

# BOOK REVIEW

## European Democracy and Single Market: 30 Years of the Maastricht Treaty

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### Abstract

M.J. García García, A.M. Romito (eds.) *Democracia europea y mercado único: 30 años del Tratado de Maastricht*, Fondo Editorial Aranzadi, 2024

The book under review focuses on two of the most important aspects of the development of the EU integration process – the strengthening of the EU founding value of democracy and the achievement of the EU Single market objective following the entering into force of the Maastricht Treaty. The collective volume features authors coming from different national and academic backgrounds. The democracy-market nexus is approached from a number of perspectives, not always much explored in the past. The analyses seems to suggest that a durable evolution of the EU integration process can only be based on basic principles or founding values of the EU, like in the case of democracy, which is one of the most important ingredients for a European Single market, focused more on social and environmental issues rather than economic ones.

**Keywords:** EU, Single Market, democracy, Maastricht Treaty

**JEL:** Y30

The book under review, titled *Democracia europea y mercado único: 30 años del Tratado de Maastricht* edited by María Jesús García García and Angela Maria Romito, is the final result of the research carried out under the JM Monnet Chair “Servicios Económicos de Interés General en el marco de la cohesión social y Territorial” and of the LM module

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“Citizens integration into EU democracy” both directed by prof. M Jesus García García. It features a collection of essays written by leading European academics and experts in different areas of national and EU law.

The book consists of two parts, the first one dealing with the role of the Maastricht Treaty in strengthening European democracy, while the second one is dealing with the achievement of the Single market objective from an environmental and social perspective.

Part I starts with the first chapter, where Ennio Triggiani reflects on the indispensability of a European integration process through the achievement of a higher standard than the current form of multilateralism, via a transition from the current agreement-based system to a constitutionalizing process of integration. The author, in particular, considers a further relinquishment of sovereignty in favour of the EU as an essential sacrifice to maintain the opposition against powerful transnational power blocs, highlighting that the high hopes set by the Maastricht Treaty were mostly unrealized. The author then concludes by affirming the necessity to build a genuine federal EU that respects democracy and fundamental rights in order to regain appropriate levels of effective sovereignty.

In the second chapter, Ondrej Blažo reflects on whether the EU was established as a “Union of values” by the Maastricht Treaty or whether it became such a Union only after the Treaty of Lisbon. The paper examines the problem of terminology that changed throughout the history of the EU designating the same notion as values and principles interchangeably. The paper suggests that this terminological perplexity can be comforted by conclusions that the two categories are from the beginning of the EU values as well as principles notwithstanding. In the final part of the chapter, the author examines whether there is a difference between values of the EU and common and shared values of the EU and the Member States.

In the third chapter, María Jesús García García is dealing with integration and interaction of citizens in the EU democracy. In particular, he affirms that the strengthening of democracy in the EU requires not only institutional reforms but also a higher interaction between citizens and the public power, taking into due consideration the fact that the governance of the EU institutions is based on a *sui generis* democracy consisting of citizens and Member States altogether, and represented by a both representative and participative democracy model.

The fourth chapter, written by María Torres Pérez, deals with the European Parliament and the value of democracy, in particular, with regard to the 2022 proposal for a Regulation on the European elections. The object of this chapter is the assessment of the necessity to provide the European Parliament of a truly uniform electoral system, which may guarantee an effective development of democracy.

In the fifth chapter, on the EU citizens’ participation to the democratic life from Maastricht to Lisbon, the author, Angela Maria Romito, argues that, thirty years since the entry into force of the Maastricht Treaty, European citizenship has yet to achieve its full potential. In fact, the analysis reveals a lack of awareness among Member States’ nationals of the potential of EU citizenship. The results of the analysis carried out by the author

demonstrate that there is a gap between legal provisions and real life, as despite the multitude of legal instruments available, the participation of ordinary citizens in EU affairs remains limited, and a transnational civil society still appears distant.

