eastern Policy" during the time of Chancellor Brandt.

The European Union had common policies in various areas, but for decades there was little common foreign and security policy (CFSP). The initial treaties were more than stingy, even in mentioning the EEA's foreign policy, not to mention setting goals. Since some member states had very active foreign policies, including military interventions outside Europe, this led to constant tensions between Brussels and the member states.

The EEA countries first established cooperation and exchange of foreign policy information in the 1970s. The institutional framework was called European Political Cooperation.

The idea of developing a common foreign and security policy came relatively late, only in the late 1980s. Both external and internal factors contributed to this. First, the collapse of communism led to the political defeat of the Soviet bloc, which ended the Cold War. The Union countries gained the opportunity for a more independent foreign policy in relation to the USA. The main problem was no longer the global bipolar confrontation, but regional issues. Secondly, the countries of Eastern Europe abandoned communism, entered transition, began to approach the Union, and most of them, after fifteen years, became its full members. Thirdly, German unification increased German foreign policy ambitions. Since this country is not a permanent member of the Security Council, like Britain or France, it was necessary to find a European foreign policy channel of influence. Finally, the economic power of the Union was great and in complete disagreement with foreign policy, which was practically non-existent. Even when it began to develop, the common foreign policy of the Union was more reactive, lagging behind events, than it was a factor in influencing the resolution of individual crises. The reasons for this were the search for its own path, the lack of foreign policy experience and the very different interests of the member states.[5]

2.1. Defense policy

The Western Union (WU), the predecessor of the Western European Union (WEU), was founded in 1948 before NATO, and was joined by Belgium, Britain, France, the Netherlands and Luxembourg. They adopted a defense treaty with an obligation of mutual defense. However, the real, functional defense alliance of the West was and remains NATO (founded in 1949), while the WEU remained an organization on paper until the mid-1980s, and even then with negligible practical significance. In the period 1954-1955. year the revision of the WEU treaty took place, and Italy and Germany joined the organization. The Hague Platform (1987) by the WEU members and the Rome Declaration (1991) by NATO members marked the way towards the proclamation of a common defense policy according to the Maastricht Treaty.

In the same year (1992), the WEU members committed themselves to participating in peacekeeping and peacekeeping missions with the St. Petersburg Declaration. Later, with the Amsterdam Treaty and at the Helsinki Summit in 1999, there was talk of improving the common defense policy, and a decision was made to form a joint armed force of about 60,000 soldiers, who were taken over by the UN in the period 2003-2008. peacekeeping missions in Bosnia and Kosovo. These forces should be able to go into action within two months of issuing the order. By today's standards, this is very slow. A particular problem is that rapid reaction forces can only be activated by unanimous decision of the members. They are not intended for classical combat operations – in this regard, the Union is entirely dependent on NATO – but for humanitarian aid missions, peacekeeping and stabilization in crisis regions. By the decision of the Nice summit, the WEU became part of the Union. It is difficult to say whether this made the WEU more of a real than a virtual organization. The European Security and Defence Policy was also established, which is part of foreign and security policy. It was introduced only in 2001, after decisions at several summits, starting with Cologne and Helsinki in 1999. The most important bodies for security and defense are the European Union Military Committee (composed of defense ministers or chiefs of general staff or their deputies) and the European Union Military Staff, composed of senior military personnel from the member states.

There have also been several attempts at bilateral defence agreements between EU members, such as the Élysée Treaty between France and Germany, the Franco-German dialogue of 1983 (with the more symbolic establishment of a joint brigade) or the Franco-British initiative of St. Malo in 1998, but these moves have largely failed to produce tangible, real effects. Despite all these activities, the Union's common defence or security policy has remained deeply overshadowed by NATO. Given the existence of NATO, it seems that there is not enough will and strength to strengthen the WEU. Making robust statements about the need to create a European defence force and an independent European military capability for action only further undermines the EU's credibility in the defence and security sphere, as well as in the sphere of foreign policy.

The key bodies for conducting foreign and security policy in the Union are the European Council and the Council of Ministers. The European Council defines the principles and general objectives of foreign and security policy. It usually also makes basic

political decisions related to the CFSP, but is secondary in conducting specific foreign policy. The Council of Ministers in the Foreign Affairs Council is the most important body for conducting foreign and security policy. The European Council and the Council of Ministers are assisted in their work by a number of different bodies, such as COREPER, the Secretariat Council, the Political and Security Committee, the European Military Committee, etc. The European Commission is involved in political processes, but it does not play a major role in decision-making, but only in preparing documents. The Commission has not been more involved in this sphere because the member states feared that this would be the shortest way to transfer the levers of power in foreign policy from national governments to bodies in Brussels. The European Parliament has only a consultative role. Although this is the case, the role of the EP is not entirely insignificant, because the debates on certain issues that are held there often show the direction of foreign policy action. The European Parliament has the opportunity to influence foreign policy also by controlling expenditure for these purposes. Since this expenditure is classified as “non-compulsory”, the EP has a great influence on the spending of this type of funds. The European Court of Justice and the CFI have no role in foreign policy, except in the sphere of sanctions that the Union imposes on individual countries. And sanctions are somewhere between foreign policy and trade. The authors are right when they say that there is no justification for removing foreign and security policy from the control and supervision of the legislative and judicial authorities. This only increases the discretionary space for executive bureaucrats.

