

Intergovernmentalism and Supranationality as communicating models of European integration

- Abstract of the doctoral dissertation by Maximilian Eitelbuß submitted at Bucerius Law School -

A decade after the onset of the European sovereign debt crisis the political and legal development of the Economic and Monetary Union (EMU) is still continuing. This process is decisively influenced by the legal assessment of the past reactions to the so-called eurozone crisis. Legal analysis has thereby commonly focused on intergovernmentalism evoked by the eurozone crisis, a phenomenon, which stands for the cooperation by member states outside existing EU structures through treaty law. The specific appearances of intergovernmentalism in reaction to the eurozone crisis are the European Stability Mechanism (ESM), the Fiscal Compact, which supplements the ESM primarily with fiscal rules, as well as a treaty on the transfer of financial contributions to the Single Resolution Fund (IGA). These treaties shall be the object of study. Even if the intergovernmental solutions may have had a significant effect on cooling down the crisis, they still give rise to criticism due to the prima facie antagonism between intergovernmentalism and the supranational model of European integration.

The thesis breaks down the aforementioned dichotomy in order to detect structural elements for analysis. At the same time, the history of European integration shows that intergovernmental phenomena are anything but unprecedented. Instead, enduring interaction between intergovernmental und supranational models can be witnessed. Overall, however, European integration seems to aim at supranationality. The analysis also shows that the sovereign debt crisis, in contrast to the widely intergovernmental reality of the EMU at the time, actually called for supranational structures. This bearing in mind, the thesis eventually looks at the solutions intergovernmentalism offered as well at the impact of intergovernmentalism on the future status of supranational integration.

Extensive assessment of the aforementioned intergovernmentalism shows that the member states did not create intergovernmental structures where there had been supranationality before. A decline of supranationality may furthermore not be observed in another perspective for that the intergovernmentalism actually lead to multi-shaped increase of supranational structures. In the following, the thesis addresses the specific intercourse between intergovernmental and supranational models. With reference to the "Pringle" decision of the ECJ, the thesis illustrates supranational opportunities and limits to treaty law

intergovernmentalism. Besides, member states' motivation to voluntarily opt for structural supranationality is being assessed. The thesis closes with an outlook on the existing proposals to developing the EMU and especially to integrating the existing intergovernmentalism. Ultimately, the thesis argues to understand intergovernmental integration rather as a chance than as a setback.
