



Actualités

COMMUNAUTÉ EUROPÉENNE

316

60 ans du Traité de Rome

Claude Blummann, professeur à l'université Panthéon-Assas (Paris II), Chaire Jean Monnet de droit européen.

Traité de Rome

Le 25 mars 1957, ce n'est pas un, mais deux traités de Rome qui ont été signés le même jour. Cependant, il ne s'agit pas de deux jumeaux, mais de deux nouveaux-nés très différents dont la paternité n'est pas tout à fait identique, car s'il faut voir dans le Traité Euratom la marque de l'influence française, le Traité CEE lui traduit plutôt une influence grandissante de l'Allemagne, pays plus traditionnellement ouvert au libre-échange et au commerce international. Leur destin sera d'ailleurs très différent. Alors que le Traité Euratom tombera rapidement dans l'oubli, celui déjà qualifié très tôt de marché commun connaîtra un succès croissant et quasiment inespéré.

En effet, le contexte de sa création n'est guère favorable. La France, minée par le conflit algérien dans une quatrième République finissante, peine encore à choisir entre l'empire et l'Europe. Certes, elle a pris l'initiative de la construction européenne et a réussi à imposer le Traité CECA en 1951, mais les années suivantes sont très sombres pour le projet européen.

L'échec de la Communauté européenne de défense (CED) en 1954, marque la première grande fracture dans la toute jeune histoire de l'Europe. Néanmoins, une volonté de relance se manifeste très tôt et les six se réunissent à Messine en 1955. Par la suite, la négociation mène bon train débouchera sur le Traité du 25 mars 1957. Ces nouveaux traités mettent leurs pas dans ceux de leur prédécesseur. L'inspiration supranationale continue à animer ces nouvelles communautés, même si le terme, fortement décrié, n'y figure plus.

Les deux nouveaux traités reprennent les principes d'effet d'entraînement et de marche en avant initiés par les pères fondateurs. L'idée reste la même : créer des solidarités de fait dans des domaines concrets, économiques et techniques qui permettront aux hommes et aux idées de mieux se connaître et s'accepter mutuellement de façon à rendre impossible toute guerre européenne. Au terme d'un processus dont le terme demeure incertain, une véritable union politique doit émerger, car s'il est vrai que la Communauté économique européenne constitue avant tout un projet économique, l'économique ne doit être que l'antichambre d'une union politique.

En termes strictement juridiques, le Traité CEE est un texte relativement long (240 articles), bien que se limitant à l'énoncé d'objectifs et de principes (d'où d'ailleurs la qualification de traité-cadre qui lui sera donnée ultérieurement). En cette qualité, la CEE ne peut se développer que moyennant une législation dérivée mais qui, compte tenu de l'équilibre des pouvoirs instauré par le traité, relève essentiellement du Conseil des ministres. Celui-ci, s'il doit en principe statuer à la majorité qualifiée, se verra rapidement bloqué par le retour du veto faisant suite à la crise dite de la « chaise vide » de 1965. Dénouée par le célèbre compromis de Luxembourg de 1966, la crise pérennise la pratique du veto pendant plus de vingt ans. Cette carence du législateur va expliquer la montée en puissance

du juge. En présence de normes plus programmatiques que contraignantes et du fait de la désunion des États membres, la Cour va saisir sa chance et développer une jurisprudence très audacieuse qui permettra de forger l'ossature juridique des traités autour des deux notions fondamentales de l'effet direct et la primauté.

Même si dans les traités de Rome, les institutions n'occupent plus la première place comme dans le Traité CECA, l'inspiration demeure identique. Celles-ci ne constituent pas de simples rouages administratifs destinés à faire fonctionner la machinerie communautaire, elles jouent aussi un rôle en tant que tel dans le processus intégrationniste. Elles ont en effet pour première fonction de faire travailler en commun des responsables politiques ou administratifs de façon à penser les problèmes, comme les solutions, en termes européens. Intégration et supranationalité vont de pair. Le modèle de quadripartisme, selon l'expression du juge Pescatore, se retrouve dans les deux nouvelles communautés. Mais dans le détail, on note un net recul de la supranationalité dû non seulement à l'échec de la CED qui a refroidi les enthousiasmes, mais aussi au large transfert de compétences opéré par le Traité CEE, ce qui explique que les États membres n'aient pas entendu se dépouiller du pouvoir de décision au profit de l'organe indépendant. Celui-ci perd ce pouvoir qu'il possédait dans le Traité CECA au profit d'un simple pouvoir de proposition dont il possède le monopole. Quant au Conseil, il récupère le pouvoir de décision qu'il doit en principe exercer à

« Les deux nouveaux traités reprennent les principes d'effet d'entraînement et de marche en avant initiés par les pères fondateurs. »

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Les Ans Du Traiteacute De Rome

Nicolas Lenglet du Fresnoy



Les Ans Du Traiteacute De Rome:

History of Italian Philosophy Eugenio Garin, 2008-01-01 This book is a treasure house of Italian philosophy Narrating and explaining the history of Italian philosophers from the Middle Ages to the twentieth century the author identifies the specificity peculiarity originality and novelty of Italian philosophical thought in the men and women of the Renaissance The vast intellectual output of the Renaissance can be traced back to a single philosophical stream beginning in Florence and fed by numerous converging human factors This work offers historians and philosophers a vast survey and penetrating analysis of an intellectual tradition which has heretofore remained virtually unknown to the Anglophonic world of scholarship

Bibliotheca therapeutica Edward John Waring, 1879 **A Dictionary of Practical Medicine** James Copland, 2023-04-21 Reprint of the original first published in 1858 The publishing house Anatiposi publishes historical books as reprints Due to their age these books may have missing pages or inferior quality Our aim is to preserve these books and make them available to the public so that they do not get lost To honor Roman Jakobson : essays on the occasion of his 70. birthday, 11.