There were some other changes from 1992. The political secretariat was strengthened (attached to the Council), majority decision-making was allowed in some cases, a decision was made to hold all meetings in Brussels, it was emphasized that further work would be done on planning political actions, a High Representative for Foreign Affairs was introduced (since 1999) and it was required that political issues be considered in conjunction with defense issues.[6]

According to the Treaty of Amsterdam, the five main objectives of the CFSP are:

- “to protect the common values, fundamental interests, independence and integrity of the Union, in accordance with the principles of the UN Charter;
- to strengthen the security of the Union in all respects;

- to preserve peace and strengthen international security, in accordance with the principles of the UN Charter, as well as the principles of the Helsinki Final Act and the objectives of the Charter of Paris, including those relating to external borders;
- to promote international cooperation;
- to develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms".

In a somewhat more substantive sense, the objectives of foreign policy are peace, security, the promotion of human rights, democracy, the rule of law, the market economy, free international trade, as well as the prevention of conflicts, crises and international crime.

Like the USA, the Union is an example of the transfer of the ideals of the internal order to the external plane. Thus, democracy, the rule of law and the market economy are added to the classic foreign policy goals, such as the preservation of peace and international cooperation. But, unlike the USA, which is very effective in representing its interests internationally, the Union is very often internally divided and ineffective. Moreover, the more robust the conflicts that the Union tries to influence, the smaller the role of the Union.

According to Article 12 of the Maastricht Treaty, the Union implements the stated objectives of foreign and security policy in the following way:
- by defining the principles and guiding rules of foreign and security policy,
- by deciding on common strategies,
- by adopting common actions,
- by adopting common positions,
- by strengthening the systematic cooperation of the member states in conducting policy.

There are three basic instruments of foreign policy, namely:
a) joint actions,
b) common positions,
c) and common strategies.

Common strategies are the result of an addition to the Treaty of Amsterdam. These three things are not easy to distinguish from each other. In addition to them, there are

also political statements and declarations. Their legal status is not entirely clear because they are by definition non-binding, but nevertheless they have a certain political weight.[7]

2.2. A foreign policy "dwarf" with a huge diplomatic network

The Union, however, was and remained deeply divided over almost all important political issues at the turn of the century (the collapse of the former Yugoslavia and the war in the Balkans, the fate of NATO, the wars in Africa, the Israeli-Palestinian conflict, the war in Iraq, etc.). It was often divided into more than two groups of countries, and these divisions probably had a decisive influence on weakening the already modest aspiration among the member states to do something more to establish a common foreign policy. Among the foreign policy moves where some consensus was achieved, it is worth mentioning the crisis in Macedonia in 2001 and the humanitarian intervention in Congo in 2003. In the absence of an institutionally comprehensive and politically unified foreign policy, the EU tried to do as much as was possible under the given conditions. There was no consensus on them, so all these manifestations had a non-binding character. Secondly, in matters on which the Union member states managed to reach agreement, the representatives of the Union acted on behalf of all member states, for example, the foreign ministers of the countries currently presiding over the Union acted on behalf of the entire Union in the UN, OSCE, etc. Thirdly, in matters on which they managed to reach agreement, the member states implemented certain policies related to various types of sanctions, provision of aid or humanitarian interventions. In such actions, there is a practice for those member states that do not use a certain action (if it is not high on its list of priorities) to abstain, thus enabling the other member states to implement a certain policy.[8]