In the sixth chapter, Estrella del Valle Calzada addresses the protection of fundamental rights in the EU, in particular those related to the economic activity of companies. The paper pays particular attention to the proposal for a Directive on companies' due diligence obligations in the area of sustainability, which intends to fight companies' impunity, by attaching higher importance to the protection of fundamental rights over any other interest.

Part I is closed by chapter eleven, written by Muriel Rouyer, dealing with the great democratic transformation of Europe following the entry into force of the Maastricht Treaty.

Part II of the book, more focused on the achievement of the Single market objective from an environmental and social perspective, starts with chapter eight, where Kaloyan Simeonov argues that after thirty years since the entry into force of the Maastricht Treaty the euro is still not the real single currency of the whole EU, as there are still several Member States outside the Eurozone. They represent more than one fifth of the EU population and around 15% of the EU GDP. After Brexit and with the accession of Croatia to the euro, there are greater prospects for consolidation of the Euro area. Although some of the current reforms on EU economic and financial affairs are mainly directed to the Euro area, there is still a long way to go before the euro becomes the real single currency of the whole EU-27 Single Market.

Chapter nine, written by Gabriel Moreno Gonzalez, deals with constitutional democracy and economic integration, on their way towards a European Social Union, based on a fragmented political model and a competitive economic model, which then converges towards a model of Social Europe.

Chapter ten, written by María Jesús García García, deals with Services of general economic interest as a tool of European Social Policy, in particular with regard to the rights of citizens to have access to basic services in regulated markets. In fact the author affirms that SGEI, despite being traditionally interpreted from an economic viewpoint, have also a social dimension, thus contributing to the achievement of social policy objectives. An effective access to essential services of quality, like water, energy, transport and digital communications, are important conditions in order to guarantee social and economic inclusion. The author, finally, also highlights the inclusion of SGEI within the European Pillar of Social Rights.

Chapter eleven, written by Francisco Gabriel Villalba Clemente, delves into the development of environmental policy from Maastricht to the European Green Deal. The author, in particular, highlights the increasing importance of environmental protection in the EU integration process, which was not perceived as a priority in the past, up until 1992, when environmental protection was included among EU competences. Since then, there was an increasing awareness, which brought ultimately to the adoption of the European Green Deal.

Chapter twelve, written by María Jesús García García, is also dealing with environmental protection but from a different angle. In particular, the paper makes an assessment of how the EU legal order is bringing together the different national systems of protection of the environment, thus ensuring a necessary harmonization.

Chapter thirteen, written by Clàudia Gimeno Fernández, addresses the principle of proportionality and its contribution to limiting the economic freedoms in the EU by Member States in order to preserve national interests and values. What is particularly interesting in this paper is the analysis of the procedural aspects related to the actual application of the principle at stake.

Chapter fourteen, written by Clara Portella, is dealing with the Generalized System of Preferences (GSP), which constitutes a unilateral tool combining objectives of commercial policy and development with the promotion of a political agenda based on human rights, labour rights and sustainable development. The paper examines the evolution of political conditionality in a historical moment where conditionality is under transformation becoming the object of controversies between EU institutions.

The two parts of the book under review cover two of the most important key aspects of the development of the EU integration process as a whole, such as the strengthening of the EU founding value of democracy and the achievement of the EU Single market objective following the entering into force of the Maastricht Treaty. The analysis carried out by the authors coming from different backgrounds opens up the opportunity to appreciate the topics covered from several angles, not always much explored in the past. The analysis is always punctual and complete with reference to the sources of law applied and the literature cited. All this gives the reader a clear picture of the current state of the art on the topics covered, while also giving an idea on the possible future further developments of the relevant doctrine that such collection may contribute to establish. The book seems to suggest that a durable evolution of the EU integration process can only be based on basic principles or founding values of the EU, like in the case of democracy, which is not only the main character of Part I of the book under review but also one of the most important ingredients for a European Single market focused more on social and environmental issues rather than economic ones. The book under review represents undoubtedly an excellent contribution to the achievement of that objective.