October 1966 , 2018-02-19 No detailed description available for To honor Roman Jakobson essays on the occasion of his 70 birthday 11 October 1966 Biographie Universelle, Ancienne Et Moderne , 1856 **A Historical Approach to Casuistry** Carlo Ginzburg, Lucio Biasiori, 2018-12-27 Casuistry the practice of resolving moral problems by applying a logical framework has had a much larger historical presence before and since it was given a name in the Renaissance The contributors to this volume examine a series of case studies to explain how different cultures and religions past and present have wrestled with morality s exceptions and margins and the norms with which they break For example to what extent have the Islamic and Judaic traditions allowed smoking tobacco or gambling How did the Spanish colonization of America generate formal justifications for what it claimed Where were the lines of transgression around food money lending and sex in Ancient Greece and Rome How have different systems dealt with suicide Casuistry lives at the heart of such questions in the tension between norms and exceptions between what seems forbidden but is not A Historical Approach to Casuistry does not only examine this tension but re frames casuistry as a global phenomenon that has informed ethical and religious traditions for millennia and that continues to influence our lives today **Art in an Age of Counterrevolution, 1815-1848** Albert

Boime, 2004-08-18 Publisher Description **Tablettes Chronologiques De L'Histoire Universelle Sacrée Et Profane, Ecclésiastique Et Civile** Nicolas Lenglet du Fresnoy, 1744 , **The Whole Evidence Against the Claims of the Roman Church** Sanderson Robins, 1835 *Cooper's dictionary of practical surgery and encyclopaedia of surgical science* Samuel Cooper (Surgeon.), 1872 *Late Antiquity* Peter Brown, 1998 In this history of the late antique period which appeared earlier in the five volume series A History of Private Life Peter Brown shows the slow shift from one form of public community to another from the ancient city to the Christian church In the four centuries between Marcus Aurelius 161 180 and Justinian 527 565 the Mediterranean world passed through a series of profound transmutations that affected the rhythms

of life the moral sensibilities and the sense of the self of the inhabitants of its cities and of the countryside around them

Henry VIII J. J. Scarisbrick, 2011-05-31 Henry VIII's forceful personality dominated his age and continues to fascinate our own. In few other reigns have there been developments of such magnitude in politics, foreign relations, religion, and society that have so radically affected succeeding generations. Above all, the English Reformation and the break with Rome are still felt more than four centuries on. First published in 1968, J. J. Scarisbrick's *Henry VIII* remains the standard account, a thorough exploration of the documentary sources, stylishly written and highly readable. In an updated foreword, Professor Scarisbrick takes stock of subsequent research and places his classic account within the context of recent publications. It is the magisterial quality of J. J. Scarisbrick's work that has enabled it to hold the field for so long. Steve Gunn, *Times Literary Supplement*

The Third Person Roberto Esposito, 2018-05-21 All discourses aimed at asserting the value of human life, as such, whether philosophical, ethical, or political, assume the notion of personhood as their indispensable point of departure. This is all the more true today. In bioethics, for example, Catholic and secular thinkers may disagree on what constitutes a person and its genesis, but they certainly agree on its decisive importance: human life is considered to be untouchable only when based on personhood. In the legal sphere, as well, the enjoyment of subjective rights continues to be increasingly linked to the qualification of personhood, which appears to be the only one capable of bridging the gap between human being and citizen, right and life, and soul and body. Opened up at the very origins of Western civilization, the radical and alarming thesis put forward in this book is that the notion of person is unable to bridge this gap because it is precisely what creates this breach. Its primary effect is to create a separation in both the human race and the individual between a rational, voluntary part, endowed with particular value, and another, purely biological part, that is thrust by the first into the inferior dimension of the animal or the thing. In opposition to the performative power of the person, whose dual origins can be traced back to ancient Rome and Christianity, Esposito pursues his strikingly original and innovative philosophical inquiry by inviting reflection on the category of the impersonal, the third person, in removing itself from the exclusionary mechanism of the person, points toward the ordinary unity of the living being. *Universal Biography* John Lemprière, 1810

Pierre Nicole, Jansenist and Humanist E. D. James, 2012-12-06 The present study had its origins long ago in a doctorate thesis presented at the University of Cambridge. The work has been considerably enlarged in scope, if not in bulk, but has always been conceived as a whole. Nicole's thought is in any case remarkably coherent. I make use of articles of mine published in *French Studies* for April 1960 and July 1967, and my thanks are due to the General Editor of that journal for permission to do so. I owe a great debt of gratitude to Dr M. G. Wallas, who guided my researches in the early years. The penetration and lucidity of her criticism were equalled only by her kindness and patience. To Mr N. J. Abercrombie, who had himself worked on Nicole for a number of years, I am deeply grateful for the gift of books, notes, and analyses. Probably every section of this study owes something to his work, hints of the importance of the influence on Nicole of St Francis de Sales, proving particularly fruitful.

One of the most pleasant moments in the course of my researches was spent at the Rijksarchief in Utrecht to the staff of which and to Dr AJ van de Yen Keeper of the Archives of the Oud Bisschoppelijke Clerezij I am much indebted for their kind help May 1971 E D J The Encyclopædia Britannica Thomas Spencer Baynes,1891 **The Encyclopaedia Britannica**,1894 **Host Bibliographic Record for Boundwith Item Barcode 30112047793085 and Others** ,1876
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