Despite the difficulties in seeking even a minimal foreign and security policy, the 2004 draft constitution envisaged a complete unification of this area (cf. Articles I-39, 40). Thus, for example, Article I-15.1 states: “The Union’s competences in matters of common foreign and security policy shall extend to all areas of foreign policy and to all questions relating to the security of the Union, including the progressive framing of a common defence policy, which may lead to a common defence…” This strong formulation is followed by a much softer one in the next paragraph, which states that all Member States

shall support all the policies mentioned “without reservation” and that they shall exercise “loyalty and mutual solidarity”. Probably aware of the different interests of the Union's members, the drafters of the Constitution do not say that the Union acts with one voice if any of its members is attacked: "If a Member State is the victim of an armed attack on its territory, the other Member States shall therefore have the obligation to provide assistance by all means in their power, in accordance with Article 51 of the Charter of the United Nations. This shall not prejudice the specific character of the security and defence policies of certain Member States" (Article I-40.7). This formulation suggests that the foundations of the common defence policy of the Member States could indeed be strengthened, although this would not mean that it would become identical for every country. The draft constitution omits the common foreign and security policy as a separate pillar, which was intended to make it a classic Community policy, such as competition policy, transport or the common market, with certain minor differences – assent remains as the decision-making method, the ECJ is excluded, etc. The draft constitution also provides for the introduction of a Union Minister for Foreign Affairs. He would be appointed by the Council, with the consent of the Commission. The Minister would represent the Union in all matters of foreign affairs and would replace the current High Representative. He would also replace the Union Presidency from a member state. In short, the draft constitution provided for the Union’s foreign policy to be designed along the lines of nation states and for the Union to take over increasingly important competences. Since the draft was rejected, the solutions that existed at the time remained in force, and were largely taken over in the Treaty of Lisbon. [9]

The attempts to develop a common defense and foreign policy and the significant failures to achieve even the slightest tangible results show the enormous difference that exists between relatively successful economic and clearly unsuccessful political integration. This difference is not accidental. Market integration is in everyone's interest and there are very effective mechanisms for resolving disputes in the market between firms (this is done by the buyer, deciding on a particular product), while political integration is possible only on the basis of consensus or majority decision-making. Consensus is an excellent method of decision-making, but it is difficult to achieve, while majority decision-making brings redistribution. It is no wonder that there are many resigned and pessimistic

thoughts about progress in developing foreign policy. "Progress in foreign policy coordination is slow and mostly of an informative nature". That is why it is usually said that the EU is "an economic giant and a political dwarf". This is also evident from the wording that has been present in all international agreements and treaties signed by the Union for decades: "The European Communities and the Member States, acting within the Union..." In other words, for decades the Union did not have what lawyers call "international legal personality". It did not have this under the Maastricht Treaty either, so, for example, in 1996 the Union could not take over the international administration of Mostar in Bosnia and Herzegovina, but the administration agreement was signed by the Union and the WEU (with the member states).[10]

3.0. Conclusion

Political interference in monetary and broader economic issues is not a happy circumstance and for a good economic profile of the Union it is important to have as little of it as possible. It is possible that there is a certain frustration with political integration in the Union bodies, and then political interventions in the economy serve as a relief valve. It would not be good if that were the case, because the enlargement of the period 2004/2007. the Union has become more diverse, and thus potentially more exposed to divisions than ever. Political integration in such a situation for the EU27 is more difficult than before, but there is a possibility that only some member states will resort to it. This option would, however, activate the Multi-Speed Europe program.[11]

One of the permanent issues of foreign and defense policy is the method of decision-making. If one persists in consensus, it is difficult to achieve, and the Union is often left with an ineffective solution, i.e. without a specific policy. The shift from consensus to majority decision-making would lead to significant redistributions, and probably to a feeling in some countries that their vital interests were being violated. In the case of a common defense policy, countries would have to participate in Union actions even if they had no interest themselves, and they would not be able to act if the EU bodies decided not to intervene in a conflict, even though individual Union members might have strong interests there. As a result, some countries could leave the Union, which would not

automatically be the end of it, but it would be a significant blow and a sign of different times.

Enabling the EU to preserve its fundamental missions – growth, social cohesion, external action, stabilisation of the neighbourhood – and to avoid the three dangers of the current enlargement – reckless rushing forward, weakening of the EU and loss of citizens' trust – this option is based on the establishment of common institutions, core policies and strategic cooperation in the areas of foreign policy and defence. The main argument in favour of the partnership is its objective: the absence of satisfactory institutional and budgetary solutions that would make enlargement a success; institutional cooperation inspired by the European Economic Area; the extension of some common policies; strategic cooperation.

Such an approach would make it possible to put the political process back under control and to move away from the black-and-white scenario of the EU's current institutional offer. It is compatible with the scenario of strengthening the Eurogroup and presupposes, at the same time, a renewal of the institutional debate.[12]

The passage of the ratification bill in the British Parliament and the decision of the German Constitutional Court on the compatibility of the Treaty with German law removed the last obstacles to the implementation of the Treaty, which finally entered into force in November 1993. EU governments, institutions and other actors quickly began to make use of the Treaty's provisions. EMU was already on track, a common foreign and security policy was being implemented and member states began to cooperate much more closely on justice and home affairs issues.

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